

Clearinghouse Rule 97-103

CERTIFICATE

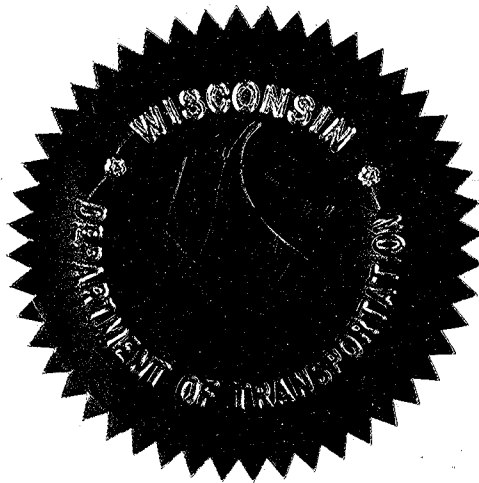
STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **transportation of school children**, was duly approved and adopted by this Department on October 24, 1997.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 24 day of **October**, 1997.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to renumber and amend TRANS 300.20(2); amend TRANS 300.13(3), 300.15(3), 300.16(2) to (4), (6)(a) to (d), (8) to (11), (13) and (15), 300.18(1), (2) and (3)(a) and (b), 300.19(2), 300.20(1)(k), 300.22(2), 300.25(1) and (2), 300.26(4), 300.27(1) and (2), 300.29, 300.30(1), 300.31(1) to (4), 300.32(1) to (3), 300.33(3)(intro.), 300.34(6), 300.35(1), (3) and (4), 300.36(1), 300.37(1) and (2), 300.38(1) and (4), 300.39(2), (3), (9) and (13), 300.40(1) and (5m), 300.44(2) and (3), 300.45(2), 300.47(2), 300.49(2), 300.50, 300.52(2), 300.53, 300.54(1)(a)1., (1)(a)1.b., 3. and 9., (1)(d)1., (1)(L), and (4)(a), 300.55(1)(intro.), (2) and (4), 300.58(1) and (3), 300.59(4) and (5), 300.60(4) and (7), 300.61(7) and (10)(j)1., 300.62(4), 300.63(1), (2) and (5), 300.64(1), (2), (3)(a) and (c), and (6), 300.65, 300.66(2), 300.67(2) and (3), 300.68(2) and (3)(a) and (b), 300.69(1)(c)(intro.), 1. and 2., (d)(intro.), 1. and 2., (3), (4) and (7), 300.70(2), 300.76(11), 300.77(4) and (5), 300.78(3), 300.81(1) and (3)(c) and (d), and 300.86; repeal and recreate TRANS 300.02(6), and create TRANS 300.34(7), relating to the transportation of school children.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation****STATUTORY AUTHORITY:** s. 110.06(2), Stats.**STATUTES INTERPRETED:** s. 110.06(2), Stats.

General Summary of Rule. Chapter Trans 300 regulates the transportation of school children in Wisconsin. Currently, this chapter has specific requirements for the thickness of metal used in the school bus manufacturing process, specifically, construction of the floor and rub rails. The Department proposes to allow alternative school bus construction material. To keep the gross vehicle weight rating (GVWR) at

or below 10,000 lbs., the revision would allow "other metal or material with strength at least equivalent to all-steel as certified by the bus body manufacturer." Without the changes for the 10,000 lb. GVWR or less school buses, schools will start using alternative vehicles (production vans) because of the unavailability of the smaller school buses built to the safer school bus standards.

Other revisions include numerous corrections to this chapter in the interests of proper drafting format and style.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized tribes or bands. The amendments to this rule will allow bus operators to purchase the smaller school buses needed for the full school year. There will be no cost increase to the Department to inspect these buses.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Copies of Rule and Contact Person. Copies of this rule are available without cost upon request by writing to Frieda Andreas, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 266-6936. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 110.06(2), Stats., the department of transportation hereby amends ch. Trans 300, Wisconsin Administrative Code, interpreting s. 110.06(2), Stats., relating to the transportation of school children.

SECTION 1. Trans 300.02(6) is repealed and recreated to read:

Trans 300.02(6)(a) "School bus" or "bus" means a passenger motor vehicle which is designed to carry 10 or more passengers in addition to the driver, is painted in accordance with s. 347.44(1), Stats., and transports persons as described in s. 340.01(56)(a) and (am), Stats. A school bus may be classed as one of the following types:

1. A type "A" school bus is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. This definition shall include the following 2 classifications:

- a. Type A-I, with a GVWR over 10,000 pounds.
- b. Type A-II, with a GVWR of 10,000 pounds and under.

2. A type "B" school bus is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Part of the engine is beneath or behind, or both, the windshield and beside the driver's seat. The entrance door is behind the front wheels.

3. A type "C" school bus is a body installed upon a flat back cowl chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.

