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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB47/aHF1#1</u>	Sponsor	<u>Roch</u>
Tracking Number	<u>.205075.1</u>	Committee Referrals	<u>HEC/HAFC;SEC/SFC</u>
Short Title	<u>Extend School Bus Replacement Cycle</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>1/25/17</u>
		Last Updated	<u>3/3/17</u>

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of House Floor Amendment #1

House Floor Amendment #1 to House Bill 47 (HB47/aHF1#1) extends the school bus replacement cycle for school district- and contractor-owned buses from 12 years to 15 years or 300 thousand miles, whichever occurs first. School districts and contractors can petition the Public Education Department (PED) for the replacement of school buses on a different cycle.

Synopsis of Original Bill

The bill extends the statutory school bus replacement cycle for school district- and contractor-owned school buses from 12 to 15 years. School districts and contractors can still request the replacement of a school bus any time prior to the end of the replacement cycle.

FISCAL IMPACT

The bill does not carry an appropriation.

School buses are owned by both school districts and contractors, with each type being funded from a different source. Although it is not indicated in statute, in practice, district-owned buses are paid through a capital outlay appropriation, and rental fees for contractor-owned buses are paid for with recurring general fund dollars through the transportation distribution. The bill would postpone use of funds in these sources for three years.

Over the next three years, PED has scheduled the replacement of 479 district-owned buses. PED estimates the current cost of replacement for each bus to be \$85 thousand. In FY18, 204 district-owned buses purchased in 2005 and 2006 are due to be replaced, with 115 more buses in FY19 and 160 in FY20. Delaying the replacement of these buses for three years could yield an estimated savings of \$40.7 million in the capital outlay fund. It is likely that some buses will be

in immediate need of replacement and will petition the school district or the department for replacement, reducing the savings slightly.

HB47/aHFI#1 would also impact rental fees paid to school bus contractors. Rental fees are paid for with general fund dollars allocated through the transportation distribution. Contractor-owned school buses fees are financed over a five-year period, but the buses are used for the entirety of the 12-year cycle. PED staff indicated an estimated per-year payment on contractor-owned buses is \$20 thousand per bus. In FY18, 83 contractor-owned buses are scheduled for replacement, followed by 50 in FY19 and 82 in FY20. The three-year savings to the general fund would be equal to postponing the \$20 thousand payments for three years, meaning that the payments would compound. The state will not make payments on 83 buses in year 1, then 83 plus 50 buses in year 2, then 83 plus 50 plus 82 buses in year 3. The figure below summarizes the estimated savings to both sources of funding over the three year period.

HB47 School Transportation Savings in FY18-FY20

(in thousands)

	FY18	FY19	FY20	Three-Year Savings	Fund Affected
District-owned buses scheduled for replacement	204	115	160		Public School
Delayed spending @ \$85,000 per bus	\$ 17,340	\$ 9,775	\$ 13,600	\$ 40,715	Capital Outlay
Contractor-owned buses scheduled for replacement	83	133	215		
Delayed spending @ \$20,000 per bus	\$ 1,660	\$ 2,660	\$ 4,300	\$ 8,620	General Fund
Estimated savings per fiscal year	\$ 19,000	\$ 12,435	\$ 17,900	\$ 49,335	

Source: PED

Rental fees would still need to be paid to contractors, but the adoption of a 15-year replacement cycle would likely reduce the total dollar amount of rental payments by postponing the amortization of new contractor school buses. It is unclear whether current contracts will be amended to reflect this, or whether current contracts will retain a 12-year cycle with new contracts being negotiated over a 15-year cycle.

SUBSTANTIVE ISSUES

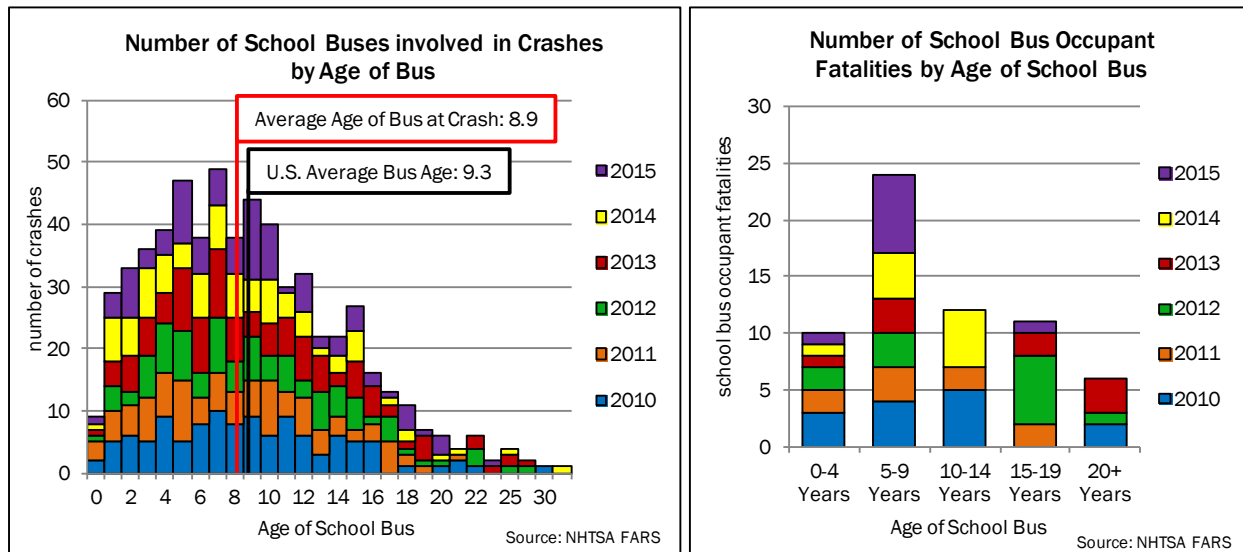
Savings to Capital Outlay and General Fund. Declining oil and gas revenues have left New Mexico in a budget shortfall. HB47/aHFI#1 represents a simple way to save money in the short term. Extending the school bus replacement cycle defers the spending of capital outlay and general funds for FY18, FY19, and FY20. In FY21, school buses that were due for replacement in FY18 would be replaced.

