

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [67 PA. CODE CHS. 71 AND 171]

#### School Bus Drivers, School Buses and School Vehicles

The Department of Transportation (Department), Bureau of Driver Licensing, under 75 Pa.C.S. §§ 1504, 1508, 1509, 4551—4553 and 6103, adopts amendments to Chapters 71 and 171 (relating to school bus drivers; and school buses and school vehicles) to read as set forth in Annex A.

#### *Purpose of Chapters 71 and 171*

The purpose of Chapter 71 is to set forth the course instruction and physical examination requirements for school bus drivers under 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement). The purpose of Chapter 171 is to set forth equipment and safety requirements for school buses as provided for in 75 Pa.C.S. § 4552 (relating to general requirements for school buses) and for other vehicles transporting school children as provided for in 75 Pa.C.S. § 4553 (relating to general requirements for other vehicles transporting school children). The Department published proposed rulemaking at 32 Pa.B. 1396 (March 16, 2002) and provided a 30-day public comment period. The Department also submitted the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Transportation Committees of the House and Senate. The Department received no comments during the public comment period but received comments from IRRC and from a member of the House Transportation Committee. Additional review of the regulations by the Pupil Transportation Advisory Committee (PTAC) members has also resulted in some refinements to the regulations in their final form. The comments and changes are discussed in the Summary.

#### *Summary of Comments and Changes in the Final-Form Rulemaking*

Representative Jess M. Stairs, a member of the House Transportation Committee, suggested that § 171.47(2) (relating to color) be amended to include a requirement that every school bus/vehicle bear the identification number of the vehicle in large black numbers painted on its roof. The comment was prompted by an incident earlier in 2002 during which a school bus driver effectively abducted the students on the bus and drove them out of State before being apprehended. Identification numbers painted on the roof of school buses/vehicles would permit easier identification of an errant bus/vehicle from the air.

The Department has determined that the comment of Representative Stairs has considerable merit but that requiring that identification could impose significant cost to school bus fleet owners and school districts. Consequently, § 171.55 (relating to identification) has been amended to permit the placement of the identifying title number of the vehicle on the roof of a school bus and establishes the criteria for the placement and size of the numbering. This will allow school bus fleet owners and school districts to phase in the numbering as budgetary considerations permit.

IRRC commented that § 71.3 (relating to physical examination) lacked clarity and suggested that a cross

reference to the Department's requirements for a driving examination be added in subsection (b)(2) and (3)(ii)(C). The cross reference has been added to the subsection. IRRC also commented that it was not clear in this section how a prospective driver would apply for a waiver. A new subsection (e) was added to address this concern. Parenthetical definitions for the acronyms in subsection (b)(5)(i)(B) have also been added in response to IRRC comment.

IRRC reiterated the suggestion of Representative Stairs that a requirement be included in §§ 171.47 and 171.55 that identification numbers be painted on the roof of all school buses and school vehicles. For the cost and practicality reasons noted previously, the Department has declined to include this as a requirement, but has established parameters permitting identifying markings at the discretion of the school district.

IRRC questioned whether specific contents of a "body fluid clean-up kit" should be included in §§ 171.52, 171.123 and 171.133 (relating to first aid). Body fluid clean-up kits, like first aid kits, are a product developed for, and marketed to, a wide variety of users; the contents have been dictated by the professionals and technicians working in that industry. It is the Department's concern that specification of essential contents might lead to the substitution of just those elements instead of the professionally developed kit. Consequently, the Department has declined to include specific contents of the kit in the regulation.

With regard to § 171.74a (relating to the crossing control arm), IRRC noted that the regulation should reference the criteria in 75 Pa.C.S. § 4552(b.2) requiring the arm to be "automatically activated whenever the bus is stopped with the red visual signals in use." This language has been added to § 171.74a.

Finally, IRRC noted that in § 171.123 the Department had eliminated the specific number of gauze pads, bandages and other items used for first aid and required "one package" of these items. The Department responds that the specificity was removed at the suggestion of the PTAC which noted that the vehicles subject to this subchapter are those which carry ten or fewer passengers, including the driver. Notwithstanding that the number of items in "one package" may vary among different product providers and among different packaging, it is believed that the requirement of "one package" of these items is therefore sufficient to guarantee adequate supply of necessary first aid materials for the small number of passengers, and there is, consequently, no need for the detail in the current regulations.

In addition to the comments from Representative Stairs and IRRC, other refinements to the regulations were suggested through continuing internal review. With regard to § 71.3(b)(4)(ii)(C), it was noted that drivers are not always hired by the school district directly but may be hired by a contracting bus service. Consequently "by a school district" was removed from this subsection.

With regard to Chapter 171, additional refinements have been made. It was noted that some school bus designs cannot accommodate a 72-inch crossing control arm. For these vehicles, a shorter control arm is available. Additional provisions have been added to § 171.74a, therefore, to permit the use of a shorter control arm

provided that with the arm extended the children walking around it are clearly visible to the driver of the vehicle while seated.