4. A type "D" school bus is a body installed upon a chassis, with the engine mounted in the front, midships, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat, or it may be at the rear of the bus, behind the rear wheels, or midships between the front and rear axles. The entrance door is ahead of the front wheels.

(b) "School bus" does not include an alternative vehicle, a human service vehicle, a motor bus or a motor vehicle operated as part of an urban mass transit system, in accordance with s. 340.01(56)(b), Stats.

SECTION 2. Trans 300.13(3) is amended to read:

Trans 300.13(3) Any person purchasing a school bus ~~shall~~ may not use the vehicle for any pupil transportation unless the bus has been inspected by the department and approved for use as a school bus in Wisconsin. This ~~shall~~ may not preclude such use if items needing correction or alteration after the initial inspection are of a nature that would not affect safe transportation of students. The inspecting officer shall advise the owner if a new bus may be used while the items not in compliance are being corrected.

SECTION 3. Trans 300.15(3) is amended to read:

Trans 300.15(3) All required records shall be open for inspection and presented to the secretary or ~~his or her agent~~ designee upon demand. The secretary may periodically authorize deletion or destruction of material contained in the record file.

SECTION 4. Trans 300.16(2) to (4), (6)(a) to (d), (8) to (11), (13) and (15) are amended to read:

Trans 300.16(2) Articles may not be transported within the bus body if there is or may be interference with the safe transportation of pupils or with the driver or if the articles obstruct the aisle, stepwell, or steps. No animal, firearm, or other weapon of any sort, or articles not associated with school activity shall be permitted on a bus without the express, written authorization of the appropriate school administrator. The bus driver shall refuse admittance to any student not presenting the required written authorization. The driver shall designate where all such articles shall be carried in the bus. The provisions of this subsection ~~shall~~ do not apply to animals specially trained to aid disabled persons which may be permitted in accord with s. 174.056(1), Stats.

(3) The driver ~~shall~~ may not smoke or permit smoking aboard the school bus.

(4) A driver ~~shall~~ may not operate a school bus while under the influence of alcohol or a controlled substance or a combination of alcohol and a controlled substance

or permit the use of alcohol or a controlled substance on any school bus. The driver shall may not operate a school bus if he or she is under any medication, or combination of medication and alcohol, which may affect the safe operation of the bus.

(6)(a) A driver shall may not consume an intoxicating beverage regardless of its alcoholic content within 4 hours before going on duty, or operating, or having physical control of, a school bus.

(b) A driver shall may not consume an intoxicating beverage regardless of its alcoholic content while on duty, or operating, or in physical control of, a school bus.

(c) A driver shall may not have in his or her possession any alcoholic beverage regardless of its alcoholic content while on duty or operating a school bus.

(d) A driver shall may not operate a school bus while having any measured alcohol concentration above 0.0.

(8) Loading stations or points shall be selected with due regard for traffic and pedestrian safety and shall be approved by school authorities. When flashing red warning lights are used as required by s. 346.48, Stats., they shall be actuated continuously at least 100 feet before stopping. The stop arm shall be used in conjunction with the flashing red warning lights and shall be extended only after the bus comes to a stop. Except where there are special loading zones where the bus is entirely off the traveled portion of the highway, the bus shall be stopped on the traveled portion of the highway in the lane farthest to the right which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. The flashing red warning lights shall may not be extinguished until loading or unloading is completed and persons who must cross the highway are safely across. The stop arm shall be retracted before putting the bus in motion.

(9) A school bus ~~shall~~ may not be stopped on any portion of a highway for the loading or discharge of pupils or other persons unless the bus is painted the yellow and black school bus color combination, is equipped with a stop signal arm and alternating flashing red lights and is identified by a school bus sign. This subsection ~~shall~~ does not apply to a vehicle which is operating within a municipality and which is not readily identifiable as a school bus. When loading or discharging pupils in a rural area, a vehicle not identifiable as a school bus shall do so off the highway and in such a manner that the pupils do not have to cross the highway.

(10) The driver shall make sure that there is no traffic danger before allowing pupils to cross the highway. Pupils obliged to cross the highway shall be required to cross from a point at least 10 feet forward of the standing bus only after receiving a signal from the driver. When discharging passengers the driver ~~shall~~ may not proceed until all persons are at a safe distance away from the bus or, if crossing the roadways, they are safely across the street or highway. This subsection applies only where flashing red signals are required by s. 346.48, Stats., or authorized by s. 349.21, Stats.

(11) A driver ~~shall~~ may not leave the bus unattended with the engine running or the key in the ignition when pupils are in the bus or in the immediate area of the bus.

(13) The driver ~~shall~~ may not require nor permit any passenger to stand while the vehicle is in motion except while a passenger is going to a door or seat just prior to stopping or immediately after loading. This does not apply to chaperones or monitors in the performance of their duties. The driver ~~shall~~ may not permit any passenger to sit anywhere on the bus except in seats provided.

