

**Maryland Association of Boards of Education
Comments to the
House Environment & Transportation Committee and
Ways and Means Committee on
Student Transportation Issues
November 10, 2021**

The Maryland Association of Boards of Education (MABE), on behalf of all 24 local boards of education, appreciates the opportunity to provide comments on priority student transportation issues regarding the availability and compensation of school bus drivers, supply chain issues threatening the availability of new school buses and bus fuel, federal funding for electric school buses, and other school bus and student transportation safety issues.

School Bus and Student Safety

MABE represents 24 local boards of education with a unified commitment to ensuring student safety in all school-related activities, and especially school bus safety. School bus safety involves a wide array of activities: bus driver training, providing safe bus stops, maximizing student safety through the use of security cameras on buses, enforcing traffic laws for reckless drivers who illegally pass buses, and the design and construction standards of the buses themselves. In these ways local school systems, bus contractors, and local law enforcement agencies work to ensure the safest possible transport of students to and from school.

Section 5-205(f) of the Education Article authorizes the State Board to “adopt rules and regulations that provide for the safe operation of the student transportation system of each county board of education.” Pursuant to Section 5-205, the State Board has adopted regulations under COMAR 13A.06.07. The State Board’s regulations incorporate by reference several federal regulations regarding bus driver qualifications, as well as cross-referencing numerous provisions of Maryland transportation laws and regulations regarding school vehicles and drivers. The Transportation Article also includes provisions regarding school buses, including definitions, operating standards, and driver qualifications (e.g. Md. Code Ann., Transp. Art. § 11-173, school vehicle definitions; § 16-816, bus driver qualifications; and § 21-1118, bus driver responsibilities).

With regard to transportation safety, state regulations provide that the local school system is responsible for the safe operation of the student transportation system, must comply with all state procedures and guidelines, and may adopt policies and procedures which exceed the state’s minimum requirements (COMAR 13A.06.07.03). With regard to local administration and operation of the student transportation system, state regulations require that each local system employ a local supervisor of student transportation, and prescribe numerous operational and reporting requirements for the hiring of school vehicle driving instructors, employment qualifications for bus drivers, bus inspections, and routing and scheduling.

MABE believes that Maryland’s regimen of student transportation standards reflects the State’s strong interest in ensuring student safety and the federal government’s corresponding regulation of commercial transportation including school vehicles. On the local level, school systems must not only comply with all state and federal safety requirements, but also adopt bus routes, stops, loading zones, and schedules. In this way student transportation presents local school systems with myriad, daily operational challenges.

The federal Infrastructure Investment and Jobs Act (H.R. 3684) includes an array of new safety standards, assessments, and requirements across all modes of transportation, including school buses. The legislation requires comprehensive review of state laws, safety measures, and technologies relating to school buses. In addition, the federal law also funds the safe routes to school program, which is intended to promote bicycling and walking as safe alternatives and facilitate projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. MABE anticipates that Maryland's school bus safety standards will make us highly competitive for federal funding for ongoing and enhanced school bus safety measures.

The Pandemic, School Reopenings, and School Bus Drivers

The COVID-19 pandemic continues to have serious consequences for public school systems across the nation and in Maryland. A priority among the many challenges facing school systems is the critical need to recruit and retain qualified school bus drivers. To be clear, local school systems in accordance with state law and regulations place a high priority on assuring the qualifications of school bus drivers. These go beyond the commercial driver's license (CDL) requirements to include pre-service and in-service training, criminal history standards, and alcohol and controlled substances testing (COMAR 13A.06.07). However, such standards unavoidably create additional barriers to otherwise qualified CDL drivers. More importantly, qualified CDL drivers and certified bus drivers are generally benefitting from the highly competitive compensation offered by other employers. Again, MABE supports a multifaceted approach to addressing these school bus driver issues while maintaining high driver qualification standards which we firmly believe are in the best interests of students and drivers.

