



Economic Impact Analysis Virginia Department of Planning and Budget

8 VAC 20-70 – Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia

Department of Education

July 17, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Education (board) proposes numerous amendments to its regulation concerning pupil transportation. Several of the proposed amendments reflect changes in the Code of Virginia, including: 1) altering the maximum speed limits for school buses, 2) allowing licensed nurse practitioners to perform drivers' annual physical examinations, and 3) requiring school districts to notify the Department of Motor Vehicles immediately whenever it employs or terminates a bus driver. The board also proposes to require that drivers who transport students with disabilities or who drive Type D buses complete additional training.

Estimated Economic Impact

Speed Limits

Pursuant to §46.2-871 of the Code of Virginia, on interstate highways where the general maximum speed limit is 55 miles per hour, the board proposes to reduce the maximum permitted

speed for school buses from 55 miles per hour to 45 miles per hour or the minimum speed allowable, whichever is greater. On the other hand, also pursuant to §46.2-871 of the Code of Virginia, on *non-interstate* highways where the general maximum speed limit is *greater* than 55 miles per hour, the board proposes to increase the maximum permitted speed for school buses from 45 miles per hour, or the minimum legal speed allowable, to 55 miles per hour. The school bus speed limit on interstate highways where the maximum general speed limit is greater than 55 miles per hour remains at 55 miles per hour. Also, under both the current and the proposed language, for buses that are taking on or are discharging children, the maximum speed limit is 35 miles per hour between the first stop and the last stop, not including the school.

Higher speed limits can be beneficial in that trips to and from school may take less time, possibly allowing the earliest bus routes to start somewhat later in the morning, and possibly allowing students to get home somewhat earlier without shortening the school day. Also, by permitting school buses to travel at speeds closer to the general traffic flow on highways, overall traffic speed may be increased, moderately shortening travel time for other highway users. Higher speed limits for school buses may be costly if by traveling at higher speeds safety for the buses' passengers is reduced. Conversely, lower speed limits may be costly by causing trips to and from school to take more time and by slowing overall traffic speed, moderately increasing travel time for other highway users; and lower speed limits may be beneficial if by traveling at lower speeds, safety for the buses' passengers is increased.

Data are not available to evaluate whether the undetermined potential safety benefits of lowering the maximum permitted speed for school buses on interstate highways where the general maximum speed limit is 55 miles per hour outweighs the potential costs of causing trips to and from school to take more time and moderately increasing travel time for other highway users. Also, data are not available to determine whether the potential benefits of shortening travel time for students and other highway travelers by raising the maximum permitted speed for school buses on *non-interstate* highways where the general maximum speed limit is greater than 55 miles per hour outweighs the potential negative impact on safety. Thus it cannot be determined whether the proposed speed limit changes produce net benefits.

Drivers' Physical Examinations

Under the current regulations, only Virginia-licensed physicians may conduct drivers' annual physical exams. Pursuant to §22.1-178 of the Code of Virginia, the board proposes to permit licensed nurse practitioners to perform drivers' annual physical exams. Increasing the supply of individuals who may conduct drivers' physical exams may reduce the wait time before drivers' get their exams, and may reduce the market cost. If licensed nurse practitioners are not significantly more likely to fail to detect or misdiagnose impairment or other problems of drivers compared to physicians, then this proposed amendment would likely create a net benefit.

DMV Notification

Pursuant to §46.2-340 of the Code of Virginia, school divisions must notify the Department of Motor Vehicles (DMV) immediately whenever it employs or terminates a bus driver. Under the current regulations school divisions report driver changes on the tenth of each month. With the use electronic mail, notification of staff changes can be done quickly and easily. Thus, if school divisions have to report driver changes a few more times a year the additional cost will be quite small. The DMV reports to the school divisions when a school bus driver has their license suspended or revoked or is convicted in any court of reckless driving or driving while intoxicated. Allowing the DMV to maintain more up-to-date driver records can potentially be more than marginally beneficial since, for example, the DMV may alert a school division that a newly hired driver has recently demonstrated unsafe performance sooner than the DMV would without the quickly updated data. Presuming that school divisions would more quickly remove unsafe drivers, children would be put at less risk of injury. Thus the benefits of this proposed amendment likely outweigh the cost.

Drivers' Training

The board proposes to mandate that every driver who transports students with disabilities receive six hours of appropriate training beyond the basic training for all drivers. Students with disabilities have seating and safety issues that differ from non-disabled students. For example, students in wheelchairs or who are otherwise physically encumbered may need assistance in entering the bus, being safely seated, and leaving the bus. According to the Department of Education (department), the majority of school divisions already meet this requirement. For those school divisions who do not currently meet this requirement, the cost of compliance will be additional pay for the instructor's time as well as the trainee driver's time. Employee pay varies by school division. In Henrico County, for example, new drivers earn \$10.21 per hour and instructors¹ typically earn about \$15.21 per hour.² The benefit of the training is the potential reduction in the probability of student injuries due to greater knowledge concerning safely seating and transporting students with disabilities. If the value of the potential reduction in probability of student injuries exceeds the cost of the additional training, then the proposed additional training will create a net benefit. Since no data is available to estimate the potential reduction in probability of student injuries due to the required training, it cannot be determined whether the benefits of the required training exceed the costs.

The board also proposes to require drivers of Type D buses to complete eight additional hours of behind-the-wheel training. According to the department, Type D buses are considered more difficult to maneuver safely; thus, the additional training is necessary for public safety. The department also states that the majority of school divisions currently offer some training of this nature. For those school divisions who do not currently meet this requirement, the cost of compliance would be additional pay for the instructor's time as well as the trainee driver's time. As mentioned above, employee pay varies by school division, but Henrico County, for example, pays new drivers \$10.21 per hour and typical instructors \$15.21 per hour. If the additional hours of training significantly improve drivers' ability to safely operate Type D buses, then the benefits of this requirement may outweigh the costs, but no data is available to estimate the benefit of the additional training. Thus, it cannot be determined whether the benefits of the required training exceed the costs.

¹ In Henrico, lead drivers are the instructors. Lead drivers with ten years of experience earn \$15.21 per hour.

² Source: Henrico County Public Schools

Businesses and Entities Affected

The proposed regulatory changes affect the 132 school divisions in Virginia, as well as school bus drivers, trainers of school bus drivers, students who ride school buses, and other highway travelers.

Localities Particularly Affected

The proposed regulatory changes potentially affect all Virginia localities. Those localities whose school divisions do not currently provide at least six additional hours of training for drivers who transport students with disabilities and eight additional hours of behind-the-wheel training for drivers of Type D buses will be particularly affected.

Projected Impact on Employment

The proposed additional hours of training for drivers of students with disabilities and Type D buses will create some additional hours of employment for instructors and new drivers in school divisions that are not already meeting the proposed requirements.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to affect the use and value of private property.