It was also noted that § 171.21(c) and (d) (relating to exhaust system) contained provisions for delayed compliance until a 1998 date long past. That language has been deleted in the final-form rulemaking.

The insertion of new § 171.50(b)(1)(xii) (relating to doors and emergency exits) in the proposed rulemaking was intended to move the language from § 171.50(a)(9) to a more appropriate location in the regulations. The phrase "an ignition interlock system or" was inadvertently omitted in the move and has been inserted in § 171.50(b)(1)(xii) in this final-form rulemaking. This is also consistent with the provisions in § 171.104(12) (relating to special services entrance doors).

The new language inserted in § 171.55(b) has been further clarified that on rounded-front buses the identification number may appear in yellow numbers, letters or combination on the black front bumper, in lieu of black numbers, letters or combination on the front of the yellow bus body.

#### *Statutory Authority*

This final-form rulemaking is adopted under 75 Pa.C.S. §§ 1504, 1508, 1509, 4551—4552, 4553 and 6103.

#### *Persons and Entities Affected*

This final-form rulemaking affects persons and entities responsible for the transportation of school children. This includes all 501 school districts and any organization they may contract to provide pupil transportation. In addition, the State Police will be affected when conducting school bus vehicle inspections.

#### *Fiscal Impact*

This final-form rulemaking will not impose any increased costs on private persons, State or local governments. This final-form rulemaking will not occasion the development of any additional reports or other paperwork requirements.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 1396, to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

In preparing this final-form rulemaking, the Department has considered all comments received from IRRC and the Committees; no comments were received from the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 30, 2003, this final-form rulemaking was deemed approved by the House and Senate Transportation Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 9, 2003, and approved the final-form rulemaking.

#### *Effective Date*

This final-form rulemaking will be effective on the date of publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating

to the Vehicle Code). The Department will, however, continue to closely monitor these regulations for their effectiveness.

#### *Contact Person*

The contact person for technical questions related to this final-form rulemaking is Chris Ann Miller, Manager, Special Driver Programs, Department of Transportation, Bureau of Driver Licensing, Riverfront Office Center, 1101 South Front Street, 3rd Floor, Harrisburg, PA 17104, (717) 772-2117.

#### *Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapters 71 and 171, are amended by amending §§ 71.1, 71.3, 171.21, 171.47, 171.50, 171.52, 171.55, 171.59, 171.104, 171.123 and 171.133; and by adding § 171.74a to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ALLEN D. BIEHLER, P. E.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 33 Pa.B. 5392 (October 25, 2003).)*

**Fiscal Note:** Fiscal Note 18-372 remains valid for the final adoption of the subject regulations.

### **Annex A**

## **TITLE 67. TRANSPORTATION**

### **PART I. DEPARTMENT OF TRANSPORTATION**

#### **Subpart A. VEHICLE CODE PROVISIONS**

#### **ARTICLE IV. LICENSING**

#### **CHAPTER 71. SCHOOL BUS DRIVERS**

#### **§ 71.1. Scope and application.**

This chapter applies to the course of instruction and physical examination for school bus drivers required by 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement).

#### **§ 71.3. Physical examination.**

\* \* \* \* \*

(b) *Requirements of physical examination.* A person is physically qualified to drive a school bus if the person:

\* \* \* \* \*

(2) Has no loss of a foot, a leg, a hand, or an arm; or has been granted a waiver by the Department after competency has been demonstrated through a driving examination administered in accordance with § 71.4(b)(2)(ii) and (iii) (relating to driver's examination).

(3) Has no impairment of:

(i) A hand or finger likely to impair prehension or power grasping, or has been granted a waiver by the Department after competency has been demonstrated

through a driving examination administered in accordance with § 71.4(b)(2)(ii) and (iii).

\* \* \* \* \*

(4) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring use of insulin or other hypoglycemic medication.

(i) A waiver may be granted to an individual requiring the use of oral hypoglycemic medication provided:

(A) The individual's physician verifies in writing that there has been no incident of hypoglycemic reaction for the preceding 2 years.

(B) The driver submits to a diabetic examination every 6 months and submits the results of the examination on a form provided by the Department.

(ii) A waiver may be granted to a person requiring the use of insulin provided:

(A) The person's physician verifies in writing to the Department that there has been no incident of hypoglycemic or hyperglycemic reaction and the person has been free from insulin reaction (including loss of consciousness, attention or awareness) or the requirement of assistance from another person, for the preceding 2 years.

(B) The person submits to a diabetic examination every 6 months, including a Hemoglobin A1C, and to a review of the prior 6-month history of blood glucose monitoring. The physician conducting the diabetic examination shall be familiar with the person's past diabetic history for 24 months or have access to that history.

(C) The person, upon hire to drive a school bus, shall demonstrate his willingness to manage his diabetes by complying with the following requirements:

(I) Self-monitoring blood glucose 1 hour before driving, and at least every 4 hours while driving or while otherwise on duty, by using a portable blood glucose monitoring device with a computerized memory. If blood glucose is below 80 or above 350 the person may not drive until he takes appropriate measures and retests within this acceptable range.