School Bus Safety. The National Highway Traffic Safety Administration (NHTSA) regards school buses as the safest form of school transportation. School bus fatalities are exceedingly rare. According to the US Census, motor vehicle accidents cause approximately 40 thousand fatalities per year. The NHTSA Center for Statistics and Analysis reports that, since 2006, the average number of occupant fatalities in school transportation-related crashes per year is 11 (0.0003 percent of total motor vehicle fatalities), and the average number of pedestrian fatalities in transportation-related crashes per year is 22 (0.0006 percent).

Older school buses are no less safe than newer school buses. Data obtained from NHTSA’s Fatality Analysis Reporting System (FARS) show that the number of school buses involved in crashes does not increase as buses grow older. If the age of the bus had anything to do with its

likelihood of crashing, one would expect more crashes in older buses relative to newer buses. However, as shown in the graphs below, the number of buses in crashes by age is proportional to the number of buses in the motor pool. The average age of buses in crashes is 8.9 years, slightly lower than the average age of buses in the U.S., 9.3 years.

Crashes in older buses are also not significantly more likely to sustain fatalities. Other factors in crashes are far more likely to contribute to the fatality of the crash, such as the speed of the bus, the force of impact, and the point of impact.



According to NHTSA FARS data, since 2010 New Mexico has had two school bus related crashes, both of which occurred in 2013. One involved a brand new bus and two semi trucks; while the driver of the bus was killed, there were no children on board at the time of the crash. The second was a 5-year-old bus that veered off the road. The 69-year-old driver was killed, and nine children sustained injuries. Authorities believe the driver was going 10 to 15 miles per hour over the speed limit at the time of the crash.

The age of school buses is not a significant factor when it comes to school bus safety. One likely reason is school buses are diligently inspected and maintained. In New Mexico, while statute requires the annual inspection of school buses, the New Mexico Administrative Code lays out procedures requiring two inspections per year. Inspections must be performed by an independent PED-approved inspector, and unsatisfactory findings cause the bus to be removed from the motor pool.

Modernized School Bus Technology. The 12-year replacement cycle was established in 1967. At the time, New Mexico’s legislators realized the value of ensuring that the state’s buses remained modern. Due to advancements in fuel efficiency and safety, replacing a bus today is not the same as replacing a bus in 1967. Federal Motor Vehicle Safety Standards (FMVSS) for school buses have changed periodically from 1977 to 1999, but have not changed since. This means that, for school buses, the differences between a 1967 model and a 1979 model were far more significant than the differences between 2005 model and a 2017 model.

Because the FMVSS were last updated in 1999, New Mexico’s buses that were replaced in 2011 and 2012, as well as those currently scheduled for replacement, were constructed in compliance with the most recent federal guidelines. School buses are safer, more fuel efficient, more

environmentally friendly, and more technologically advanced than they were in 1967. HB47/aHFI#1 allows the use of those buses that are meeting current standards for longer periods of time, especially if school districts and contractors continue the diligent maintenance of school buses they currently provide.

Maintenance Costs. PED staff indicates that increasing the length of the replacement cycle will likely increase the overall cost of maintenance. Generally, a 15-year-old school bus costs more to maintain than a 12-year-old school bus. School districts and contractors have expressed concern with reduced funding for transportation. In order to compensate districts for increased maintenance costs, PED would need to request and the state would need to allocate additional funds. Increased maintenance costs would serve to lessen the cost savings associated with using buses for a greater period of time. However, the extent of the cost mitigation is currently impossible for LESC to project.

School bus maintenance is funded with general funds as part of PED’s support for public schools, but maintenance and operations are requested as a single lump sum. Based on current data available to LESC, there is no way to know how much the department spends on maintenance alone per year, or how much that cost will rise. PED explains that the cost of maintaining older buses is not well documented. Furthermore, the cost of maintenance varies by bus and by region; buses with long routes or in areas with unimproved roads will require more maintenance. This means an accurate projection of maintenance costs would require a profile of each bus, showing per-year maintenance cost of each bus, and determining the trend in the cost of bus maintenance.

