

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 253 (Senator Elfreth)
Judicial Proceedings

Vehicle Laws - School Bus Safety - Occupant Capacity

This bill requires a school bus to be routed with the intent that the number of pupils on the bus does not exceed the manufacturer’s rated seating capacity for the bus. If an emergency or other temporary situation causes the number of pupils on a bus to exceed the seating capacity of the bus, the situation must be corrected within a reasonable period of time. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None.

Local Effect: Local expenditures for student transportation services may increase in certain local school systems. Revenues are not affected.

Small Business Effect: Potential meaningful. Private contractors that provide student transportation services for public schools may experience increased business if local school systems implement the bill’s requirement by using additional buses to transport students.

Analysis

Current Law: The driver of a school bus is responsible for its operation and may not drive it into a roadway without first stopping and determining that there is no danger from any other vehicle. The person responsible for any pupils on a school bus is a teacher on the bus or, if no teacher is present, the driver. The person responsible may not permit the number of standing pupils on the bus to exceed one pupil for each part of the aisle that is bounded on both sides by forward facing seats.

Local Expenditures: Some local school systems already comply with the bill's requirement under their current student transportation policies, while other school systems indicate that their current policy allows one student to be standing in the middle of each row of seats, which is authorized under current law.

The Maryland State Department of Education (MSDE) indicates that local school systems exercise judgement in deciding how many students are actually transported in school buses. Due to the variation of size and age of students, the number of students that are transported in a school bus may exceed the manufacturer's seating capacity. MSDE emphasizes that local school systems continually strive to make sure that students are properly and safely seated facing forward. MSDE estimates that the bill's requirement will have an impact on local school system operations by requiring additional buses to be purchased and additional drivers to be obtained in the event that the number of students on the school bus exceeds the seating capacity. Anne Arundel County Public Schools echoes these concerns by indicating that the bill's requirement may reduce the overall operating capacity of existing school buses thereby requiring the need for additional school buses in order to transport the same number of students.

The local school systems in Baltimore City and Frederick, Prince George's, St. Mary's, and Wicomico counties indicate that the bill's requirement will not impact local school operations or finances.

For local school systems that do allow students to stand while the school bus is moving, local school expenditures will increase to either purchase and operate additional school buses, or increase the number of school buses contracted to transport students. Although the precise cost for each local school system cannot be reliably estimated, the total cost may be significant, depending on how many additional buses are needed. MSDE indicates that the cost of a traditional diesel-powered school bus can start around \$90,000. In addition, local school systems may face additional personnel cost due to the need to hire additional school bus drivers. The total fiscal impact will depend on the negotiated salary agreements in each local school system.

Additional Comments: Local school systems spent \$637.3 million on student transportation services in fiscal 2018 (the most recent year for which data was available), as shown in **Appendix 1**. On a per pupil basis, statewide student transportation costs averaged \$688, with the per pupil amount ranging from \$448 in Frederick County to \$1,184 in Garrett County. Three other local school systems (Charles, Somerset, and Worcester) had per pupil student transportation costs exceeding \$1,000.

Approximately 650,000 public school students receive transportation services. Local school systems in six counties (Baltimore, Frederick, Montgomery, Prince George's, Talbot, and Washington) primarily use government-owned school vehicles to transport

students; whereas, two local school systems (Caroline and Kent) use a combination of government-owned and private contractors. Local school systems in the other jurisdictions primarily use private contractors to transport students. In total, local school systems use over 7,200 school vehicles for student transportation services.

Additional Information

Prior Introductions: HB 1226 of 2020 passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: HB 87 (Delegate D. Jones, *et al.*) - Environment and Transportation.

Information Source(s): Maryland State Department of Education; Maryland Department of Transportation; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2021
an/hlb