(II) Submitting monthly the results of blood glucose self-monitoring for review by a physician, certified nurse practitioner, physician's assistant, registered nurse or other health care provider selected by the school district. The results shall also be submitted to the physician conducting the 6-month diabetic examination required by clause (B).

(III) Maintaining a manual blood glucose monitoring log and submitting it, together with the glucose monitoring device's computerized log, every 6 months to the physician conducting the person's 6-month diabetic examination.

(IV) Having in his possession a source of rapidly absorbable glucose at all times while driving a school bus.

(iii) A reviewing physician finding that a person previously qualified for a waiver is not complying with the requirements in subparagraph (ii)(C) or is otherwise no longer qualified for the waiver shall report these findings to the Department and the waiver shall be rescinded.

(iv) If a person requiring the use of oral hypoglycemic medication or a person requiring the use of insulin does not qualify for a waiver, that person may request an independent review of his medical records. The review

will be conducted by a member of the Medical Advisory Board or by another physician designated by the Department.

(v) Submissions to the Department by physicians or other health care providers, including physician verifications and the results of diabetic examinations, shall be made on forms provided by the Department.

(5) Has no established medical history or clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency or pacemaker insertion.

(i) Waivers may be granted to those individuals with a history of coronary artery disease, previous myocardial infarction, congenital heart defects, cardiomyopathy, pericarditis, myocarditis, chronic atrial flutter/fibrillation or valvular heart disease, and individuals who have undergone corrective surgery for congenital heart defects, coronary angioplasty, valve repair/replacement, coronary artery bypass graft surgery, or ablative surgery for paroxysmal supraventricular arrhythmias, if the individual annually meets these criteria:

(A) The individual is asymptomatic from the disorder or is receiving medication used to treat the disorder and is asymptomatic on medication.

(B) The individual completes seven Mets (metabolic equivalents) on a treadmill stress EKG (electrocardiogram) test preferably following the Bruce or Balke Protocols and achieves 85% of the predicted maximal heart rate without symptoms or EKG changes. If the resting EKG is abnormal, or the individual is on digoxin, then a stress thallium test should be performed.

(C) An echo, gated blood pool scan or left ventriculogram performed on the individual measures a left ventricular ejection fraction of 40% or greater.

(ii) In the case of a permanent pacemaker insertion, the individual shall be 2 months post insertion, asymptomatic and demonstrate that he is undergoing regular pacemaker follow up.

(iii) In the case of chronic atrial flutter/fibrillation, the individual shall be on anticoagulant therapy with aspirin or Coumadin and demonstrate adequate rate control when exercising on a treadmill as listed in subparagraph (i)(B).

(iv) Waivers may not be granted to individuals:

(A) Diagnosed with symptomatic coronary artery disease (angina), cardiomyopathy, pericarditis, myocarditis, congenital or valvular heart disease.

(B) Within 2 months of a myocardial infarction, open heart surgery or pacemaker insertion.

(C) Implanted with an automatic cardioverter/defibrillators or antitachycardic device.

(D) With any history of ventricular tachycardia (excluding couplets and triplets), ventricular fibrillation or sudden cardiac death with successful resuscitation.

(E) With any history of paroxysmal supraventricular tachycardia.

(F) With any history of carotid sinus hypersensitivity, sick sinus syndrome, second degree heart block or third degree heart block unless a pacemaker has been inserted.

\* \* \* \* \*

(10) Has no established medical history or clinical diagnosis of seizure disorders or another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus safely.

(i) A waiver may be granted to these persons provided:

(A) There has been no more than a single, nonrecurring episode of altered consciousness or loss of bodily control, occurring at least 2 years preceding application, which did not require treatment.

(B) A seizure disorder has been diagnosed, but the person has been episode-free for at least 5 years preceding application and has not required treatment for at least 5 years preceding application.

\* \* \* \* \*

(e) *Application for waiver.* Application for waiver under this section may be obtained from the Department at the time of application for a school bus driver endorsement or thereafter.

**ARTICLE VII. VEHICLE CHARACTERISTICS**  
**CHAPTER 171. SCHOOL BUSES AND SCHOOL VEHICLES**

**Subchapter B. SCHOOL BUS CHASSIS STANDARDS**

**§ 171.21. Exhaust system.**

(a) *General rule.* The exhaust pipe, muffler and tailpipe shall be outside the body compartment and securely attached to the chassis with clamps and hangers of a type and installed as recommended by the chassis manufacturer.

(b) *Tailpipe.* The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16 gauge steel tubing.

(c) *Tailpipe extension.* The exhaust system of a school bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the school bus.

(d) *Tailpipe extension for school buses using fuels other than gasoline.* The exhaust system for a school bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits.

(e) *Insulation.* The exhaust system on a gasoline powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from the tank or tank connections.

(f) *Muffler.* The muffler shall be constructed of corrosion resistant material.

(g) *Discharge lines and outlets.* The discharge lines and outlets on school buses equipped with compressed or liquified gas fuel systems shall be installed in accordance with Chapter 175 (relating to vehicle equipment and inspection).