Expected Bus Life in Other States. Other states have both funded replacement cycles and maximum school bus life provisions in statute and rule. The attachment details the existing statewide replacement cycles, or lack thereof, in all 50 states. The combination of these provisions is best understood as the “expected life” of the school bus. Of the states that include statewide provisions for expected life span of school buses, New Mexico’s replacement cycle is relatively short. The expected life of school buses in other states ranges from 10 to 25 years, with an average length of 15 years.

Length (years) of Replacement Cycle		
GA	10	Rule
PA	11	Statute
NM	12	Statute
WV	12	Statute
WY	12	Rule
WA	13	Rule
SC	15	Statute
VA	15	Statute
NC	20	Statute

Length (years) of Maximum Lifespan		
ME	10	Rule
IN	12	Statute
CT	12	Statute
DE	14	Rule
NJ	15	Statute
OH	15	Rule
TN	18	Stat/Rule
AR	20	Rule
CO	20	Rule
KS	20	Rule
LA	25	Rule

Twenty-six states do not include a replacement cycle or maximum lifespan of school buses in either statute or rule. In states that include provisions, maximum lifespan provisions are more commonly used than funded replacement cycles. Most states defer this decision to local education agencies with the understanding that different localities will have different needs. For example, rural, geographically expansive areas of states will drive their buses further in 12 years than urban and suburban areas. The tables above summarize the length of the expected life of school buses found on the attachment.

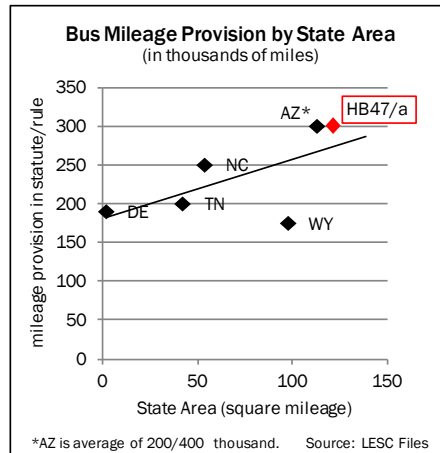
Mean Expected Life* of School Buses	15.05
Median Expected Life* of School Buses	14.5

Note: The “expected life” of a school bus is the amount of time that a state uses a bus before it is replaced, either by cycle or by maximum age. New Mexico’s expected bus life is defined in statute, since most buses are replaced by the 12-year schedule rather than the 20-year maximum life.

Source: LESC Files, NCSL

Other state strategies include a blended age/mileage approach, or requiring the replacement of all buses older than the FMVSS, meaning any bus manufactured before 1978. In rare cases, states have funded one-time statewide school bus fleet modernization programs using appropriations.

Allowances for Early Replacement. PED estimates the average New Mexico school bus will drive about 168 thousand miles in 12 years. In conversations with directors of transportation in New Mexico’s school districts, LESC staff identified the mileage of 12-year old buses in rural districts ranges between 220 thousand and 250 thousand, totals about 50 thousand to 80 thousand miles greater than PED’s projection for the average bus mileage. HB47/aHFI#1 contains two safeguards to ensure heavily used buses are replaced in an appropriate timeframe.



Blended Age/Mileage Approach. HB47/aHFI#1 assumes that buses in rural areas will reach 300 thousand miles in 15 years, and provides that buses will be eligible for replacement based on “whichever occurs earlier.” Buses that reach 300 thousand miles before the 15-year mark will be eligible for replacement. Five other states include mileage provisions for buses. As shown in the graph to the left, states with larger areas tend to have a greater mileage cap in statute or rule. Arizona, a state with geography similar to New Mexico’s, replaces diesel buses at 400 thousand miles and gasoline buses at 200 thousand miles. HB47/aHFI#1 closely mirrors the provision in Arizona by splitting the difference between these two replacement cycles.

Early Replacement in “Exceptional Circumstances.” Language in HB47/aHFI#1, statute would allow early replacement of buses in school districts and contractors that can show “exceptional circumstances.” Currently, statute allows school districts and school bus contractors to petition the department for the replacement of a bus before the end of the 12-year replacement cycle in special circumstances. HB47/aHFI#1 continues to allow this practice.

ADMINISTRATIVE IMPLICATIONS

Existing school bus financing contracts last for five years, but contractors replace their fleet on a 12-year cycle. PED staff indicated contracts with school bus contractors will be difficult to amend. If contracts cannot be amended, the impact to contractor rental fees may not be immediate. However, by the time that contracts are renewed, contractors will have adopted a 15-year replacement cycle. As noted previously, this should reduce the dollar amount of rental fees by extending the period over which the school buses are financed.

