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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 2nd Session, 2018

Bill Number	<u>HB86/HAFCS</u>	Sponsor	<u>HAFCS</u>
Tracking Number	<u>.201447.2</u>	Committee Referrals	<u>HEC/HAFCS</u>
Short Title	<u>School Bus Replacement & Contracts</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/9/18</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill:

HB86/HAFCS requires the Public Education Department (PED) to grant a school district's request to use a school district-owned bus and a school district or charter school's request to use contractor-owned buses for longer than the 12-year replacement cycle. Continued use of older buses is contingent on satisfactory annual safety inspections.

FISCAL IMPACT

HB86/HAFCS does not include an appropriation.

School buses are owned by school districts or contractors, but each type is funded differently. District-owned buses are purchased with a direct capital outlay appropriation to PED. If the Legislature does not make an appropriation for school district-owned buses, school district-owned bus replacements are not funded. Rental fees for contractor-owned buses are paid for with recurring general fund dollars appropriated to the transportation distribution. Contractor rental fees are always paid regardless of the amount appropriated to the transportation distribution.

PED staff estimates the cost of a school bus is \$85 thousand. School district-owned buses are purchased with dollars from the public school capital outlay fund. Although it is unclear how many school districts will opt not to replace older school buses, each school district that does so could generate \$85 thousand in savings to the capital outlay fund.

Under HB86/HAFCS, contractors could continue to use older buses rather than purchase new buses and enter a new 12-year rental agreement with a school district. Rental fees to school bus contractors are typically paid with general fund dollars allocated through the transportation distribution, though public school capital outlay fund dollars may also be in use. Contractor-owned school buses are financed by school districts over a period not to exceed five years, but the buses must be used for the entirety of the 12-year cycle. PED staff indicated an estimated per-year payment on contractor-owned buses of \$20 thousand per bus over a 5-year amortization

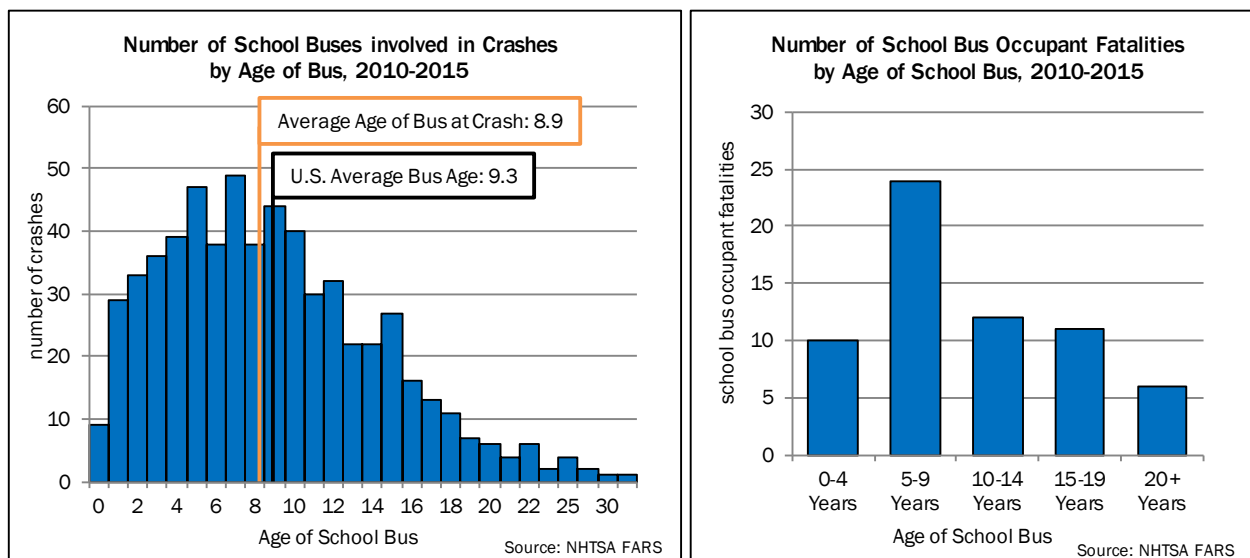
period. School districts and charter schools that petition the department to use contractor buses older than 12 years could create \$20 thousand in savings to the general fund per bus per year.

Generally, older school buses will cost more to maintain, but the exact cost of maintaining older buses is not well documented. The cost of maintenance varies by bus and by region; buses with long routes or in areas with unimproved roads will require more maintenance. Maintenance costs are often offset by the regular rotation of buses, ensuring buses that have been used in harsh conditions are used in more favorable conditions as they grow older. The potential general fund savings from contractor-owned bus rental fees could be reallocated to cover increased maintenance costs, reducing the some of the savings associated with using buses for a greater period of time.

SUBSTANTIVE ISSUES

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 U.S. 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 school 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. 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. In their first year of operation, fewer than 10 buses were in an accident between 2010 and 2015. In the middle of their life cycles, around year 7 or 8, between 35 and 50 buses were in an accident. Buses older than 15 years old show fewer accidents as older buses exit the motor pool. The average age of U.S. buses in crashes is 8.9 years, slightly lower than the average age of U.S. buses, 9.3 years. Crashes in older buses are also not any more likely to sustain fatalities.