(15) The driver of a school bus required to stop at a railroad crossing by s. 346.45, Stats., shall come to a full stop at a distance of not less than 15 feet nor more

than 50 feet before crossing at grade any track of a railroad. The vehicle hazard warning lamps shall be used when the bus is slowing for the stop and shall remain on until the bus has resumed normal speed. While the bus is so stopped, the driver shall open the service door and listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of the bus shall cross only in the gear of the bus that will make it unnecessary to manually shift gears while traversing the crossing, and the driver shall may not shift gears while traversing the crossing. The service door shall remain open until the front wheels of the bus have cleared the first set of tracks for each required stop, but shall be closed before shifting.

SECTION 5. Trans 300.18(1), (2) and (3)(a) and (b) are amended to read:

Trans 300.18(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 shall may not be used as a school bus while the sticker is displayed.

(2) A vehicle with an "out of service" sticker displayed shall be reinspected by and shall have the sticker removed by an employe of the division of state patrol or authorized agent of the carrier at the direction of the division of state patrol employe prior to reuse as a school bus.

(3)(a) Has the base school bus registration removed; and,

(b) Is re-registered in such a manner as to prohibit its use as a school bus; and,

SECTION 6. Trans 300.19(2) is amended to read:

Trans 300.19(2) Physically remove the flashing red lights from the vehicle; the mere disconnection, covering or repainting of the flashing red lights ~~shall~~ does not comply with this requirement.

SECTION 7. Trans 300.20(1)(k) is amended to read:

Trans 300.20(1)(k) FEDERAL REGULATIONS ADOPTED. The federal regulations in title 49, Code of Federal Regulations, part 393, parts and accessories necessary for safe operation, and part 571, motor vehicle safety standards, adopted by the United States department of transportation and in effect on October 1, ~~1994~~ 1996 shall be enforced in relation to a school bus under this chapter as though the regulations were set out in full in this chapter.

SECTION 8. Trans 300.20(2) is renumbered 300.20(1)(k)(note) and, as renumbered, is amended to read:

NOTE: Copies of the references are on file in the offices of the Division of State Patrol, the Secretary of State, and the Revisor of Statutes; or may be purchased from the Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA, 15096. The standards are noted in the SAE handbook, ~~1992~~ 1997 edition. Any standard or recommended practice shall be treated as an approved standard and shall not be advisory in nature.

SECTION 9. Trans 300.22(2) is amended to read:

Trans 300.22(2) The lettering as prescribed by s. 347.44(1)(c), Stats., is covered or removed. This may be accomplished by substituting the word "charter" for "school." This subsection ~~shall~~ does not apply when transporting children for any purpose under s. 346.48(2)(c), Stats.

SECTION 10. Trans 300.25(1) and (2) are amended to read:

Trans 300.25(1) Every type A-I, B, C or D school bus ~~of more than 10,000 pounds GVWR, or of 10,000 pounds GVWR or less~~ type A-II school bus manufactured in 2 stages, shall have a center aisle with a minimum clearance 12 inches wide. The center

aisle shall be the open area which pupils entering the service door utilize to gain access to their seats. The center aisle shall extend from the driver's compartment to the emergency exit at the rear of the bus. The school bus that has a side emergency door shall, in addition, have a 12-inch wide aisle from the center aisle to the side emergency door. The intent of this requirement is to provide a 12-inch wide, unrestricted aisle to any emergency door.

(2) An open area for wheelchairs ~~shall~~ is not ~~be considered~~ an aisle.

SECTION 11. Trans 300.26(4) is amended to read:

Trans 300.26(4) A type A-II school bus ~~of 10,000 pounds or less GVWR~~ shall be equipped with an alternator or generator of at least 60 ampere rating. If a school bus is equipped with a power lift, it shall be equipped with an 80 ampere or more rated alternator or generator.

SECTION 12. Trans 300.27(1) and (2) are amended to read:

Trans 300.27(1) Every type A-I, B, C or D school bus ~~of more than 10,000 pounds GVWR~~ shall be equipped with a barrier forward of the foremost right and left front seats that complies with FMVSS 222, school bus seating and crash protection.

(2) A type A-II school bus ~~of 10,000 pounds GVWR or less~~ manufactured in 2 stages shall be equipped with a barrier or a padded stanchion forward of the foremost right and left front seats. The barrier shall extend from the wall to the aisle. If a stanchion is utilized, the area immediately in front of the foremost seat shall be protected with a padded panel extending from no more than 4 inches above the floor to the crossbar. The stanchion bars shall be padded.

SECTION 13. Trans 300.29 is amended to read:

Trans 300.29(1) All batteries shall be securely attached in a manner to prevent dislocation in the event of an accident. The battery may be mounted in the engine compartment or, when mounted outside of the engine compartment, it shall be contained in a closed, drained, weather-tight and vented compartment which shall retain the battery in the event of upset or roll-over of the bus. If the battery is mounted in the body skirt, the battery compartment door or cover shall be secured by a latch. The battery shall may not be located in the passenger compartment.