RELATED BILLS

- Related to SB66, School Fund Transportation Distribution
- Related to HB178/aHTPWC, School Funds for Bus Passes for Students
- Related to SM56, School Transportation Funds & Bus Replacement

SOURCES OF INFORMATION

- LESC Files
- PED
- NHTSA
- National Association of State Directors of Pupil Transportation Services
- State statutes and Rules, NCSL

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
NM	12 Years (Statute)	20 Years (Rule)	<p><u>NMSA 22-8-27:</u> B. “In establishing a system for the replacement of school-district-owned buses, the department shall provide for the replacement of school buses on a twelve-year cycle...Under exceptional circumstances, school districts may also petition the department for permission to replace buses prior to the completion of a twelve-year cycle or to use buses in excess of twelve years contingent upon satisfactory annual safety inspections.” C. Same cycle for contractor-owned buses, state provides rental fees.</p> <p><u>NMAC 6.40.2.8</u> A. All school buses including spare and activity buses shall not be operated for any purpose once they have become twenty (20) years of age, from the date of (body) manufacture. B. School buses twenty (20) years of age, from the date of (body) manufacture shall be removed from service in accordance with Section 22-16-9, NMSA, 1978.</p>
AL	None	No pre-1978 buses (Rule)	<p><u>Alabama Laws 16-27-3</u> Safety inspections by Department of Education, safety standards set by State Board of Education.</p> <p><u>Alabama Rules 290-2-4.02</u> (3): “Operation of any <u>school buses built before 1978</u> on a regular school bus route is <u>prohibited</u> effective July 1, 1996. No Alabama school bus inspection permit will be issued to allow pre-1978 school buses to transport students...”</p> <p>Although the actual rule language couldn’t be found, NCES found a fleet renewal allocation made in 1999 based on a chassis life of ten years. It is unclear whether this is a recurring allocation and on what schedule it would recur.</p>
AK	Repealed (Rule)	None	A repealed section of the Alaska Administrative Code (<u>4 AAC 27.075</u> . Reimbursement for district-owned transportation vehicles) provided funding to districts for the replacement of school buses. Currently, Alaska provides a per-pupil transportation allocation to each district.
AZ	None	Pre-1978, or mileage at 200,000 or 400,000, or two thirds of that for buses operated mostly on unpaved roads. (Rule)	<p><u>Arizona Administrative Code R7-6-240</u> A. “Pupil transportation vehicles manufactured prior to 1978 shall be replaced if the eligible students transported exceeds the student transportation capacity of the district, excluding the vehicle eligible for replacement. B. “Diesel powered pupil transportation vehicles with <u>more than 400,000 miles</u> and gasoline powered pupil transportation vehicles with <u>more than 200,000 miles shall be replaced</u> if the eligible students transported exceeds the student transportation capacity of the district, excluding the vehicle eligible for replacement. C. “Diesel powered pupil transportation vehicles with <u>more than 266,800 miles</u> and gasoline powered pupil transportation vehicles with <u>more than 133,400 miles shall be replaced</u> if at least one-half of the miles accumulated on the vehicle were driven on unpaved roads and if the eligible students transported exceeds the student transportation capacity of the district, excluding the vehicle eligible for replacement.”</p>
AR	None	20 years (Rule)	<p><u>Arkansas Administrative Rule #203.00.05-014</u> 9.01 “Effective July 1, 2010, no Arkansas public school district shall operate any school bus which is more than twenty (20) years old.”</p>
CA	Other; budget act (Appropriations)	None	Between 2006 and 2013, the California Department of Education sponsored a needs-based bus replacement program for small school districts and County Offices of Education to comply with 1992 federal safety standards. The program appears to have ended after 2013.