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.

Statistically, the age of school buses is not a significant factor when it comes to school bus safety. 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. Under HB86/HAFCS, school buses would continue to be diligently inspected and maintained before they are approved for use. 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. 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 been updated periodically from 1977 to 1999, but have not changed since. Because the FMVSS were last updated in 1999, the cohort of New Mexico buses that was replaced in 2011 was the last cohort of buses not 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. HB86/HAFCS allows the use of buses that are meeting current standards for longer periods of time.

Expected Bus Life in Other States. Other states have funded replacement cycles and maximum school bus life provisions in statute and rule. The attachment, summarized in the tables to the right, 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. 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 drive their buses further in 12 years than urban and suburban areas.

Other state strategies include using 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.

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

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

Source: LESC Files, NCSL

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; most buses are replaced by the 12-year schedule rather than the 20-year maximum life.

Early Replacement in Exceptional Circumstances. Language in current statute allows early replacement before the end of the 12-year replacement cycle for school districts that can show “exceptional circumstances.” HB86/HAFCS does not affect that ability, but requires PED to grant school district and charter school petitions for the continued use of 12-year old buses, as long as those buses continue to pass safety inspections.

ADMINISTRATIVE IMPLICATIONS

PED would be required to honor school district and charter school requests to not replace school district-owned buses or contractor-owned buses, contingent on satisfactory annual safety inspections.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department
- National Highway Traffic Safety Administration
- National Association of State Directors of Pupil Transportation Services
- State statutes and regulations
- National Conference of State Legislatures

TCB/rab

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
NM	12 Years (Statute)	20 Years (Rule)	<p>NMSA 22-8-27:</p> <p>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."</p> <p>C. Same cycle for contractor-owned buses, state provides rental fees.</p> <p>NMAC 6.40.2.8</p> <p>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.</p> <p>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>Alabama Laws 16-27-3</p> <p>Safety inspections by Department of Education, safety standards set by State Board of Education.</p> <p>Alabama Rules 290-2-4.02</p> <p>(3): "Operation of any school buses built before 1978 on a regular school bus route is prohibited 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	<p>A repealed section of the Alaska Administrative Code (4 AAC 27.075). 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.</p>
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>Arizona Administrative Code R7-6-240</p> <p>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.</p> <p>B. "Diesel powered pupil transportation vehicles with more than 400,000 miles and gasoline powered pupil transportation vehicles with more than 200,000 miles shall be replaced if the eligible students transported exceeds the student transportation capacity of the district, excluding the vehicle eligible for replacement.</p> <p>C. "Diesel powered pupil transportation vehicles with more than 266,800 miles and gasoline powered pupil transportation vehicles with more than 133,400 miles shall be replaced 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>Arkansas Administrative Rule #203.00.05-014</p> <p>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	<p>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.</p>

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
CO	None	20 years (Rule)	<p>Colorado Revised Statutes 22-51-103: Creates transportation fund with a per-pupil transportation distribution. Does not fund on a replacement cycle.</p> <p>22-51-108: Authority to create rules for safety and maintenance standards is given to the state board of education.</p> <p>Colorado Code of Regulations 301-25:2251 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> <p>Connecticut General Assembly 10-00-097b</p> <p>(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>Regulations of Connecticut Section 10-76d-19</p> <p>(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> <p>Delaware Code 14-29</p> <p>§ 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>Code of Delaware Regulations 14 1100</p> <p>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.</p> <p>20.2 The following age and mileage requirements apply:</p> <p>20.2.1 14th year shall be replaced (it may then be used as a spare); or</p> <p>20.2.2 [At least] 190,000 miles no matter age of bus [may be replaced]; or</p> <p>20.2.3 [At least] 9 years and 130,000 miles [may be replaced]; or</p> <p>20.2.4 May be replaced after 10 years.</p> <p>1006.22 Florida Statutes</p> <p>(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>Rule 6A-3.0291 Florida Administrative Code Sets standards for school buses; standards do not include age limit.</p>
CT	None	12 years for high school buses, "out of service" for other buses. (Statute)	
DE	None	14 years or 190,000 miles or 9 years and 130,000 miles. (Statute allows buses older than 14 to be used if they meet safety requirements).	
FL	None	None	

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
GA	8-10 years for common type-C school buses. (Rule)	None	<p>Georgia Code 20-2-1126 (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." Georgia Rule 160-5-3.11 (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." Hawaii Revised Statutes 302A-406 (a) "...The department shall adopt policies, procedures, and programs as it deems necessary to provide suitable transportation." Hawaii Administrative Rules 19-5-143 S.8 (a) "To comply with federal standards, all school bus equipment and supplies shall meet the following minimum [Federal motor Vehicle Safety Standards]." Idaho Statutes 33-15 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." 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. 105 Illinois Compiled Statutes 5-29 Ch. 122 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. Illinois Administrative Code 92-(e) 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. Indiana Code 20-46-5-8 (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. Iowa Code, Chapter 285 285.8 "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>
HI	None	None	
ID	None	None	
IL	None	None	
IN	None	Minimum life of 12 years (Statute)	
IA	None	None	