(h) *Exhaust system hangers.* Exhaust systems may be equipped with hangers that permit required movement due to expansion and contraction caused by heat of the exhaust and relative motion between the engine and chassis of a vehicle.

(i) *Exhaust system and discharge location.* Exhaust systems are not permitted to discharge to the atmosphere at a location immediately below the fuel tank or the fuel tank filler pipe. Exhaust systems shall also extend and discharge completely to the outside edge of the vehicle body.

**Subchapter C. SCHOOL BUS BODY STANDARDS**

**§ 171.47. Color.**

The requirements for the color of school bus bodies are as follows:

(1) The school bus body shall be painted a uniform National School Bus Yellow. See Appendix B.

(2) The roof of the school bus may be painted white.

(3) The body exterior trim may be painted black. The bumper and exterior mirrors shall be painted black.

(4) If a school bus is equipped with reflective material, other than that required under §§ 171.50 and 171.59 (relating to doors and emergency exits; and lamps and signals), the reflective material shall be of automotive engineering grade or better. If additional reflective materials and markings are used, they may be applied as follows:

\* \* \* \* \*

**§ 171.50. Doors and emergency exits.**

(a) *Service doors.* The requirements for service doors are as follows:

(1) The service door shall be under the control of the driver, and designed so as to afford easy release and prevent accidental opening. When a hand lever is used, no part may come together so as to shear or crush fingers.

(2) The service door shall be located on the right side of the school bus opposite the driver and within direct view of the driver.

(3) The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. Type A school bus service doors shall have a minimum opening area of 1,200 square inches.

(4) The service door shall be of the split type, sedan type or jackknife type. Split-type door includes a sectioned door which divides and opens inward or outward. If one section of a split type door opens inward and the other opens outward, the front section shall open outward.

(5) Lower as well as upper windows shall have approved safety glazing. The bottom of the lower window may not be more than 35 inches from the ground when the bus is unloaded. The top of the upper window may not be more than 6 inches from the top of the door. Type A school buses shall have an upper window with an area of at least 350 square inches of approved safety glazing.

(6) Vertical closing edges on split type or folding type entrance doors shall be equipped with flexible material to protect the passengers' fingers. Type A school buses may be equipped with the chassis manufacturer's standard entrance door.

(7) There may be no door to the left of the driver on Type C or D school buses. Type A and B school buses may be equipped with the chassis manufacturer's standard entrance door.

(8) Doors shall be equipped with padding at the top edge of each door opening. The padding shall be at least 3 inches wide and 1 inch thick and extend the full width of the door opening.

(b) *Emergency exits.* Each school bus shall comply with FMVSS No. 217. See Appendix A. The area of square centimeters of the unobstructed opening for emergency exits shall collectively amount to at least 432 times the

number of designated seating positions in the bus. The area of an opening equipped with a wheel chair lift is counted toward meeting additional emergency area requirements only if the lift is designed to be folded or stored so that the area is available for use by persons not needing the lift.

(1) The requirements for emergency exit doors are as follows:

\* \* \* \* \*

(xii) Supplemental security locks installed on emergency doors shall be equipped with an ignition interlock system or an audiovisual alarm located in the driver's compartment.

\* \* \* \* \*

**§ 171.52. First aid.**

(a) *First aid kit.* Every school bus shall have a removable moisture and dustproof first aid kit, mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) Two 1 inch × 2 1/2 yards rolls of nonlatex adhesive tape.
- (2) Twenty-four sterile gauze pads, 3 inches × 3 inches
- (3) One hundred 3/4 inch × 3 inches adhesive bandages.
- (4) Eight 2 inch bandage compresses.
- (5) Ten 3 inch bandage compresses.
- (6) Two 2 inches × 6 yards sterile gauze roller bandages.
- (7) Two nonsterile triangular bandages approximately 40 inches × 36 inches × 54 inches with 2 safety pins.
- (8) Three sterile gauze pads, 36 inches × 36 inches.
- (9) Three sterile eye pads.
- (10) One pair rounded end scissors.

(c) *Body fluid clean-up kit.* Every school bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

(d) *Surgical gloves and mouth barriers.* Either the first aid kit or the body fluid cleanup kit shall contain:

- (1) One pair of nonlatex surgical gloves.
- (2) One mouth barrier.

**§ 171.55. Identification.**

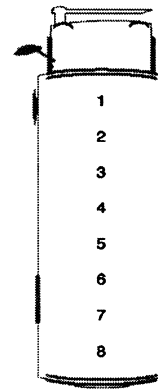
(a) *Required.* Every school bus body shall bear the words "SCHOOL BUS" in black letters at least 8 inches high on both the front and the rear of the body, or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to "Series B" of Standard Alphabets for Highway Signs.