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
CO	None	20 years (Rule)	<p><u>Colorado Revised Statutes</u> <u>22-51-103:</u> Creates transportation fund with a per-pupil transportation distribution. Does not fund on a replacement cycle. <u>22-51-108:</u> Authority to create rules for safety and maintenance standards is given to the state board of education.</p> <p><u>Colorado Code of Regulations 301-25:2251</u> R-4.03 Only those buses that were manufactured, <u>within the previous 20 years</u>, may be purchased, leased, contracted, or otherwise obtained for the purpose of transporting Colorado students. These buses must have met Colorado minimum standards that were in effect at the time of manufacture.</p>
CT	None	12 years for high school buses, “out of service” for other buses. (Statute)	<p><u>Connecticut General Assembly 10-00-097b</u> (a) “On and after July 1, 2010, the State Board of Education shall replace any school bus that (1) is <u>twelve years or older</u> and is in service at any technical high school, or (2) has been subject to an out-of-service order, as defined in section 14-1, for two consecutive years for the same reason.”</p> <p><u>Regulations of Connecticut Section 10-76d-19</u> (c) Vehicles. “All vehicles shall comply with requirements of the Department of Motor Vehicles and shall be equipped so as to ensure safe and appropriate transportation.” Standards outlined by the Department of Motor Vehicles in 14-275c do not include a replacement cycle.</p>
DE	None	14 years or 190,000 miles or 9 years <u>and</u> 130,000 miles. (Statute allows buses older than 14 to be used if they meet safety requirements)	<p><u>Delaware Code 14-29</u> § 2907 Safety requirements for public school buses. “No rule or regulation made by the Department of Education under this chapter shall preclude the use of district school buses or state school buses 14 model years old, provided such buses meet safety requirements and are approved by the board of education named in the contract.”</p> <p><u>Code of Delaware Regulations 14 1100</u> 20.1 The time begins for a new bus when it is placed in service. A bus shall have the required mileage prior to the start of the school year. Once a bus is placed in service for the school year, it will not be replaced unless it is unable to continue service due to mechanical failure. 20.2 The following age and mileage requirements apply: 20.2.1 14th year shall be replaced (it may then be used as a spare); or 20.2.2 [At least] 190,000 miles no matter age of bus [may be replaced]; or 20.2.3 [At least] 9 years and 130,000 miles [may be replaced]; or 20.2.4 May be replaced after 10 years.</p>
FL	None	None	<p><u>1006.22 Florida Statutes</u> (11) “...the district school board shall, if the school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets the requirements.”</p> <p><u>Rule 6A-3.0291 Florida Administrative Code</u> Sets standards for school buses, standards do not include age limit.</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
GA	8-10 years for common type-C school buses. (Rule)	None	<p><u>Georgia Code 20-2-1126</u> (a) "Each public school system in this state shall promulgate policies and procedures for the operation of school buses and the conduct and safety of those students who ride such buses."</p> <p><u>Georgia Rule 160-5-3.11</u> (3) "Average low bids shall determine the <u>replacement allowance per year over a period of eight years</u> for gasoline-powered or ten years for diesel-powered 35-72 passenger buses, and twelve years for gasoline-powered or fourteen years for diesel-powered 78-90 passenger buses."</p>
HI	None	None	<p><u>Hawaii Revised Statutes 302A-406</u> (a) "...The department shall adopt policies, procedures, and programs as it deems necessary to provide suitable transportation."</p> <p><u>Hawaii Administrative Rules 19-5-143 S.8</u> (a) "To comply with federal standards, all school bus equipment and supplies shall meet the following minimum [Federal motor Vehicle Safety Standards]."</p>
ID	None	None	<p><u>Idaho Statutes 33-15</u> 1506. "All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education." 1511. "...the [state board of education] shall..." (7) "withhold all or a portion of a district's pupil transportation reimbursement funding in instances of noncompliance with... section 33-1506."</p> <p>Idaho Administrative Rule 08.02.02.004 adopts <i>Standards for Idaho School Buses and Operations</i>. The standards ask the State Department of Education to establish a "best practices" model for bus replacement.</p>
IL	None	None	<p><u>105 Illinois Compiled Statutes 5-29 Ch. 122</u> Par. 29-5 Reimbursement to districts for bus maintenance and bus rentals from contractors. State Board of Education given authority to establish policies and standards for school buses.</p> <p><u>Illinois Administrative Code 92-I(e)</u> 440.505 "At the time of the safety test...the chassis of each Type I School Bus shall conform to the requirements stated or referred to in this Subpart." Actual standards follow, no lifespan listed in standards.</p>
IN	None	Minimum life of 12 years (Statute)	<p><u>Indiana Code 20-46-5-8</u> (c) "A plan must include..." (2) "A presumption that the <u>minimum useful life of a school bus is not less than twelve years.</u>" Indiana Administrative Code 575 includes school bus specifications. No maximum bus life is listed.</p>
IA	None	None	<p><u>Iowa Code, Chapter 285</u> 285.8 "The powers and duties of the department shall be to: 6. "Prescribe uniform standards and regulations: a. "For the efficient operation and maintenance of school transportation and for the protection of the health and safety of children transported. e. "For procedures for purchase of buses."</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
KS	None	Pre-1978 or 20 years (Rule)	<p><u>Kansas Statutes Annotated 8-2009a</u> (a) “Every school bus...shall be governed by the requirements of law and rules and regulations of the state board of education...” (b) “The state board of education is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section.”</p> <p><u>Kansas Administrative Rule 91-38-2</u> (a) “No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977 and either is <u>no more than 20 years old</u> or has been modified to meet current standards.” Actual standards follow.</p>
KY	None	None (compliance with current state standards)	<p><u>Kentucky Revised Statutes 156.153</u> (1) All school buses for which bids are made or bid contracts awarded shall meet the standards and specifications of the Kentucky Department of Education.</p> <p><u>702 Kentucky Administrative Rules</u> 5.010 Section 3. “All vehicles used for the transportation of pupils shall meet the minimum safety standards for Kentucky school buses of the same model year.” 5.030 Section 2. “The superintendent shall require that a safety inspection be made on each school bus...If, upon inspection, a school bus is found to be in unsafe operating condition, the superintendent shall withhold the bus from operation until the required repairs are made.” 5.060 Section 4. “Any new school bus...shall meet the Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture.”</p>