In Maryland, school systems typically have a blend of owned buses driven by school system employees and contracted buses driven by the employees of those contractors. For contractors and school systems alike, qualified bus drivers are in limited supply, and many drivers are raising concerns about health, safety, student behavior, and compensation issues. Local school systems, in partnership with local governments, are taking steps to address these concerns. MABE greatly appreciates the efforts of local governments to provide additional funding and the Governor's initiative through the Maryland Department of Transportation Motor Vehicle Administration (MVA) to recruit CDL drivers to apply for bus driver jobs.

School Bus Procurement

The widely reported supply chain issues limiting the availability of many commodities and goods are also negatively impacting the availability of new school buses and replacement parts and supplies to maintain buses. Bus fuel shortages are also being reported. State law and regulations establish maximum allowable ages of school buses; standards intended to ensure continuous safety inspections and the retirement of buses beyond their optimal useful life. Unless it fails to meet safety standards, a conventional school bus may be operated for up to 12 years. A conventional school bus may be operated for more than 12 years if: (1) the State Superintendent of Schools grants approval; (2) the bus is maintained under a preventive maintenance plan that is approved by MVA and the Department of State Police and includes semiannual inspections; (3) any structural repairs to the bus meet or exceed the manufacturer's original manufacturing standards, as certified by an independent expert approved by the MVA; and (4) the bus is properly equipped with specified safety features. However, legislation has been enacted to allow buses to remain in operation for up to 15 years in many counties, including the Eastern Shore and Southern Maryland. In light of the supply chain challenges to timely procurement of new buses, MABE believes it may be necessary to provide a limited extension of these age limits in order to allow the continued use of buses deemed safe for continued operation.

School Bus Energy Efficiency

MABE appreciates the environmental and public health rationales for improving the energy efficiency and reducing the emissions of school buses. MABE's legislative positions raising concerns about proposed mandates for the procurement of zero-emission school buses have historically hinged on the scope of the mandate exceeding the availability of funding to secure the alternative modes of student transportation. In this context, Maryland programs and policies to expand the use of zero- or near-zero emission school buses should benefit mightily from the recently passed federal Infrastructure and Jobs Act. The new law establishes and provides \$5 billion for the Clean School Bus Program, and defines clean school bus as a school bus that the Environmental Protection Agency (EPA) Administrator certifies as reducing emissions and operated entirely or in part using an alternative fuel; or is a zero-emission school bus. Local boards, recognizing the need to factor in cost, availability, and the life-cycle of the thousands of internal combustion engine buses serving students today, look forward to the investments of these federal dollars to procure clean school buses.

Flexibility for Modes of Student Transportation

MABE supported legislation passed in 2021 to provide much needed flexibility for local school systems to more efficiently and cost-effectively transport students using vehicles other than school buses (HB 72/SB 448). The new law provides the options to utilize smaller vehicles than traditional school buses in order to benefit the educational needs of students, including: (1) preschool-age students; (2) students with disabilities; (3) homeless youth; (4) children in foster care; (5) students without access to school buses; (6) students in a nonpublic special education school placement; or (7) students in dual enrollment programs or work programs or other educational programs based off the school campus.

Importantly, the law ensures the continued focus on student safety by requiring that the Maryland State Department of Education (MSDE), in consultation Motor Vehicle Administration (MVA), adopt regulations establishing minimum vehicle and driver safety standards for the other modes of transportation provided for under this legislation. In August, the State Board approved proposed regulations to implement the new law.

Conclusion

MABE appreciates the shared commitment and attention of these committees to the priority issues confronting local school systems in meeting the transportation needs of our students and families. While the challenges are now daunting, the opportunities for innovation and continuous improvements are real, and should remain a focus for future policy and funding initiatives.

Please direct any questions or concerns regarding these comments to MABE's Director of Governmental Relations, John R. Woolums, Esq., at jwoolums@mabe.org or 410-841-5414.