(b) *Identification number.* Every school bus shall display an identification number consisting of no more than 4 black numbers, letters or a combination of numbers and letters. The numbers or letters shall be a minimum 5 inches in height and shall be displayed in a prominent location on the front, rear and on both sides of the bus. On a school bus with a rounded front, the identification number displayed on the front of the bus may be

displayed on the black front bumper in yellow numbers, letters, or a combination of numbers and letters, in lieu of black numbers, letters, or a combination of numbers and letters on the front of the yellow bus body.

(c) *Additional markings.* School buses shall have the name of the school district, private or parochial school, or school bus contractor clearly visible, lettered on each side of the school bus body in the upper body belt band area as close as practical to the bottom ledge of the bottom window sash in letters of not less than 4 inches, and not more than 8 inches in height. Lettering shall be in black or National School Bus Yellow, depending on the contrasting background color. See Appendix B. Other signs or lettering are not permitted, except the bus contractor may have his name or the name of the company in letters no larger than 3 inches in height, or the dealer identification insignia may be displayed in an area not to exceed 6 inches in height by 12 inches in width to the rear of the front entrance at the lowest possible point. Pennsylvania Public Utility Commission and Interstate Commerce Commission certification numbers, and any other required commercial vehicle markings may be displayed.

(d) *Roof-top identification.* School buses may display the first eight digits of the title number on the roof in numbers of at least 12.75 inches and not more than 15 inches in height. Lettering shall be in black reflective material and placed in a longitudinal column with the first digit beginning at the front and the last digit ending towards the rear of the school bus as illustrated as follows:



**§ 171.59. Lamps and signals.**

\* \* \* \* \*

(b) *Flashing signal lamps and stop signal arm devices.* The requirements for flashing signal lamps and stop signal arm devices are as follows:

\* \* \* \* \*

(2) *Stop signal arm devices.* Stop signal arm devices on school buses shall comply with FMVSS No. 131—See Appendix A—and the following requirements:

\* \* \* \* \*

(x) The stop signal arm shall be automatically extended so that it complies with subparagraph (viii), at a minimum, whenever the red signal lamps required by FMVSS No. 108, S 5.1.4—See Appendix A—are activated; except that a device may be installed that prevents the automatic extension of a stop signal arm. The mechanism for activating the device shall be within the reach of the driver. While the device preventing automatic extension is

activated, a continuous or intermittent signal audible to the driver shall sound. The audible signal may be equipped with a timing device but shall require the signal to sound for at least 60 seconds. If a timing device is used, it shall automatically recycle each time the service entry door is opened while the engine is running and the manual override is engaged.

\* \* \* \* \*

#### § 171.74a. Crossing control arm.

School buses shall be equipped with a crossing control arm which shall be automatically activated whenever the bus is stopped with the red visual signals in use.

(1) The crossing control arm shall meet or exceed SAE Standard J1133.

(2) The crossing control arm shall be mounted on the right side of the front bumper and shall not open more than 90°.

(3) The crossing control arm shall extend approximately 72 inches from the front bumper when in the extended position or otherwise be of sufficient length that, when extended, the end will be in view of the seated driver.

(4) The crossing control arm shall extend simultaneously with the stop arm by means of the stop arm controls.

(5) The crossing control arm shall incorporate system connectors (electrical, vacuum, or air) at the gate and shall be easily removable to allow for towing of the school bus.

(6) All components of the crossing control arm and all connections shall be waterproofed.

(7) If the crossing control arm is not constructed of noncorrosive or nonferrous material, it shall be zinc-coated or aluminum-coated or treated by equivalent process.

(8) There must not be sharp edges or projections on the crossing control arm that could cause hazard or injury to students.

#### Subchapter D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS

##### § 171.104. Special service entrance doors.

The requirements for special service entrance doors are as follows:

(1) Either a single door or double doors may be used for the special service entrance.

(2) Doors shall open outwardly.

(3) Doors shall have positive fastening devices to hold the doors in the open position.

(4) Doors shall be weather sealed. Double doors shall be so constructed that a flange on the outside of the forward door overlaps the edge of the rear door when closed.

(5) If optional power doors are installed, the design shall permit release of the doors for opening and closing from the platform inside the school bus.

(6) If manually operated dual doors are provided, the rear door shall have at least a one point fastening device to the header.

(i) The forward mounted door shall have at least three fastening devices—one to the header, one to the floor line of the body and the other into the rear door.

(ii) These locking devices shall afford maximum safety when the doors are in the closed position.

(iii) The door and hinge mechanism shall be of sufficient strength to provide for the same type of use as a standard entrance door.

(7) Door materials, panels and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.

(8) Each door shall have windows set in rubber compatible within 1 inch of the lower line of the adjacent sash.

(9) Doors shall be equipped with a device that will actuate an audible or visible signal located in the driver's compartment when the doors are not securely closed and the ignition is in the "on" position.

(10) The lifting mechanism switch shall be wired so as to prevent the lifting mechanism from operating when the lift platform door is closed.

(11) Supplemental security locks installed on special service entrance doors shall be equipped with an ignition interlock system or an audiovisual alarm located in the driver's compartment.