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Appendix 1
Student Transportation Statistics-Maryland Public Schools

| School System | Number of Vehicles | | | Total Miles Traveled | | | Pupils Eligible for Transportation | | | Transportation Costs |
|----------------------|---------------------------|-------------------|--------------|-----------------------------|-------------------|--------------------|---|-----------------|----------------|-----------------------------|
| | Public | Contracted | Total | Nondisabled | Disabled | Total | Nondisabled | Disabled | Total | Total Amount |
| Allegany | 19 | 85 | 104 | 1,144,512 | 379,584 | 1,524,096 | 5,374 | 245 | 5,619 | \$5,921,892 |
| Anne Arundel | 54 | 571 | 625 | 8,578,891 | 3,120,510 | 11,699,401 | 61,399 | 1,952 | 63,351 | 56,750,072 |
| Baltimore City | 36 | 398 | 434 | 2,136,194 | 492,962 | 2,629,156 | 29,931 | 2,980 | 32,911 | 47,046,560 |
| Baltimore | 670 | 138 | 808 | 10,345,431 | 5,091,900 | 15,437,331 | 80,036 | 3,980 | 84,016 | 69,316,982 |
| Calvert | 0 | 140 | 140 | 2,294,382 | 1,039,986 | 3,334,368 | 15,132 | 346 | 15,478 | 14,430,714 |
| Caroline | 23 | 35 | 58 | 801,289 | 176,288 | 977,577 | 4,745 | 100 | 4,845 | 4,172,816 |
| Carroll | 0 | 259 | 259 | 3,437,125 | 1,857,947 | 5,295,072 | 24,036 | 487 | 24,523 | 21,629,306 |
| Cecil | 10 | 143 | 153 | 2,130,694 | 479,062 | 2,609,756 | 13,940 | 263 | 14,203 | 10,745,460 |
| Charles | 4 | 285 | 289 | 4,681,416 | 2,541,322 | 7,222,738 | 23,789 | 845 | 24,634 | 27,650,247 |
| Dorchester | 8 | 49 | 57 | 772,236 | 217,591 | 989,827 | 4,145 | 113 | 4,258 | 3,882,282 |
| Frederick | 355 | 0 | 355 | 4,882,992 | 2,724,858 | 7,607,850 | 29,249 | 1,073 | 30,322 | 21,666,212 |
| Garrett | 0 | 62 | 62 | 789,480 | 182,130 | 971,610 | 3,782 | 44 | 3,826 | 4,116,990 |
| Harford | 97 | 334 | 431 | 5,433,816 | 2,174,665 | 7,608,481 | 31,643 | 901 | 32,544 | 31,633,212 |
| Howard | 0 | 468 | 468 | 2,971,080 | 2,429,100 | 5,400,180 | 41,989 | 1,709 | 43,698 | 39,011,564 |
| Kent | 18 | 10 | 28 | 415,413 | 128,257 | 543,670 | 1,630 | 27 | 1,657 | 1,954,490 |
| Montgomery | 1,191 | 0 | 1,191 | 10,546,110 | 9,611,959 | 20,158,069 | 98,625 | 5,930 | 104,555 | 115,706,066 |
| Prince George's | 1,025 | 8 | 1,033 | 11,779,757 | 7,938,167 | 19,717,924 | 82,406 | 4,733 | 87,139 | 103,469,529 |
| Queen Anne's | 14 | 73 | 87 | 1,603,667 | 489,600 | 2,093,267 | 7,642 | 107 | 7,749 | 7,115,765 |
| St. Mary's | 13 | 190 | 203 | 2,988,225 | 1,149,403 | 4,137,628 | 17,437 | 467 | 17,904 | 16,752,171 |
| Somerset | 0 | 32 | 32 | 664,081 | 115,254 | 779,335 | 2,746 | 85 | 2,831 | 3,074,050 |
| Talbot | 41 | 0 | 41 | 707,709 | 174,889 | 882,598 | 4,344 | 74 | 4,418 | 2,689,705 |
| Washington | 142 | 51 | 193 | 2,360,569 | 808,199 | 3,168,768 | 19,194 | 545 | 19,739 | 12,246,269 |
| Wicomico | 22 | 106 | 128 | 1,754,376 | 319,308 | 2,073,684 | 12,679 | 194 | 12,873 | 9,408,765 |
| Worcester | 0 | 69 | 69 | 1,512,469 | 141,389 | 1,653,858 | 6,248 | 107 | 6,355 | 6,886,663 |
| Total State | 3,742 | 3,506 | 7,248 | 84,731,914 | 43,784,330 | 128,516,244 | 622,141 | 27,307 | 649,448 | \$637,277,781 |

Note: Data for number of school vehicles, miles traveled, and students transported is from fiscal 2019. Student transportation costs is from fiscal 2018.

Source: Maryland State Department of Education; Department of Legislative Services