(2) The cables to the battery shall may not be spliced.

SECTION 14. Trans 300.30(1) is amended to read:

Trans 300.30(1) Book racks, if installed, shall be located above the side windows. They shall may not extend forward of the foremost point of the front seat or across or above the emergency door.

SECTION 15. Trans 300.31(1) to (4) are amended to read:

Trans 300.31(1) Every school bus shall meet federal brake standards under 49 CFR 393.40 to 393.52, 396.17, and applicable standards under 49 CFR 571.105 and 571.121, in effect at the time of manufacture. Each brake system including the parking brake shall be maintained in good working order. The brake system shall be free of any leaks. The lines and hoses shall may not be chafed, flattened or restricted in any way.

(2) A type A-I, B, C or D school bus ~~of more than 10,000 pounds GVWR~~ that uses air assisted brakes shall be equipped with a low pressure warning system which functions at 60 psi and lower. The governor cut out pressure may not exceed 135 psi. The governor cut in pressure may not be lower than 80 psi.

(3) A type A-I, B, C or D school bus ~~of more than 10,000 pounds GVWR~~ that uses vacuum assisted brakes shall be equipped with a low pressure warning system which functions when the vacuum is 8 inches of mercury and less.

(4) A type A-I, B, C or D school bus ~~of more than 10,000 pounds GVWR~~ when equipped with air or vacuum assisted brakes shall be equipped with a reserve tank having a capacity of not less than 1,000 cubic inches to provide additional air or vacuum for the primary brake system. There shall be a check valve or pressure protective valve to protect the system from loss of air or vacuum. There shall be no accessory except the low pressure warning device operated from the air or vacuum reserve tank or its connecting lines. The low pressure warning system shall be installed to indicate the air pressure or vacuum in the tank. The gauge required to monitor this system shall be visible to the driver at all times.

SECTION 16. Trans 300.32(1) to (3) are amended to read:

Trans 300.32(1) The front bumper of type A-I, B, C or D buses ~~of more than 10,000 pounds GVWR~~ shall have not less than an 8-inch face and shall extend between the frame rails as a minimum. The bumper shall be of sufficient strength and be positioned to permit pushing a vehicle of similar weight without distortion to the bumper, chassis, or body.

(2) The rear bumper of type A-I, B, C or D buses ~~of more than 10,000 pounds GVWR~~ shall have not less than an 8-inch face and shall wrap around the rear corners of the body to a point at least 12 inches forward. The bumper shall be of sufficient strength and shall be positioned to permit the bus to be pushed without distortion to either the bumper or the bus body. There shall be no more than 1/2 inch space between

the bumper and the body. Protective material may be utilized to fill all or part of the required 1/2 inch space.

(3) ~~Buses of 10,000 pounds GVWR or less~~ Type A-II buses shall be equipped with bumpers on the front and on the rear.

SECTION 17. Trans 300.33(3)(intro.) is amended to read:

Trans 300.33(3)(intro.) The total available seating capacity per seat shall determine the capacity of the bus. Fold down or fold up seats or reclining seats ~~shall~~ are not be permitted except that at side emergency door locations, a "flip-up seat" may be used. The "flip-up seat" shall conform to the following requirements:

SECTION 18. Trans 300.34(6) is amended to read:

Trans 300.34(6) Noncontrasting reflective material is permitted to include, but not limited to, rub rails, snow rails, as "school bus" lettering and the owner's identification as required in s. Trans 300.61(6) or permitted in s. Trans 300.61(7). Front or rear bumper, or both, may be marked diagonally 45° down to centerline of pavement with 2-inch wide strips of noncontrasting reflective material.

SECTION 19. Trans 300.34(7) is created to read:

Trans 300.34(7) Yellow reflective tape may be located on the rub rail in areas of emergency exit windows in order to meet requirements of FMVSS 217.

SECTION 20. Trans 300.35(1), (3) and (4) are amended to read:

Trans 300.35(1) The construction shall be of prime commercial quality steel or other metal, or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, except for the grill, hood, or fenders and shall comply with FMVSS 220, school bus rollover protection. ~~School~~ Type A-I, B, C or D school buses

~~with a GVWR of 10,000 lbs. or more~~ shall comply with FMVSS 221, school bus body joint strength.

(3) The floor or subfloor shall be of prime commercial quality steel of at least 14 gauge or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer. Plywood may be used in addition to other flooring material. The floor shall be level from front to back and from side to side except in the wheel housing, toeboard, and driver's seat platform areas. The body cross members below the floor may have no more than 2 consecutive and no more than 3 total members that are completely rusted through.

(4) For type A-I, B, C or D buses of more than 10,000 pounds GVWR, all joints within bus bodies which employ discrete fasteners, specifically those which join panels to panels, shall achieve a significant portion of the strength of the parent metal, so that all available panel materials are capable of serving as part of the structure.