LA	Other – State offers reduced interest loan program.	25 years (Statute and Rule)	<p><u>Louisiana Law RS 17</u> 158.2. D. Any school bus used to transport students...shall not be more than <u>twenty-five years old</u>. Any school bus used as an activity or backup bus, at the time it is acquired by the owner and placed in service, shall be fifteen or fewer model years old. The number of years shall be reckoned from the date of introduction of the model year. 158.6. A. It is the purpose of this Section to assist ...school systems...in purchasing new school buses by making low interest loans available and thereby protecting the safety and welfare of the school children of this state by assuring they are riding in safe vehicles.</p> <p><u>Louisiana Administrative Code Title 28 Part CXIII. Bulletin 119</u> §2511. A. School buses shall not exceed the age of <u>25 model years</u>.</p>
ME	None	Expected life of 10 years (soft cap, Rule)	<p><u>Maine Revised Statutes 20-A 5401</u> 14. “Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students.” 15. New buses are purchased by districts and approved by the commissioner. Lease-purchase agreements are limited to 5-year terms.</p> <p><u>Maine Administrative Code 071c081.1</u> (2)(b) “Replacement plan based on age as primary consideration, tempered by both high and low mileage. Exceptions to be granted in extraordinary circumstances.” (3)(b) “Conventional school buses will be expected to have a ten (10) year useful life and accumulate 125,000 miles.”</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
MD	None	None	<p>Maryland allocates transportation to each district on a flat grant, increased by the percent increase of the Consumer Price Index private transportation category.</p> <p><u>Code of Maryland Regulations 13A.06.07.11</u> D. "A Type I or Type II charter vehicle shall meet the Motor Vehicle Administration requirements for such vehicles." F. "Vehicles used to transport students on regular routes shall be: (1) "New; or (2) "Previously registered school vehicles originally used to transport Maryland public school students."</p>
MA	None	None	<p>Statutes only regard funding of buses, do not mention safety standards. Rules propogating safety standards for buses could not be found.</p>
MI	None	None	<p><u>Michigan Compiled Laws 257.1810</u> (1) Each school bus...shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that school bus and for all seating positions in that vehicle.</p>
MN	None	None	<p><u>2016 Minnesota Statutes 169.4501</u> 1. National standards adopted. 2.(b) The standards apply to school buses manufactured after December 31, 2012. Buses complying with the standards when manufactured need not comply with standards established later except as specifically provided for by law. 2.(c) A school bus manufactured on or before December 31, 2012, must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law.</p> <p>Standards in rule do not include a replacement age.</p>
MS	None	None	<p><u>2015 Mississippi Code 37-41</u> (3) If it is determined that any school district buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and the buses are reinspected by the State Department of Education.</p> <p>Among school transportation regulations, rules regarding a replacement cycle were not found.</p>
MO	None (buses older than 10 years cannot be depreciated)	None	<p><u>Missouri Code of State Regulations 30-261.040</u> (1)(E) The depreciation costs of new and used school buses are allowable...Each vehicle eligible for depreciation shall be depreciated on a straight-line depreciation schedule of eight (8) years beginning in the first year the school bus is placed in service. No depreciation will be paid for school uses which are ten (10) model years of age or older.</p>
MT	None	None	<p><u>Montana Pupil Transportation Regulations</u> "Only school buses that pass inspection may be used to transport students and only school buses that pass inspection will receive state and county transportation reimbursement." (Rule 10.7.110, MCA 20-10-101, MCA 61-9-502)</p>
NE	None	None	<p><u>Nebraska Revised Statute 79-601 and 602</u> Buses are funded through general fund by vote of school boards of local districts, no replacement schedule listed. Each school district has a requirement to inspect, statute requires the removal of noncompliant vehicles from motor pool.</p> <p><u>Nebraska Administrative Code 92-92 008 and 009</u> Defines standards, does not include age limit in standards.</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
NV	None	None	In an email to LESC Staff, the Pupil Transportation Program Officer for the Nevada Department of Education explained: "There is no statewide mandatory school bus replacement schedule in Nevada. A few of the districts have policies for bus replacement which average around 14-15 years. Purchases are monitored at the district level."
NH	None	None	Statutes dealing with school transportation could not be found. Rules are not promulgated by Department of Education, but by the Department of Safety. <u>New Hampshire Department of Safety Rule 1303.01</u> "All vehicles which are used to carry pupils to and from school or school related activities shall be equipped so as to meet or exceed the federal motor vehicle safety standards applicable to their year of manufacture and shall comply with state law and these rules." Standards listed in rules do not include age limit.
NJ	None	15 years (fewer years for pre-1978 buses and pre-2007 buses, Statute)	<u>New Jersey Statutes Annotated 39:3B</u> 5.1 "...school buses manufactured prior to January 1, 2007...shall not be used for pupil transportation purposes beyond the <u>end of the fifteenth year</u> from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later." <u>New Jersey Administrative Code 6A:27-7.1</u> (a) "Vehicles used to transport students to and from school or school related activities shall meet the vehicle standards, registration and inspection requirements of the New Jersey Motor Vehicle Commission (NJMVC)."
NY	None	None	<u>Laws of New York EDN 5-73-2 3623-a.</u> Statute funds maintenance and repairs on school buses as well as lease and purchase of new school buses and modernizing equipment for school buses. No replacement cycle is established. In 2015, New York City established <i>NYC Clean Fleet</i> , a city-wide policy to reduce emissions in the city's municipal fleet, including school buses, by cycling into service 2,000 electric vehicles over 10 years. Prior to this, the city's school buses were replaced on a 19 year cycle.
NC	20 years or 250,000 miles (Statute)	None	<u>North Carolina Statutes 17 115C-249</u> (c1) "A bus is eligible for replacement with State funds based on its age and mileage when it is either 20 years old ...or has been operated for 250,000 miles, except as follows: (1) "A bus that has been operated for less than 150,000 miles is not eligible for replacement regardless of its model year. (2) "A bus that is less than 15 years old by model year is not eligible for replacement until the bus has been operated for 300,000 miles."
ND	None	None	<u>North Dakota Century Code 15.1-30</u> Laws establish that transportation is contracted by the state superintendent and districts. Contract stipulates that vehicles used for transportation must meet state superintendent standards. <u>North Dakota Administrative Code 67-12-01-02</u> "Except as provided in section 67-12-01-03, the body and chassis standards identified in the federal motor vehicle safety standards for schoolbuses...are hereby adopted for schoolbuses in this state."