#### Subchapter E. SCHOOL VEHICLE STANDARDS

##### § 171.123. First aid.

(a) *Required.* Every vehicle shall have a removable moisture and dustproof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and securely placed or mounted in an easily accessible location.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

(1) One 1 inch × 2 1/2 yards rolls of nonlatex adhesive tape.

(2) One package sterile gauze pads, 3 inches × 3 inches.

(3) One package 3/4 inch × 3 inches adhesive bandages.

(4) One package 2 inch bandage compresses.

(5) One package 3 inch bandage compresses.

(6) One 2 inch × 6 yards sterile gauze roller bandage.

(7) One nonsterile triangular bandage approximately 40 inches × 36 inches × 54 inches with two safety pins.

(8) One package sterile gauze pads, 36 inches x 36 inches (U.S.P. 2423 count).

(9) One sterile eye pad.

(10) One pair rounded end scissors.

(c) *Body fluid clean-up kit.* Every vehicle shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

(d) *Surgical gloves and mouth barriers.* Either the first aid kit or the body fluid cleanup kit shall contain:

(1) One pair of nonlatex surgical gloves.

(2) One mouth barrier.

**Subchapter F. MASS TRANSIT PUPIL  
TRANSPORTATION BUS STANDARDS**

**§ 171.133. First aid.**

(a) *First aid kit.* Every mass transit pupil transportation bus shall have a removable moisture and dust proof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) Two 1 inch × 2 1/2 yards rolls of nonlatex adhesive tape.
- (2) Twenty-four sterile gauze pads, 3 inches × 3 inches.
- (3) One hundred 3/4 inch × 3 inches adhesive bandages.
- (4) Eight 2 inch bandage compresses.
- (5) Ten 3 inch bandage compresses.
- (6) Two 2 inches × 6 yards sterile gauze roller bandages.
- (7) Two nonsterile triangular bandages approximately 40 inches × 36 inches × 54 inches with 2 safety pins.
- (8) Three sterile gauze pads, 36 inches × 36 inches.
- (9) Three sterile eye pads.
- (10) One pair rounded end scissors.

(c) *Body fluid clean-up kit.* Every mass transit pupil transportation bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

(d) *Surgical gloves and mouth barriers.* Either the first aid kit or the body fluid cleanup kit shall contain:

- (1) One pair of nonlatex surgical gloves.
- (2) One mouth barrier.

[Pa.B. Doc. No. 03-2264. Filed for public inspection November 26, 2003. 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION  
[67 PA. CODE CH. 175]  
Vehicle Equipment and Inspection**

The Department of Transportation (Department), Bureau of Motor Vehicles, under 75 Pa.C.S. §§ 4103, 4107, 4702 and 6103, amends Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

*Purpose of the Chapter*

The purpose of Chapter 175 is to implement 75 Pa.C.S. Part IV (relating to vehicle characteristics), which establishes minimum standards for vehicle equipment and performance and makes unlawful the sale and use of items which do not comply with these standards.

*Purpose of the Final-Form Rulemaking*

The purpose of the final-form rulemaking is to ensure that all vehicles registered in this Commonwealth are equipped with appropriate exhaust emission control systems as required by State and Federal law. Section 4702

of 75 Pa.C.S. (relating to unlawful activities) makes it unlawful for persons to willfully and intentionally remove or render inoperative any item of vehicle equipment which was required to be installed at the time of the vehicle's manufacture. See 75 Pa.C.S. § 4107(b). The Clean Air Act (act) (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Parts 51 and 85 (relating to regulations for preparation, adoption and submittal of implementation plans; and control of air pollution from mobile sources), require vehicle manufacturers to install the emission control equipment, which is the subject of this final-form rulemaking. As applied in this Commonwealth, other provisions of the act provide for the testing of the required vehicle emissions equipment in 25 counties in this Commonwealth. However, there is currently no provision in Department regulations requiring inspection for even the presence of the required equipment in the remaining 42 counties in this Commonwealth under which to ensure that vehicle owners are in compliance with 75 Pa.C.S. § 4107(b) and that the equipment has not been removed or rendered inoperative. The final-form rulemaking provides for an inclusion in the safety inspection regimen of a visual inspection for the presence of the required equipment in vehicles registered in the counties not subject to emissions testing.

The final-form rulemaking also eliminates the requirement that inspection stations forward original official inspection report sheets to the Department and retain duplicate copies in station files. The final-form rulemaking requires only retention of the original official inspection report sheets in the station files.

*Summary of Comments and Changes*

Comments were received from the Independent Regulatory Review Commission (IRRC), the House and Senate Transportation Committees, the Specialty Equipment Market Association and members of the public. Concern was raised that while some classes of vehicles are exempt from inspection of the vehicle's emission control components in the counties in this Commonwealth in which an inspection/maintenance program is conducted under Chapter 177 (relating to emission inspection program), the proposed rulemaking did not exempt any of the classes of vehicles subject to safety inspection from the inspection of the vehicle's emission control components under the amendments to § 175.80 (relating to inspection procedure). In response, the Department has included an exemption for classic and collectible vehicles in the final-form rulemaking. Concern was also raised that the rulemaking required that the emission equipment on the vehicle be original parts. The rulemaking as drafted, however, provides that emission control components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards. Finally, IRRC noted that the amendments to § 175.80 provide that the components "appear to be" the correct components for the vehicle configuration, while the standard in Chapter 177 requires that the component "is" the correct component for the vehicle configuration. The apparent inconsistency between the regulations has been corrected in this final-form rulemaking.