SECTION 21. Trans 300.36(1) is amended to read:

Trans 300.36(1) The defrosting system shall have the capacity to keep the windshield, the window to the left of the driver and the glass in the service door clear of fog and frost. The defroster outlets ~~shall~~ may not be restricted in any way.

SECTION 22. Trans 300.37(1) and (2) are amended to read:

Trans 300.37(1) Each segment of the drive shaft more than 18 inches long shall be equipped with a suitable guard to prevent an accident or injury in the event of its fracture or disconnection. This section does not apply to ~~vehicles of 10,000 pounds GVWR or less~~ type A-II buses manufactured in a single stage.

(2) The universal joints and the center bearing of every bus subject to inspection ~~shall~~ may not be loose or worn.

SECTION 23. Trans 300.38(1) and (4) are amended to read:

Trans 300.38(1) Each school bus shall be equipped with 3 bidirectional emergency triangles. Oil burning pot flares ~~shall~~ may not be carried on a school bus.

(4) This section ~~shall~~ does not preclude the carrying of additional emergency equipment.

SECTION 24. Trans 300.39(2), (3), (9) and (13) are amended to read:

Trans 300.39(2) Required emergency exits shall be designed to be opened from both the inside and the outside of the bus. Side emergency exit windows are exempt from this requirement.

(3) There ~~shall~~ may not be any obstructions in the aisles or inside of the door that would delay or hinder an orderly use of the emergency exit. Articles transported on non-occupied seats inside the bus shall be secured.

(9) The inside of each emergency window shall have the designation "Emergency Exit". An emergency door shall be identified with either the words "Emergency Exit" or "Emergency Door" on the inside at the top of, or above the door. Concise operating instructions shall be located within 6 inches of the release mechanism. When a release mechanism is not located within an occupant space of an adjacent seat, a label that indicates the location of the nearest mechanism shall be placed within that occupant space. The outside of the emergency door shall be clearly marked "Emergency Door" or "Emergency Exit" in letters 2 inches high at the top of, or above the door or immediately below the upper glass. An arrow at least 6 inches long and 3/4 inch in width indicating the direction the release mechanism should be turned to open the door shall be painted in black on the yellow background. The outside of the emergency window shall be labeled "Emergency Exit" in letters at least 2 inches high, directly above

the window or on the window glazing. There shall ~~may~~ not be any labeling on the glazing indicating an emergency exit, emergency door or operating instructions. Labeling or operating instructions may be located on the glazing of emergency window exits as long as the labeling or instructions are clearly visible inside and outside the vehicle.

(13) ~~Buses of 10,000 pounds GVWR or less~~ Type A-II buses manufactured in 2 stages shall provide emergency exits as required for larger vehicles.

SECTION 25. Trans 300.40(1) and (5m) are amended to read:

Trans 300.40(1) The exhaust system which includes the exhaust manifolds, joining gaskets, piping leading from the exhaust manifold, muffler and tail pipe shall ~~may~~ not enter the bus body at any location. The exhaust system pipes shall be of nonflexible steel except that those buses which utilize a diesel engine may be equipped with a flexible pipe of not more than 18 inches long between the engine and the first exhaust pipe hanger. Stainless steel bellows assemblies are allowed.

(5m) Buses equipped with diesel engines may be equipped with a turn-down exhaust pipe. The turn-down exhaust pipe shall ~~may~~ not exceed 6 inches forward of the rearmost part of the bus.

SECTION 26. Trans 300.44(2) and (3) are amended to read:

Trans 300.44(2) ~~Buses of 10,000 pounds GVWR or less~~ Type A-II buses shall have the floor covering secured so it cannot shift. The edges and seams shall be secured. The covering shall be of a ~~non-skid~~ slip resistant material.

(3) ~~Buses of more than 10,000 pounds GVWR~~ Type A-I, B, C or D school buses shall have floor covering on the total floor area ~~and in the~~. The aisle, step-well and entrance that shall be of non-skid material slip resistant rubber type material or equivalent material as certified by the manufacturer, when either wet or dry, and that

shall be of a rib type. The covering shall may not be cracked and shall be securely bonded or fastened to the floor. All seams shall be sealed.

SECTION 27. Trans 300.45(2) is amended to read:

Trans 300.45(2) Holes shall are not be permitted except where originally provided in the chassis frame. There shall may be no welding to the frame except by the chassis or body manufacturer.

SECTION 28. Trans 300.47(2) is amended to read:

Trans 300.47(2) The heater hose shall be adequately supported to guard against excessive wear or abrasion and shall may not interfere with or restrict the operation of any engine function. Heater lines inside the passenger compartment shall be shielded to prevent accidental contact by the driver or passengers.

SECTION 29. Trans 300.49(2) is amended to read:

Trans 300.49(2) ~~Buses of 10,000 pounds GVWR or less~~ Type A-II school buses need not comply with this section.

SECTION 30. Trans 300.50 is amended to read:

Trans 300.50 INSULATION. The ceilings and walls of buses manufactured in 2 stages and all type A-I, B, C and D buses ~~of more than 10,000 pounds GVWR~~ shall be insulated to reduce heat and cold transfer.