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
OH	None	15 years (soft cap, Rule)	<p><u>Ohio Revised Code 4511.76</u> (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment...of all school buses both publicly and privately owned and operated in this state.</p> <p><u>Ohio Administrative Code 4501-5-01</u> (O) All chassis and body replacement parts shall be readily available for a minimum of fifteen years. This implies the department plans to use the bus for only fifteen years, at which point it would be replaced. (P) Upon inspection, a school bus must be in compliance with the standards that were in effect on the date the school bus was manufactured.</p>
OK	None	None	<p><u>Rule 210:30-5-6. School buses</u> (d) Adoption of federal standards with exceptions, responsibility for compliance lies with dealers and manufacturers. No age limit established.</p> <p>In 2016, voters in Oklahoma City voted on a \$19.2 million bond to replace the district's school buses. The chief capital projects officer for the district commented that the districts buses were 10 years old at about 200,000 miles on average. This does not represent a "cycle," as it is a bond issue for one-time replacement.</p>
OR	None	None	<p><u>Oregon Revised Statutes 820.100</u> (1) The State Board of Education shall adopt and enforce such reasonable standards relating to school bus construction and equipment as the department deems necessary for safe and economical operation. (3) Rules adopted under this section: (b) Shall be consistent with minimum uniform national standards, if such standards exist.</p> <p><u>Oregon Administrative Regulations 581-053-0070</u> (6) "School buses and school activity vehicles shall be maintained in safe operating condition and shall meet or exceed the minimum standards in effect at the time of purchase, as well as any subsequently adopted standards that are applicable to the vehicle." Standards do not include an age limit.</p>
PA	Buses funded less after 11 years (Rule)	None	<p>Statute makes no mention of safety or standards, deals exclusively with funding.</p> <p>The funding reimbursement to districts and contractors is multiplied by the age of the vehicle. Newer vehicles receive a higher multiplier, with vehicles older than 11 years receiving the lowest multiplier. This incentivizes the replacement of older school buses while allowing the use of older school buses.</p> <p><u>Pennsylvania Administrative Code 23.36</u> (1)(i) "For each district-owned vehicle approved and used in pupil transportation both to and from school during the full school term, an allowance of \$540 shall be made, except that for vehicles with an approved rated pupil capacity of ten or less, the allowance shall be \$360. Each qualifying vehicle shall be allotted an additional amount determined by multiplying the approved rated pupil capacity of the vehicle times \$15 if the vehicle is from 1 to 10 years of age, and <u>times \$12 if the vehicle is 11 years of age or over.</u>"</p>
RI	None	None	<p>Statute creates a statewide pupil transportation system, but allows districts to use their own buses if they obtain permission from the department.</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
SC	15 years (Statute)	None	<p><u>2013 South Carolina Code of Laws 59-67-580</u> (a) “The State Board of Education shall implement a school bus replacement cycle to replace approximately one-fifteenth of the fleet each year with new school buses, resulting in a complete <u>replacement of the fleet every fifteen years</u>. These funds must not be used for school bus maintenance or fuel.”</p>
SD	None	None	<p><u>South Dakota Codified Laws 13-29-6</u> “Each school bus...shall be inspected before the beginning of each school year by an inspector...to certify that the vehicle complies with state law, and rules of the South Dakota Board of Education, the Department of Public Safety, and the Division of Highway Patrol...”</p> <p>Regulation adopts <i>National School Transportation Specifications and Procedures (2010)</i> as state standards. These standards recommend the adoption of a replacement cycle, but do not recommend a length.</p>
TN	None	18 years or 200,000 miles (at 15 years, requires more inspections by Commissioner of Safety, Statute and Rule)	<p><u>Tennessee Code 49-6-2109</u> (b)(1) “Except as otherwise provided in this subsection (b), conventional and Class D school buses may be used until the buses reach the <u>eighteenth year</u> from the in-service date of the buses... (b)(2) “The commissioner of safety, through the inspection process, may approve additional years of service beyond the eighteenth year from the in-service date for conventional and Class D buses on a year-to-year basis...after the bus reaches <u>two hundred thousand (200,000) miles</u> of recorded travel the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year and at the conclusion of the school year, the owner shall replace the bus. (b)(4) “Any conventional or Class D bus that is in use for more than fifteen (15) years from its in-service date, but not more than eighteen (18) years from such date, shall be inspected by the commissioner or the commissioner’s designee at least twice annually.”</p> <p><u>Tennessee Administrative Code 0520-01-05-.01</u> (6) Approved buses are identified as: (a) “Type C conventional buses with <u>eighteen (18) years</u> or less of service. After fifteen (15) years of service, year-to-year approval is required from the Commissioner of Safety. (b) “Type D transit buses with eighteen (18) years or less of service. (c) “Type C or D transit buses with <u>two hundred thousand (200,000) miles</u> or less of recorded travel”</p>
TX	None (school districts counseled to adopt 10-15 year schedule)	None	<p><u>Texas Education Code 2-F-34.005</u> The state can issue interest-bearing time warrants for districts that can’t afford new buses.</p> <p>A performance report by Texas’ Legislative Budget Board counsels districts to pursue a replacement schedule of ten to fifteen years for their fleets.</p>
UT	None	None	<p><u>Utah Code 53A-17a-127</u> (6)(b) “A local school board may use revenue from the tax described in Subsection (6)(a)(ii) to pay for transporting students and for the replacement of school buses.”</p> <p><u>Utah Administrative Code R277-600-10. Board Local Levy.</u> (1) “Costs for school district transportation of students which are not reimbursable may be paid for from general school district funds or from the proceeds of the Board Local Levy... (2) “The revenue from the Board Local Levy may be used for transporting students and for school bus replacement. Unrestricted allocation to school board, no schedule noted. Liability differed to local school boards.”</p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
VT	None	None	<p>Vermont’s education statutes make no mention of school transportation. In practice, it appears that school bus services are contracted out with the regulatory body being the Vermont Department of Motor Vehicles. The state’s motor vehicles statutes include standards for school buses, but do not include a replacement cycle or maximum age.</p> <p>Regulations about school bus standards are absent in the Department of Motor Vehicles rules. In the Department of Education’s rules, some consideration is given to what is an allowable transportation expenditure, but standards and replacement cycles are not present.</p>
VA	15 years (Budget)	None	<p><u>Virginia State Budget (FY12)</u> “The Department of Education is directed to fund transportation costs using a <u>15-year replacement schedule</u>, which is the national standard guideline for school bus replacement, for the purpose of re-benchmarking.”</p> <p><u>Spokesman for VA Department of Education (2015)</u> “The state funding model assumes a <u>15-year replacement cycle</u>, but when to replace is up to the divisions.”</p> <p><u>Virginia Administrative Code 8 20-70-490</u> 460 “A local school board may sell or transfer any of its school buses or school activity buses to another school division or purchase a used bus from another school division or a school bus dealer as long as the school bus or school activity bus conforms to the specifications relating to construction and design in effect on the date of manufacture. The bus must also have a valid Virginia State Police inspection and may not be older than 15 model years at the time of sale, transfer, or purchase.” 490 “A schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.”</p>
WA	13 years (Statute, establishes authority of state superintendent to establish a rolling replacement cycle based on current standards)	None	<p><u>Revised Code of Washington 28A.160.205 – School bus replacement incentive program</u> (1) “The office of the superintendent of public instruction shall implement a school bus <u>replacement incentive program</u>. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.”</p> <p><u>Revised Code of Washington 28A.160.200</u> (2) “To the extent possible, districts shall operate vehicles acquired under this section <u>not less than the number of years or useful lifetime</u> now, or hereafter, <u>assigned to the category of vehicles by the superintendent</u>. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction.”</p> <p>Regulations (WAC 392-142 100, 240) detail the specifics for funding depreciation system payment to districts and contractors as a total cost divided by the “system lifetime” of the bus. The system lifetime is defined by the state superintendent. <u>The current estimated lifetime of conventional school buses is 13 years.</u></p>

