

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 171a]

School Bus Side Stop Signal Arm Enforcement Systems; Temporary Regulations

The Department of Transportation (Department) under authority of 75 Pa.C.S. §§ 3345-3345.1 (relating to meeting or overtaking school bus; and enforcement of failure to stop for school bus with flashing red lights) promulgates 67 Pa. Code Chapter 171a (relating to school bus side stop signal arm enforcement systems—temporary regulations) as temporary regulations pertaining to the certification and use of school bus side stop signal arm enforcement systems (systems) to read as set forth in Annex A.

Purpose

The purpose of Chapter 171a (relating to school bus side stop signal arm enforcement systems) is to set forth temporary regulations governing the certification and use of systems. Section 1(j) of 75 Pa.C.S. § 3345.1(j) grants authority to the Department to promulgate temporary regulations to carry out the purpose of this chapter.

Significant Provisions of this Temporary Rulemaking

Significant provisions of Chapter 171a include:

Sections 171a.1 and 171a.2 (relating to purpose; and definitions) set forth the purpose of the chapter and definitions, respectively. The definitions applicable to the temporary rulemaking are consistent with the definitions set forth in 75 Pa.C.S. § 3345.1(m), except where there is a need to define a term not defined by statute or where the context necessitates a different meaning.

Section 171a.3 (relating to system certification) establishes the minimum system requirements, the processes for approval of systems including systems already in use, the location of where approved systems will be posted on the Department's web site and the processes for decertification of systems. Notably, minimum system requirements delineate several technical requirements that systems must possess to comply with the limitations and plain meaning of the act.

Section 171a.4 (relating to system use) sets forth criteria for system use, including required certification, installation, testing, operation and repair of systems, records of inspection and compliance, required documentation and the use and destruction of recorded images produced by the systems (Recorded Images).

Persons and Entities Affected

These temporary regulations will affect school districts and school-related entities throughout this Commonwealth that seek to certify and use systems. Such school districts and school-related entities, including companies that provide pupil transportation under contract with school-related entities (collectively, school entities) will be required to operate systems under 75 Pa.C.S. § 3345.1 and be required to dispose of Recorded Images. Moreover, the motoring public and pupils will benefit from systems installed in furtherance of enforcing 75 Pa.C.S. (relating to Vehicle Code) to ensure the safety of motorists and pedestrians.

Fiscal Impact

School entities are not required to install systems but for those that elect to do so, system costs differ significantly between multiple device systems with interconnectivity and individual system units. In reviewing available public data and speaking with school entities, costs on average are between \$1,000 to \$2,000 per school entity vehicle, and can be significantly more or less based on selected features.

No budgetary impacts to the Department are anticipated, as existing staff and resources will support the initial implementation of the act.

Future implementation of the grant program authorized by the act and final-form regulations governing the certification and use of systems will be addressed in a forthcoming rulemaking.

Regulatory Review

Under 75 Pa.C.S. § 3345.1(j)(3), the Department is authorized to promulgate temporary regulations to facilitate the prompt implementation of the act. These temporary regulations adopted by the Secretary are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

It is hereby ordered that these temporary regulations shall be effective upon publication in the *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Sunset Provisions

Under 75 Pa.C.S. § 3345.1(j)(3), these temporary regulations expire upon promulgation of a final-form regulation, or no later than 3 years from October 24, 2018.

Contact Person

The contact person for these temporary regulations is Daniel P. Farley, PE, Section Chief, Bureau of Maintenance and Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-0333.

LESLIE S. RICHARDS,
Secretary

Fiscal Note: 18-480. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 171a. SCHOOL BUS SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS—TEMPORARY REGULATIONS

Sec.	
171a.1.	Purpose.
171a.2.	Definitions.
171a.3.	System certification.
171a.4.	System use.

§ 171a.1. Purpose.

This chapter sets forth temporary regulations for the certification and use of school bus side stop signal arm enforcement systems.

§ 171a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Manufacturer—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m) (relating to enforcement of failure to stop for school bus with flashing red lights).

Pupil transportation—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Recorded image(s)—A static or full motion photographic or digital image recorded by a system that depicts the front or the rear of a motor vehicle.

School entity—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

School bus—This term shall have the same meaning given that term in 75 Pa.C.S. § 102 (relating to definitions), as amended.

Side stop signal arm enforcement system—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Side stop signal arms—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m) and § 4552(b.1) (relating to general requirements for school buses).

System—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Vendor—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

§ 171a.3. System certification.

(a) *Minimum Requirements.* A system must:

(1) Include hardware with two or more camera sensors and computers capable of producing accurate Recorded Images.