SECTION 31. Trans 300.52(2) is amended to read:

Trans 300.52(2) Projections from the ceiling shall may not be allowed in the entrance way or aisle. All Except for the driver's compartment, all speakers and accessory lighting devices shall be flush mounted ~~except in the driver's compartment.~~

or may extend up to one inch if edges are rounded or tapered. Accessory lighting shall be maintained in proper working condition.

SECTION 32. Trans 300.53 is amended to read:

Trans 300.53 LADDERS. A school bus shall ~~shall~~ may not have a ladder attached to the interior or exterior while it is in motion.

SECTION 33. Trans 300.54(1)(a)1., (1)(a)1.b., 3. and 9., (1)(d)1., (1)(L) and (4)(a) are amended to read:

Trans 300.54(1)(a)1. The bus shall be equipped with 2 red warning lamps at the rear of the bus and 2 red warning lamps at the front of the bus, which shall be controlled by a manually actuated switch and shall flash alternately at rate of 60 to 120 cycles per minute. A brake or door operated switch ~~shall~~ is not be permitted. The "on" period shall be long enough to permit bulb filament to come to full brightness.

b. The additional rear facing lights may be separate lamps mounted within 12 inches above or below the directional turn signals or may be incorporated in an existing lamp. Any incorporation with an existing unit ~~shall~~ may not interfere with or override the existing unit's function. If the optional lighting system utilizes the rear directional signals, it shall be so designed that if both the directional signal lamp and the flashing red lights are activated during the same period of time, the flashing warning signals shall revert to only the 2 required warning signals until such time as the directional signal lamp is deactivated. The optional system ~~shall~~ may not be incorporated with the stop signal lamp.

3. There shall be a visible or audible means of giving clear and unmistakable indication to the driver when the signaling system is turned on.

9. The area around the lens of each alternately flashing red signal lamp and extending outward approximately 3 inches shall be painted black on all school buses. This subdivision shall does not apply to vehicles not specifically manufactured as school buses and which have red warning signal lamps mounted above the roof top. Red warning signal lamps on such buses shall be equipped with black hoods at least 3 inches long.

(d)1. There shall be at or near the front, facing forward, one amber turn signal light on each side of the vertical centerline mounted at the same height, as wide as practicable. The bus may be equipped with signals mounted in the body. If not equipped with body mounted front turn signals, double faced signals shall be installed either on the fender or hood and shall be as wide as practicable. Mounting shall may not be higher than the bottom of the windshield or lower than the headlamps. This paragraph does not apply to buses of 10,000 pounds GVWR or less provided the bus meets the requirements of s. 347.15, Stats.

(L) There shall be 2 red stop lamps meeting the requirements of SAE J586 mounted on the rear, one on each side of the vertical centerline at the same height and as far apart as practicable. ~~Buses of more than 10,000 pounds GVWR~~ Type A-I, B, C or D buses shall be equipped with lamps at least 7 inches in diameter. The stop lamps shall activate upon application of the service brakes.

(4)(a) The strobe light shall be of solid state construction. It shall emit a white light by flashing, not rotating, 360° around the vertical axis.

SECTION 34. Trans 300.55(1)(intro.), (2) and (4) are amended to read:

Trans 300.55(1)(intro.) School bus mirrors shall comply with the requirements in 49 CFR 571.111 and FMVSS 111. In addition, type A-I, B, C or D buses of more than 10,000 pounds GVWR shall comply with the following:

(2) ~~Buses of 10,000 pounds GVWR or less~~ Type A-II buses shall have an interior and 2 exterior rearview mirrors, one on the right and one on the left side of the bus capable of reflecting a view past the rear of the bus. Mirrors shall may not have sharp corners or edges.

(4) Each mirror required in this section shall may not be broken, cracked or discolored.

SECTION 35. Trans 300.58(1) and (3) are amended to read:

Trans 300.58(1) Every bus shall contain a rub rail located at seat cushion level. Except at the emergency door, rear compartment or special service door, the seat cushion level rub rail shall extend from the rear side of the service door completely around the bus body, to a point of curvature near the front of the body on the left side. On a type A-II bus of 10,000 pounds GVWR or less, the seat cushion level rub rail is not required to extend around the rear corners of the bus and may terminate at the radii of the right and left rear corners.

(3) Rub rails shall be constructed of 16 gauge longitudinally corrugated or ribbed steel, or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, of 4-inch minimum width, flange to flange. Each rub rail flange shall be attached at each body post and all other upright structural members.

SECTION 36. Trans 300.59(4) and (5) are amended to read:

Trans 300.59(4)(a) The backs of seats of similar size shall be of the same width at the top and of the same height from the floor and shall slant at the same angle with

the floor. The top corners, and at least 10 inches of the top of the back surface of the seat backs shall be padded sufficiently to reduce the likelihood of injury upon impact. Seat cushions and seat backs shall ~~shall~~ may not have any torn or worn-through covering material.