More complete discussion of the comments and the Department's response is contained in the "Comments to Proposed Regulation and Responses" document which can be obtained from the Department.

*Statutory Authority*

Chapter 175 is amended under the authority in 75 Pa.C.S. §§ 4103, 4107, 4702 and 6103.

*Persons and Entities Affected*

The amendment to § 175.80 will affect the owners of vehicles registered in the counties in this Commonwealth where there is not an emission inspection program. The amendment will also affect certified safety inspection stations in those counties. Some inspection stations in counties having a current emission inspection program may also be affected to the extent that vehicles registered in neighboring counties where there is not an emission inspection program may seek to have a safety inspection performed at that station.

The amendment to § 175.42 (relating to recording inspection) will provide paperwork relief to all safety inspection stations.

*Fiscal Impact*

The final-form rulemaking may result in additional cost to consumers with vehicles registered in counties where there is not an emission inspection program if a vehicle fails to pass the safety inspection because of these new components of the inspection. Additional market-driven marginal increases in the cost of inspection could also result because of the addition of the new visual inspection procedures. The amendment to § 175.42 will marginally reduce the cost for inspection stations in eliminating postage and duplicating costs associated with sending the original inspection report sheets to the Department and retaining duplicate copies. The fiscal impact of the final-form rulemaking cannot, however, be measured with any precision.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 12, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4175 (August 23, 2003), to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 19, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2003, and approved the final-form rulemaking.

*Sunset Provisions*

The Department is not establishing a sunset date for this final-form rulemaking since the amendments are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor the regulations for their effectiveness.

*Contact Person*

The contact person for technical questions concerning the final-form rulemaking is Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, krsinger@state.pa.us.

*Order*

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 175, are amended by amending § 175.42 to read as set forth at 33 Pa.B. 4175 and by amending § 175.80 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Secretary of the Department shall submit this order, 33 Pa.B. 4175 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order, 33 Pa.B. 4175 and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ALLEN D. BIEHLER, P. E.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5885 (November 29, 2003).)*

**Fiscal Note:** Fiscal Note 18-385 remains valid for the final adoption of the subject regulation.

**Annex A****TITLE 67. TRANSPORTATION****PART I. DEPARTMENT OF TRANSPORTATION****Subpart A. VEHICLE CODE PROVISIONS****ARTICLE VII. VEHICLE CHARACTERISTICS****CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION****Subchapter E. PASSENGER CARS AND LIGHT TRUCKS****§ 175.80. Inspection procedure.**

\* \* \* \* \*

(d) *Visual inspection of emission control system.* Vehicles registered in counties where there is not an emission inspection program under Chapter 177 (relating to emission inspection program), shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards. In addition to the exceptions under § 175.4 (relating to vehicles required to be inspected), this subsection does not apply to vehicles registered as collectible or classic motor vehicles as defined in 75 Pa.C.S. § 102 (relating to definitions).

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(ii) Exhaust gas recirculation (EGR) valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.



(iii) Positive crankcase ventilation (PCV) valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(iv) Fuel inlet restrictor has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(v) Air pump has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(vi) Evaporative control system components have been removed, disconnected or are the wrong type for the certified vehicle configuration.

(e) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

(i) A tire has two adjacent treads with less than 2/32-inch tread remaining at any point—less than 4/32-inch tread on the front tires of the vehicles having a gross weight in excess of 10,000 pounds.

(ii) A tire is worn so that the tread wear indicators contact the road in any two adjacent grooves.

(iii) A part of ply or cord is exposed.

(iv) A tire has been repaired with a blow-out patch or boot.

(v) There is a bump, bulge or separation.

(vi) A tire is marked “not for highway use,” “for racing purposes only” or “unsafe for highway use,” or has a similar designation.

(vii) There are other conditions or markings reasonably believed to render the tire unsafe for highway use.

(viii) A tire has been regrooved or recut below the original tread design depth except special taxicab tires which are identified as having extra undertread rubber.

(ix) A tire's tread extends beyond the outer edge of the wheel housing inclusive of fender flares.

(x) The tires used on the same axle are not the same size or type of construction—bias, belted, radial or snow.

(xi) The wheel nuts or bolts are missing, loose or have improper thread engagement.

(xii) The stud or bolt holes are worn out of round.

(xiii) Part of the wheel is bent, cracked, welded or damaged so as to affect safe operation of vehicle.

(xiv) The rear wheel does not track front wheel in straight ahead position as originally designed.

(xv) The wheel base on one side differs from the wheel base on the other side by more than 1 inch, unless the vehicle's design specifications indicate different left and right wheel base dimensions.

