

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption
of Rules of the State Department of
Public Safety Governing the Issuance
and Display of School Bus Inspection
Certificates.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The last time the above captioned rules were amended was March, 1975.

The need to adopt these rules arises because of the statutory change from twice yearly to annual inspections and because the point values presently assigned to some equipment deficiencies are too high and infer that those deficiencies are greater hazards to safety than is actually the case.

11 MCAR 1.0020. Minor language changes are intended to update statutory reference.

11 MCAR 1.0021A. "Highway" patrol and "officer" are changed to "State" patrol and "state trooper" to conform to a recent legislative change in the name of this organization (Laws 1981, Ch 37). State Patrol law compliance representatives are included along with troopers in this definition because they are assigned to school bus inspection duties.

11 MCAR 1.002C. A new definition of temporary certificate is added in order to clearly define this type of certificate that is used in school bus inspections.

11 MCAR 1.0021D. A definition of rejection sticker is added in order to clearly define a new type of sticker that will be used in school bus inspections when these rules are adopted.

11 MCAR 1.0022. This rule is amended to provide for annual inspections, in order to comply with the statutory change from semi-annual to annual inspections. Other minor language changes are made to make the rule consistent with current language usage.

11 MCAR 1.0023A. This rule makes language changes in order to be consistent with the change made in 11 MCAR 1.0021A.

11 MCAR 1.0023D. This paragraph provides for the issuance and display of a rejection sticker when a school bus fails the inspection. It provides for placement of the sticker consistent with the immediately preceding paragraph and with a statute which limits the placement and use of windshield stickers. It is necessary in order to provide a means by which law enforcement officers can readily identify school buses which have been inspected and found to be unsafe

for the transportation of pupils. It is reasonable to authorize removal of the sticker only by the trooper or law compliance representative, otherwise unsafe buses could be used without detection.

11 MCAR 1.0024A The amendment to this rule provides for unannounced inspections in addition to annual inspections and reinspections. It is needed in order to compensate for any laxity in school bus maintenance which may arise in between inspections due to the change from semi-annual to annual inspections. Complaints are occasionally received by the State Patrol alleging unsafe school bus equipment and the interests of pupil safety are best served by promptly resolving the complaints with an inspection of the bus at the owners facility.

11 MCAR 1.0024B1. The passing score is changed to permit issuing a regular inspection certificate with a score of 96 instead of 98. None of the defects with a point value of less than 5 can significantly affect the safety of operation, therefore pupil safety is not compromised. It reduces the number of reinspections which otherwise would be necessary and this allows unannounced inspections (paragraph A) to be carried out without being a financial or manpower drain.

11 MCAR 1.0024B2. The maximum of the point range requiring a temporary certificate is changed from 97 to 95 to be compatible with the amendment in subparagraph 2. This rule also permits use of the bus when repairs have been made but the State Patrol has not been able to accomplish reinspection within the 14 day period. School bus inspections are handled primarily by law compliance representatives who often are responsible for up to 2000 buses in a geographical area of 10 to 20 counties. Due to budget constraints law compliance representatives are assigned many non-traffic enforcement duties and therefore are unable to suspend their scheduled activity to immediately reinspect a bus. This amendment will authorize use of the bus after defects are corrected and thereby minimize disruption of pupil transportation.

11 MCAR 1.0024C. This rule authorizes operation of a bus with a rejection sticker displayed, upon certification of the owner that defects have been repaired. This is similar to 11 MCAR 1.0024B2 and the need for and reasonableness of each are interchangeable. Efficiency of pupil transportation is dependent on availability of school buses. It is unreasonable and burdensome to bus owners, operators, schools and pupils to deprive them the use of a mechanically sound bus merely because the State Patrol is unable to respond in a timely fashion to their request for reinspection.

The following changes are made to the point system and the corresponding reasons are given:

Item 4, reduces the point value of defective muffler from 25 points to 5 points. A leaky muffler is no worse than a leaky exhaust pipe, as far as escaping exhaust gas is concerned, and leaky exhaust has been a five point item since the inspection program started.

Item 7, Stop Arm, adds a 5 point value for deteriorating reflective material. The purpose is to encourage repair of a stop arm when deterioration is apparent. A deduction of 2 points is made where the optional red lamps are installed on the stop arm and are not working.

Item 8, Cross Over Mirror, adds a sub-category of "distortion, flacking or cracked" at a point value of 5. Under the present point system, 25 points are assessed which automatically fails the bus even though the defect is not of a magnitude which could endanger a child.