(b) The seat back of the rearmost seat shall be of the same dimension as the seat immediately forward. Failure to comply with this standard will result in the loss of one seating position, or 2 seating positions if this situation occurs in both rows, when determining the capacity of the bus. This requirement shall apply only to type A-I, B, C or D school buses ~~of more than 10,000 pounds GVWR,~~ manufactured after January 1, 1984.

(5) Fold down, fold up or reclining seats or seat backs shall ~~is~~ is not be permitted in a school bus except as allowed in s. Trans 300.33(3).

SECTION 37. Trans 300.60(4) and (7) are amended to read:

Trans 300.60(4) The upper and lower glass panels of the service door shall be of safety glass. The bottom of the lower glass panel shall ~~shall~~ may not be more than 35 inches from the ground when the bus is unloaded. The top of the upper glass panel shall ~~shall~~ may not be more than 6 inches from the top of door. The upper glass panel must be of insulated glass.

(7) ~~Buses having a GVWR of 10,000 pounds or less~~ Type A-II buses need not comply with subs. (3) and (4).

SECTION 38. Trans 300.61(7) and (10)(j)1. are amended to read:

Trans 300.61(7) The name of the school or school bus firm may appear on the sides of the bus between the seat line rub rail and the bottom window line in contrasting yellow or black letters not more than 10 inches high. The owner's name may also

appear on the rear bumper in school bus yellow. The lettering shall may not exceed 6 inches in height with a 1/2 inch brush stroke. These options shall do not relieve the owner or operator from the requirements of sub. (6).

(10)(j)1. The device the numbers are displayed on shall may not exceed 5 inches by 7 inches and may include a current calendar.

SECTION 39. Trans 300.62(4) is amended to read:

Trans 300.62(4) The power steering system shall may not leak nor shall the drive belt be cracked, frayed or worn.

SECTION 40. Trans 300.63(1), (2) and (5) are amended to read:

Trans 300.63(1) The first step at the service door shall may not be more than 16 inches from the ground.

(2) The riser of any step shall may not be more than 15 inches. If there are 2 or more risers, they shall be approximately equal in height.

(5) All steps shall be enclosed to prevent the accumulation of ice or snow except the first step of a type A-II bus of ~~10,000 pounds GVWR~~ or less which may have an exposed step with a nonskid slip resistant surface.

SECTION 41. Trans 300.64(1), (2), (3)(a) and (c), and (6) are amended to read:

Trans 300.64(1) A stop signal arm which meets FMVSS 131 and SAE J1133 is required on every school bus painted with the yellow and black color scheme. The stop signal arm shall may not be extended until the bus is completely stopped.

(2) Any bus manufactured after January 1, 1978, shall have the stop signal arm controlled by the service door. The stop signal arm shall may not become operational until the service door opens. The stop signal arm shall be installed in such a manner that it cannot be activated unless the alternately flashing red lamps are in operation.

(3)(a) It shall be a metal, or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, octagon-shaped sign at least 18 inches wide and 18 inches long exclusive of the mounting bracket. All sheet metal parts shall be 16 gauge or heavier.

(c) It shall be equipped with 2, 4-inch or larger, double faced alternating flashing red lamps to be mounted near the perimeter of the sign with a minimum of 12 inches spacing between lamp centers or the sign may be equipped with high-visibility, light-emitting diodes that flash and spell out the word "STOP". These lamps shall be wired to the circuit of the flashing red warning lamps mounted on the front and rear of the bus. These lamps may be strobe lamps. In lieu of the 2 double faced alternating flashing red lamps, the stop signal arm may be equipped with red flashing, high intensity light-emitting diodes incorporated into the word "STOP," in accordance with the requirements of sub. (3)(b).

(6) The requirements of this section for the operation of the stop signal arm ~~shall~~ does not apply to school buses which are operated only in areas where use of the flashing red warning lights is not permitted.

SECTION 42. Trans 300.65 is amended to read:

Trans 300.65 SUNSHIELD. Each school bus shall have an interior sunshield installed above the windshield. Each type A-I, B, C or D bus ~~of more than 10,000 pounds GVWR~~ shall have one of a size not less than 6 by 16 inches.

SECTION 43. Trans 300.66(2) is amended to read:

Trans 300.66(2) A school bus ~~shall~~ may not be operated with any broken springleaf or worn, loose, mislocated shackles or "U" bolts.

SECTION 44. Trans 300.67(2) and (3) are amended to read:

Trans 300.67(2) A school bus shall may not be operated with regrooved, recapped, or retreaded tires on the front wheels.

(3) A school bus shall may not be operated with cuts or chunks missing exposing the cord, recaps peeled loose or off, or showing an indication of ply separation.

SECTION 45. Trans 300.68(2) and (3)(a) and (b) are amended to read:

Trans 300.68(2) The wheel bearings shall may not have more than 1/4 inch free play when measured at the tire level.