(xvi) Studded tires are in use after April 15 and before November 1.

(xvii) Retreads are on the front axle of a taxi.

(xviii) The diameter of duals is not within 3/8-inch of each other.

(xix) An axle has missing tires or rims.

(xx) A tire makes contact with the body or chassis.

(xxi) Spacers over 1/4 inch in thickness are used to increase wheel track.

(2) Inspect the steering system and reject if one or more of the following apply:

(i) Steering gear box is loose on frame.

(ii) Measured movement at the front or rear of a tire is greater than 1/4-inch. Eliminate all wheel bearing movement by applying the service brake; then, with the vehicle raised and wheels in the straight ahead position, grasp the front and rear of the tire and attempt to move the assembly right and left without moving the steering gear. Measure the movement.

(iii) The linkage components are not secured with cotter pins or other suitable devices.

(iv) The steering stops allow the tire to rub on the frame or chassis parts.

(v) The front wheels are incapable of being turned to the right and left steering stops without binding or interference.

(3) Inspect the suspension system and reject if one or more of the following apply:

(i) The ball joint movement is in excess of the manufacturer's specifications.

(ii) The shock absorbers are missing.

(iii) The shock absorbers mounting bolts or mounts are broken.

(iv) The shock absorbers have severe leakage—not slight dampness.

(v) The sway or stabilizer bar is missing or broken.

(vi) The coil spring or main leaf spring is broken if originally equipped.

(vii) The spring attaching part is loose, badly worn, broken or missing.

(viii) Spring shackle kits or blocks are used to lower the suspension of the front of the vehicle.

(ix) Spring shackle kits are more than 2 inches over original equipment.

(x) Blocks are used on front axle to raise the vehicle.

(xi) Blocks used on rear axle exceed 5 inches over original equipment.

(4) Inspect the floor and reject if any of the following apply:

(i) The floor bed or inner panels have openings which would allow exhaust gases to enter either the occupant compartment or trunk.

(ii) The floor bed is not sufficient to hold the weight of the driver, passengers and cargo.

(5) Inspect the vehicle frame and reject if one or more of the following apply:

(i) The vehicle frame is not in solid condition.

(ii) The repairs are made with tape, tar paper or cloth, or are made in another temporary manner.

(iii) The frame components are missing, cracked, rotted or broken or are in deteriorated or dangerous condition.

(iv) Body mounts do not hold as required.

(v) A body mount is broken, cracked, deteriorated or missing.

(vi) The difference in the body floor and the top of the frame rail exceeds 4 inches.

(6) Inspect exhaust system and reject if one or more of the following apply:

(i) The vehicle has no muffler or muffler has external repair.

(ii) There are loose or leaking joints.

(iii) There are holes, cracks or leaking seams in exhaust system.

(iv) There is a muffler cutout or similar device.

(v) Part of the exhaust system passes through the occupant compartment.

(vi) The elements are not securely fastened with proper clamps and hangers.

(vii) The exposed exhaust system does not have adequate heat shield or protective system.

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed.

(7) Inspect the braking system. Remove at least one front and one opposite rear wheel and reject if one or more of the following apply:

(i) The hydraulic hoses or tubing leaks; is flattened, restricted, insecurely fastened or improperly retained; or has exposed cords.

(ii) The wheel cylinder leaks, has missing parts, is improperly retained or is not functioning.

(iii) The caliper leaks, has missing parts, is improperly retained or is not functioning.

(iv) The lining is broken; not firmly attached to shoe; or contaminated with oil, grease or another substance that would affect proper brake operation.

(v) There is mechanical damage other than wear.

(vi) The inside diameter of the drum is greater than maximum diameter stamped on drum or greater than .090 inch over original drum diameter for unmarked drums.

(vii) The disc thickness is less than minimum stamped on assembly or less than manufacturer's specifications.

(viii) The bonded linings are less than 2/32 inch at the thinnest point.

(ix) The riveted linings are less than 1/32 inch above rivet head at thinnest point.

(x) The drums or rotors are scored deeper than .015 inch.

(8) Inspect the fuel system and reject if any of the following apply:

(i) There is fuel leakage.

(ii) Part of the system is not securely fastened.

(iii) The system is not properly routed.

(f) *Road test.* Perform road test and reject if one or more of the following apply:

(1) The parking brake fails to exhibit normal resistance when an attempt is made to move the vehicle both forward and backward from a stopped position.

(2) The automatic transmission will not hold in the park position.

(3) The vehicle is not capable of stopping within the maximum stopping distance prescribed in Table I (relating to brake performance) or swerves so that any part leaves the 12-foot lane.

(4) There is a malfunction of the braking or steering mechanism, particular shimmy, wander, pull or another questionable operating behavior that affects safe operation of the vehicle.

(5) The speedometer does not operate.

(6) The odometer does not operate, except on a motor vehicle at least 25 years old.

(7) The vehicle cannot be driven both forward and backward.

[Pa.B. Doc. No. 03-2265. Filed for public inspection November 26, 2003, 9:00 a.m.]