



In response to your final report 1718-06 School Transportation Safety, I partially disagree and I would like to address the following:

DISCUSSION

***paragraph 6:** In order to carry the "school Bus Yellow" distinction, the bus must have designated seating.....

545VC does not have a seating requirement for a school bus. California Vehicle Code 545 defines a school bus as follows:

(a) A "schoolbus" is a motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities.

***paragraph 7:** The white fleet falls under VC 233. This is incorrect. VC 233 defines a bus as follows:

- a) Except as provided in subdivision (b), a "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.
- (b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.
- (c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.
- (d) A vanpool vehicle is not a bus.

Therefore the "white fleet" van is not a bus and does not fall under any CHP inspection requirements. It is basically a car or van that any Class C driver can operate.

***paragraph 8:** I will come back to this paragraph.

***paragraph 10:** You have school buses and white fleet vans grouped together for maintenance stating it is a requirement of Motor Carrier Specialist's to review these records and sign off CHP 292 cards.

This is only partly correct. The white fleet vans do not meet the definition of a bus, therefore CHP, Motor Carrier Safety Unit has no authority to inspect these vehicles, maintenance or driver records. They in a sense do not exist.

As for the CHP 292 card, that is signed during school bus certifications and only after the school bus has been inspected and passed the inspection. They are required to be inspected every 13 months.

Maintenance records consist of 3 documents: 45 day/3000 miles safety inspections, lubes, oils & repairs and daily vehicle inspection reports.

All of which are reviewed at the time of the Terminal inspection, which is also required every 13 months but these two different inspections can-not be performed at the same time.

The following require that a special certificate be issued by the California Highway Patrol to be able to drive a bus to transport school pupils to and from a private or public school or school activity.

School Bus
School Pupil Activity Bus (SPAB)
General Public Paratransit Vehicle (GPPV)
Pupil Activity Bus (PAB)
Youth Bus

To obtain these certificates the driver is required to have their fingerprints live-scanned for background checks, obtain class room and behind-the-wheel training, usually 40 hours and then pass a written & drive test with the California Highway Patrol School Bus Coordinator. They must also have refresher class room &/or behind-the-wheel training to retain their certificates each year.

CHP Motor Carrier Specialist I's inspect these buses and terminals every year to insure they are in compliance with all State and Federal laws governing maintenance, driver's records-hours of service and controlled substances and alcohol testing.

Now **paragraph 8:** states, White vans are often used to transport students to extra-curricular activities. There is no specialized training for white van driver and it is often a coach, teacher, or volunteer who drives.

"Extra-curricular activities" which is basically "School Activities" and per California Vehicle Code the following buses are defined as:

545VC (a) A "schoolbus" is a motor vehicle designed, used, or maintained **for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities.**

336VC General public paratransit vehicle" means any motor vehicle designed for carrying no more than 24 persons and the driver, that provides local transportation to the general public, including **transportation of pupils at or below the 12th-grade level to or from a public or private school or school activity**, under the exclusive jurisdiction of a publicly owned and operated transit system through one of the following modes: dial-a-ride, subscription service, or route-deviated bus service. Vehicles used in the exclusive transportation of disabled persons as defined in Section 99206.5 of the Public Utilities Code, or of persons 55 years of age or older, including any persons necessary to provide assistance to these passengers, are not general public paratransit vehicles.

545(11)VC (Pupil Activity Bus) A motor vehicle, other than a motor vehicle described in paragraph (2), that is designed to carry not more than 25 persons including the driver, while being used for the **transportation of pupils to or from school-related activities** if the vehicle is operated by a passenger charter-party carrier certified and licensed by the Public Utilities Commission pursuant to Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code that is not under a contractual agreement with a school or school district, and the transportation does not duplicate schoolbus service or any other transportation services for pupils contracted, arranged, or otherwise provided by the school or school district.

546VC A "school pupil activity bus" is any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to **transport school pupils at or below the 12th-grade level to or from a public or private school activity**, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. As used in this section, common carrier, publicly owned or operated transit system, and passenger charter-party carrier refer to carriers in business for the principal purpose of transporting members of the public on a commercial basis. This section shall not apply to a motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity trip entering or returning to the state from another state or country.

680VC (a) A "youth bus" is any bus, other than a schoolbus, designed for and when actually carrying not more than 16 persons and the driver, used to **transport children at or below the 12th-grade level directly from a public or private school** to an organized nonschool-related youth activity within 25 miles of the school or directly from a location which provides the organized nonschool-related youth activity to a public or private school within 25 miles of that location.

So my question and concern is how is the "white fleet" allowed to transport school pupils?

When any other bus operation SPAB, PAB, GPPV, Youth and school bus Per CVC to transport a school pupil to school or school activities the driver is required training, background checks, adhere to hours of service requirements and obtain special certificates for their drivers and have their vehicles and records inspected every year for safety by the California Highway Patrol, Motor Carrier Safety Unit.

Youth, GPPV and PAB buses have to pay an inspection fee every year to have their vehicles inspected before they are allowed to transport students.

The white fleet vans do meet the definition of a bus, so they are not regulated by anyone.

This is a school transportation safety issue not just for Madera County but State wide. Maybe dealing with this safety issue one county at a time is the solution. It would be very sad that this safety issue only be addressed after a major fatal accident.

The California Vehicle Code was just changed to add 378(b)VC and 27375(a)VC concerning "Modified limousine" requiring them to be safety inspected by the California Highway Patrol Motor Carrier Safety Unit after 5 nurses were killed in a vehicle fire.

These vehicles also do not meet the definition of a bus and were never regulated by anyone. It took 5 deaths to change that.

Sincerely

Motor Carrier Specialist I