Statewide School Bus Replacement Cycles and Maximum Lifespan in Statute or Rule

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
WV	12 years (Statute)	None	<p><u>§18-9A-7. Foundation allowance for transportation cost.</u> (a) "The allowance in the foundation school program for each county for transportation shall be the sum of the following computations: (a)(3) "An amount equal to eight and one-third percent of the current replacement value of the bus fleet within each county as determined by the state board" (100 / 8.33 = 12 years)</p> <p>West Virginia Code of State Regulations could not be accessed.</p>
WI	None	None	<p><u>Wisconsin Statutes 121.51-59</u> State provides per-pupil allocation for transportation funding based on that pupil's distance from their school. Statute does not mention replacement of vehicles, but it is possible associated costs are built into per-pupil allocation.</p> <p><u>Wisconsin Administrative Code Trans 300</u> .15 (1) "Each employer of school bus drivers shall be responsible to determine...that each bus is qualified for pupil transportation." .18 (1) "Any bus that is found to be in such condition that it is unsafe for use as a school bus shall have an "out of service" sticker attached to the lower right corner of the windshield, and the vehicle may not be used as a school bus while the sticker is displayed."</p>
WY	12 years or 175,000 miles (Rule)	None	<p><u>Wyoming Statutes Annotated § 21-13-320</u> (c)(ii) "Buses and other vehicles used primarily for student transportation, for which reimbursement is authorized, shall not exceed state minimum standards for vehicle specifications and equipment and shall be subject to vehicle replacement schedules specified by department rule and regulation."</p> <p><u>Wyoming Administrative Code 20-9</u> (d) Regulations lay out a minimum, average, and optimal replacement schedule for school buses. Conventional Type C buses are optimally replaced at 12 years or 175,000 miles. There is no maximum lifespan listed.</p>