(2) While flashing red lights are activated on a school bus, be capable of capturing Recorded Images of any motor vehicle operated in violation of 75 Pa.C.S. § 3345(a) (relating to meeting or overtaking school bus), with at least one Recorded Image depicting the license plate number and state of issuance of the motor vehicle.

(3) Automatically activate when the school bus driver or operator engages the stop signal arm and red signal lights for a school bus stop.

(4) Produce a Recorded Image displaying or be capable of confirming the date, time and place of an alleged violation of 75 Pa.C.S. § 3345(a).

(5) Include the capability to prohibit automated or user-controlled remote surveillance by means of recorded video.

(6) Include vandal-resistant housing covers for exterior cameras.

(7) Include hardware storage or cloud-based storage capable of storing Recorded Images and be capable, internally or in conjunction with removable media, of retaining Recorded Images of an alleged violation of 75 Pa.C.S. § 3345(a).

(8) Be capable of producing all Recorded Images to the school entity or a contracted company that provides pupil transportation no later than 24 hours after an alleged violation of 75 Pa.C.S. § 3345(a).

(b) *Approval of Systems.* A Manufacturer or Vendor seeking certification of a system must submit a request for certification to the Department of Transportation (Department) on its letterhead confirming the make and model of the system and how the system meets the minimum requirements of subsection (a). The Department shall review and approve applications for certification in writing, which shall be effective upon issuance to the Manufacturer or Vendor and publication on the Department's web site, available at <https://www.penndot.gov/TravelInPA/Safety/TrafficSafetyAndDriverTopics/Pages/School-Bus-Safety.aspx>.

(c) *Approved Systems.* A list of systems approved under § 171a.3(b) shall be published on the Department's web site, available at <https://www.penndot.gov/TravelInPA/Safety/TrafficSafetyAndDriverTopics/Pages/School-Bus-Safety.aspx>. A school entity or a contracted company that provides pupil transportation may utilize any approved system.

(d) *Approval of Systems Already in Use.* All requests for certification of systems installed prior to April 24, 2019, must be submitted to the Department within 6 months of the effective date of these temporary regulations.

(e) *Decertification of System.* If the Department determines a system approved under subsection (b) no longer meets the minimum requirements of subsection (a) or for other good cause shown, the Department may rescind certification of the system, providing notice of decertification in writing, which shall be effective upon issuance to Manufacturer or Vendor.

§ 171a.4. System use.

(a) *Certification Required.* A school entity or a contracted company that provides pupil transportation must only use a system certified by the Department of Transportation.

(b) *Installation, Testing, Operation and Repair.* A system must be installed, tested, operated and repaired in accordance with the Vendor's or Manufacturer's specifications.

(c) *Record of Inspection and Compliance.* A school entity or a contracted company that provides pupil transportation must routinely, and no less than semi-annually, inspect its system to ensure the system is operating in accordance with Vendor or Manufacturer specifications. The school entity or contracted company that provides pupil transportation must make a written record of each inspection and log any remedial measures taken for the system to comply with the Vendor's or Manufacturer's specifications.

(d) *Required Documentation.* A school entity or a contracted company that provides pupil transportation must retain its records of inspection and compliance with the Vendor's or Manufacturer's specifications for a period of no less than 1 year from final disposition of an alleged violation of 75 Pa.C.S. § 3345(a) (relating to meeting or overtaking school bus). Records of inspection and compliance shall constitute written documentation that the system is operating correctly as required by 75 Pa.C.S. § 3345.1(d) (relating to enforcement of failure to stop for school bus with flashing red lights).

(e) *Use of Recorded Images.* A school entity or a contracted company that provides pupil transportation must ensure that Recorded Images of alleged violations of 75 Pa.C.S. § 3345(a) are only used per the limitations of 75 Pa.C.S. § 3345.1(e)(1), except that a school entity or a contracted company that provides pupil transportation may disclose the Recorded Images when required to comply with a court order issued under 75 Pa.C.S. § 3345.1(e)(1)(iii).

(f) *Destruction of Recorded Images.* A school entity or a contracted company that provides pupil transportation must destroy Recorded Images of an alleged violation of

75 Pa.C.S. § 3345(a) within 1 year of final disposition of the recorded event. Final disposition shall mean:

(1) When the Recorded Images are not included on a certificate under 75 Pa.C.S. § 3345.1(d), the date of the alleged violation of 75 Pa.C.S. § 3345(a); or

(2) When the Recorded Images are included on a certificate under 75 Pa.C.S. § 3345.1(d), 3 years after the alleged violation of 75 Pa.C.S. § 3345(a).

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