(3)(a) When the wheel diameter is 16 inches or less, not more than ~~1/4 inch~~ 1/4 inch play is permitted.

(b) When the wheel diameter is greater than 16 inches the play permitted is ~~3/8 inch~~ 3/8 inch.

SECTION 46. Trans 300.69(1)(c)(intro.), 1. and 2., (d)(intro.), 1. and 2., (3), (4) and (7) are amended to read:

Trans 300.69(1)(c)(intro.) "AS 12" means a safety plastic material that includes all of the following:

1. Complies with tests 10, 13, 16, 17, 21, and 24 of ANS Z26.1;
2. Complies with tests 19 and 20 of ANS Z26.1 with the exception of the test for resistance to undiluted denatured alcohol; ~~and~~

(d)(intro.) "AS 13" means a safety plastic material that includes all of the following:

1. Complies with tests 16, 22 and either 23 or 24 of ANS Z26.1;
2. Complies with tests 19 and 20 of ANS Z26.1 with the exception of the test for resistance to undiluted denatured alcohol; ~~and~~

(3) On type A-I, B, C or D buses ~~of more than 10,000 pounds GVWR~~, the window to the driver's immediate left and the window immediately to the rear of the service door

shall be hermetically sealed glass with an insulating air space. Exceptions are cutaway van based vehicles manufactured in 2 stages equipped with a driver's door and a roll-up window. If a lift and lift door are located immediately to the rear of the service door, the window in the lift door is not required to meet this requirement. The window to the rear of the lift door may be glazing applicable to other windows.

(4) Each full side window shall provide a vertical opening of at least 9 inches, obtained by lowering the top portion of the window. The driver's window may be of a sliding forward and rearward construction. A type A-II bus ~~of 10,000 pounds GVWR or less~~, having windows which do not open from the top shall have no more than a 5-inch wide opening.

(7) A distinctive audible signal automatically operated shall clearly indicate to the driver the unlatching of an emergency window when the ignition is in the "on" position. A cut-off shall may not be installed in the circuit.

SECTION 47. Trans 300.70(2) is amended to read:

Trans 300.70(2) The windshield shall may not be obstructed.

SECTION 48. Trans 300.76(11) is amended to read:

Trans 300.76(11) When in the stored position, every power lift or ramp and its associated super structure shall have all exposed sharp edges, corners, and projecting parts padded to prevent injury in the event of contact in an accident. This requirement shall does not apply to the platform surface but shall apply to the sides of the platform if they are exposed and not concealed by a padded super structure or a padded barrier.

SECTION 49. Trans 300.77(4) and (5) are amended to read:

Trans 300.77(4) A webbing belt system shall be secured to the bus at not less than 2 points. It shall be anchored in the bus frame, body posts or other metal structure. Interior paneling ~~shall~~ is not be considered an adequate anchorage.

(5) A webbing belt used to secure the wheelchair to the body frame ~~shall~~ may not be used to also secure the passenger to the wheelchair.

SECTION 50. Trans 300.78(3) is amended to read:

Trans 300.78(3) Aisle-facing seats in buses transporting wheelchairs are permitted only over the wheel housing provided they are equipped with a device to prevent a passenger from sliding off either end. These seats shall be permanently mounted and ~~shall~~ may not have a retractable seating surface.

SECTION 51. Trans 300.81(1) and (3)(c) and (d) are amended to read:

Trans 300.81(1) PUBLIC ADDRESS SYSTEM. A school bus may be equipped with a permanently mounted public address system that allows the driver to communicate directions by voice to students outside the bus. Mounting of any external speakers ~~shall~~ may not interfere with driver visibility, mirrors or outside lights. Speakers may be mounted under the hood.

(3)(c) The restroom or restroom door ~~shall~~ may not interfere with access to emergency exits.

(d) There ~~shall~~ may be no sharp edges or protrusions.

SECTION 52. Trans 300.86 is amended to read:

Trans 300.86 ENFORCEMENT POLICY. (1) The enforcement policy of the division of state patrol shall take into consideration the age, condition, and equipment of buses before granting approval for their continued use. The division ~~shall~~ may not


permit the use of any bus for school transportation purposes which is deemed to be unsafe or unfit for such service.

(2) In construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent, servant or other person acting for or employed by the registered owner or the lessee of the bus, whoever has control, done within the scope of employment is deemed to be the act, omission or failure of such registered owner or lessee. This subsection ~~shall~~ does not apply to violations of ch. 346, Stats., and s. Trans 300.16.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 24 day of October, 1997.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 27, 1997

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 97-103**

In the Matter of the Adoption of **TRANS 300**, Wisconsin Administrative Code,
relating to the **transportation of school children**.

Dear *Gary* Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 97-103**, an administrative rule relating to the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Gene Kussart
Mike Goetzman
OPB Director
Bill Singletary
Sgt. Sandra Huxtable
Frieda Andreas