	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." <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. <u>702 Kentucky Administrative Rules</u> <u>5.010 Section 3.</u> "All vehicles used for the transportation of pupils shall meet the minimum safety standards for Kentucky school buses of the same model year." <u>5.030 Section 2.</u> "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." <u>5.060 Section 4.</u> "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> <u>158.2. D.</u> 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. <u>158.6. A.</u> 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. <u>Louisiana Administrative Code Title 28 Part CXIII. Bulletin 119</u> <u>\$2511. A.</u> 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> <u>14.</u> "Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students." <u>15.</u> New buses are purchased by districts and approved by the commissioner. Lease-purchase agreements are limited to 5-year terms. <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>

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
MD	None	None	<p>Maryland allocates transportation to each district through a flat grant increased by the percent increase of the Consumer Price Index private transportation category.</p> <p>Code of Maryland Regulations 13A.06.07.11 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." Statutes only regard funding of buses and do not mention safety standards. Rules propagating safety standards for buses could not be found.</p>
MA	None	None	
MI	None	None	<p>Michigan Compiled Laws 257.1810 (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>2016 Minnesota Statutes 169.4501 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>
MS	None	None	<p>Standards in rule do not include a replacement age. 2015 Mississippi Code 37-41 (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>
MO	None (buses older than 10 years cannot be depreciated)	None	<p>Among school transportation regulations, rules regarding a replacement cycle were not found. Missouri Code of State Regulations 30-261.040 (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>Montana Pupil Transportation Regulations "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>Nebraska Revised Statute 79-601 and 602 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>Nebraska Administrative Code 92-92 008 and 009 Defines standards, does not include age limit in standards.</p>

	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." Statutes dealing with school transportation could not be found. Rules are not promulgated by Department of Education, but by the Department of Safety.
NH	None	None	<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 end of the fifteenth year 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)." <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.
NY	None	None	In 2015, New York City established NYC Clean Fleet, 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."

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
OH	None	15 years (soft cap, Rule)	<p>Ohio Revised Code 4511.76</p> <p>(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>Ohio Administrative Code 4501-5-01</p> <p>(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> <p>(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>Rule 210:30-5-6. School buses</p> <p>(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>Oregon Revised Statutes 820.100</p> <p>(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.</p> <p>(3) Rules adopted under this section:</p> <p>(b) Shall be consistent with minimum uniform national standards, if such standards exist.</p> <p>Oregon Administrative Regulations 581-053-0070</p> <p>(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>Pennsylvania Administrative Code 23.36</p> <p>(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 times \$12 if the vehicle is 11 years of age or over."</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>

	Funded Replacement Cycle	Maximum Lifespan of School Buses	Language/Comment
SC	15 years (Statute)	None	<p>2013 South Carolina Code of Laws 59-67-580</p> <p>(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 replacement of the fleet every fifteen years. These funds must not be used for school bus maintenance or fuel."</p>
SD	None	None	<p>South Dakota Codified Laws 13-29-6</p> <p>"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>Tennessee Code 49-6-2109</p> <p>(b)(1) "Except as otherwise provided in this subsection (b), conventional and Class D school buses may be used until the buses reach the eighteenth year from the in-service date of the buses..."</p> <p>(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 two hundred thousand (200,000) miles 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.</p> <p>(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>
TX	None (school districts counseled to adopt 10-15 year schedule)	None	<p>Tennessee Administrative Code 0520-01-05-.01</p> <p>(6) Approved buses are identified as:</p> <p>(a) "Type C conventional buses with eighteen (18) years or less of service. After fifteen (15) years of service, year-to-year approval is required from the Commissioner of Safety.</p> <p>(b) "Type D transit buses with eighteen (18) years or less of service.</p> <p>(c) "Type C or D transit buses with two hundred thousand (200,000) miles or less of recorded travel"</p> <p>Texas Education Code 2-F-34.005</p> <p>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>Utah Code 53A-17a-127</p> <p>(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>Utah Administrative Code R277-600-10. Board Local Levy.</p> <p>(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..."</p> <p>(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>

	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> <p>Virginia State Budget (FY12) "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>Spokesman for VA Department of Education (2015) "The state funding model assumes a <u>15-year replacement cycle</u>, but when to replace is up to the divisions."</p> <p>Virginia Administrative Code 8 20-70-490 460 "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>Revised Code of Washington 28A.160.205 – School bus replacement incentive program (1) "The office of the superintendent of public instruction shall implement a school bus replacement incentive program. 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." Revised Code of Washington 28A.160.200 (2) "To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent. 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." 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>

	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>
WI	None	None	<p>West Virginia Code of State Regulations could not be accessed. <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. <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." <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>