Item 10, Headlamp Out, is reduced to 5 points except when both low beam headlamps are out, in which case a point value of 25 (fail) is assessed. Most school bus transportation on pupil routes is accomplished with low beam headlamps lighted and the proper functioning of those beams is of prime importance.

Item 11, reduces the point value from 10 to 5 for an inoperable dimmer switch. Most school bus routes are negotiated on low beam without intermittent use of high beam. While proper functioning of the dimmer switch is important and prompt repair is still required, the present practice of assessing 1/2 of the points required to fail a bus for this one item is excessive.

Item 14, reduces the value from 5 points to 2 points for high beam indicator not working. Repair of defective indicators is still required, but not critical in that the driver can tell which beam is lighted by observing the pattern of the headlamps on the road and upon roadside objects.

Item 15, reduces the point value from 5 to 1 for each clearance lamp out. The effect of a single clearance lamp being out is not serious since other lamps on the vehicle are lighted and the bus presence can be readily detected. M.S. 169.64 Subd. 7 permits the installation of an optional white strobe lamp. A one point deduction is made if the bus is equipped with a strobe lamp and the lamp does not work.

Item 16, Rear Lamps, reduces the value from 10 points to 5. Two rear lamps are required and the fact that one is not working is not critical. Prompt repair is still required. Failure, or 25 points is assessed if two rear lamps are out because that situation leaves the bus with only two clearance lamps for rear lighting.

Item 17, adds a category assessing 2 points for auxiliary stop lamp not working. Each school bus is required to have a minimum of two stop lamps; many of them have four stop lamps.

Item 19, adds a subsection under brakes which causes a 5 point reduction for each brake hose that is blistered but not leaking. The blistered hose should not in itself be cause for a deduction of 25 points and rejection of the bus.

Item 23, adds a category for one speed on wiper not working on the left side or the right side wiper not working. This deficiency is assessed 10 points. With the wiper working on the drivers side the driver is still able to maintain vision ahead. In cases of both wipers or the left side wiper not working 25 points are deducted.

Item 25, divides the 25 points assessed to the steering category into two areas depending on the seriousness of the defect in the steering mechanism. King pin play less than 1/2 inch should not be cause for rejection of the bus. King pin play of more than 1/2 inch, requires a 25 point deduction and results in rejection.

Item 28 Interior Lamps, deducts 2 points for defective step well lamps only. Other defective interior lights are brought to the attention of the operator without assessing points for the defect.

Item 38, adds two sub-categories under emergency exit. The absence of emergency lettering causes a 2 point deduction and a defective door gasket requires a 5 point deduction. An inoperable emergency door results in a 25 point deduction and rejection of the bus. The sub-categories are necessary to require maintenance of the emergency exit without requiring rejection for minor discrepancies.

Item 40, divides suspension into sub-categories thereby requiring repairs without rejecting the bus when the deficiencies are minor in nature. If the main leaf or 25 per cent or more of the remaining leaf springs are broken, 25 points are deducted and the bus rejected. If less than 25 per cent of the leaf springs are broken 10 points are deducted. Loose or leaking shocks results in a deduction of 10 points.

Item 41, Wheels, deducts 10 points when one stud nut is missing, if it is less than 20% of the stud nuts on the wheel. The absence of a single stud nut is not a sufficient enough safety factor to require rejection of the bus. If one stud nut is 20% or more of the stud nuts on the wheel 25 points are deducted.

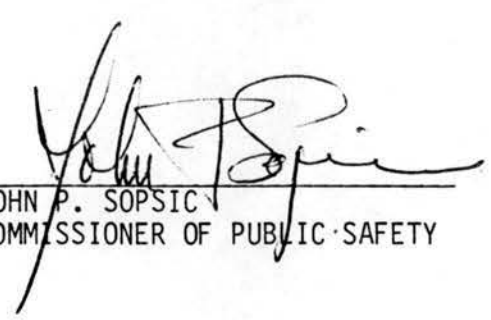
Item 42, adds the category of cross members as part of the inspection of body condition. If two cross members need replacing a 2 point deduction is made. If cross members are rusted but not to a degree requiring replacement no points are deducted but the condition is brought to the attention of the operator.

Item 45, Heater-Defroster Fan, adds a category for defective heaters for buses equipped with more than one heater. A deduction of 5 points is made for each heater in excess of the one that is not working.

STATE OF MINNESOTA

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DATE


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