

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CHS. 171a AND 171b]

School Bus Side Stop Signal Arm Enforcement Systems; Temporary Regulations

The Department of Transportation (Department) under the authority of 75 Pa.C.S. §§ 3345 and 3345.1 (relating to meeting or overtaking school bus; and automated enforcement of failure to stop for school bus with flashing red lights), promulgates 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.

Rescission of Chapter 171a

The Department rescinds the temporary regulations in Chapter 171a.

Adoption of Chapter 171b

The Department adopts temporary regulations in Chapter 171b (relating to school bus side stop signal arm enforcement systems—temporary regulations).

Purpose

This temporary rulemaking sets forth temporary regulations governing the certification and use of systems. A related, previous temporary regulation, Chapter 171a, was published at 49 Pa.B. 2001 (April 27, 2019). Chapter 171b is substantially similar to Chapter 171a; however, it includes changes commensurate with the act of October 23, 2023 (P.L. 134, No. 19) (act). Section 3345.1(j) of 75 Pa.C.S. grants authority to the Department to promulgate temporary regulations to carry out the purpose of this section.

Significant Provisions

Significant provisions of Chapter 171b include:

Sections 171b.1 and 171b.2 (relating to purpose; and definitions) set forth the purpose of the chapter and definitions, respectively. The definitions applicable to this 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 171b.3 (relating to system certification) establishes the minimum system requirements, the processes for approval of systems including systems already in use, the location 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 171b.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 use and destruction of recorded images produced by the systems (recorded images).

Persons and Entities Affected

This temporary rulemaking will affect school districts and school-related entities (school entities) throughout this Commonwealth that seek to certify and use systems.

School entities, including system administrators acting on a school entity's behalf and companies that provide pupil transportation under contract with school-related entities, will be required to operate systems under 75 Pa.C.S. § 3345.1 and 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 vehicles) to ensure the safety of motorists and pedestrians.

Fiscal Impact

School entities are not required to install systems, but for school entities 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 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 of Transportation are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) (RRA) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)) (CAA).

Effective Date

The rescission of the temporary regulations published in Chapter 171a shall be effective upon publication in the *Pennsylvania Bulletin*.

The temporary regulations in Chapter 171b 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.

Contact Person

The contact person for this temporary rulemaking is Jason C. Bewley, PE, Bureau of Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-3981.

Findings

The Department finds that:

(1) Under 75 Pa.C.S. § 3345.1(j)(3), the temporary regulations are exempt from the requirements of the RRA, sections 201—205 of the CDL and section 204(b) of the CAA.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 75 Pa.C.S.

Order

The Department, acting under 75 Pa.C.S., orders that:

(1) The regulations of the Department, 67 Pa. Code Chapters 171a and 171b, are amended by deleting § 171a.1—171a.4 and adding §§ 171b.1—171b.4 to read as set forth in Annex A.

(2) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin*.

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

MICHAEL CARROLL,
Secretary

Fiscal Note: 18-485. No fiscal impact; recommends adoption. School entities electing to participate in the program would see costs of \$1,000 to \$2,000 per vehicle.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 171a. [Reserved]

§§ 171a.1—171a.4. [Reserved].

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

Sec.

171b.1.	Purpose.
171b.2.	Definitions.
171b.3.	System certification.
171b.4.	System use.

§ 171b.1. Purpose.

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

§ 171b.2. Definitions.

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

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

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

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

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).

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

§ 171b.3. System certification.

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

(1) Be installed on the school bus and include hardware, with at least one camera and one computer 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. § 3345.1(a) (relating to automated enforcement of failure to stop for school bus with flashing red lights), 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. § 3345.1(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. § 3345.1(a).

(8) Be capable of producing all recorded images to the school entity, a system administrator acting on the school entity's behalf or a contracted company that provides pupil transportation no later than 24 hours after an alleged violation of 75 Pa.C.S. § 3345.1(a).

(b) *Approval of systems.* A manufacturer or vendor seeking certification of a system must submit a request for certification to the 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 at <https://www.penndot.pa.gov/TravelInPA/Safety/TrafficSafetyAndDriverTopics/pages/school-bus-safety.aspx>.

(c) *Approved systems.* A list of systems approved under subsection (b) shall be published on the Department's web site at the link listed in subsection (b). A school entity, a system administrator acting on the school entity's behalf or a contracted company that provides pupil transportation may utilize an approved system.

(d) *Approval of systems already in use.* Requests for certification of systems installed prior to the effective date of these temporary regulations 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 the manufacturer or vendor.

§ 171b.4. System use.

(a) *Certification required.* A school entity, a system administrator acting on the school entity's behalf or a contracted company that provides pupil transportation must only use a system certified by the Department.

(b) *Installation, testing, operation and repair.* A system must be installed, tested, operated and repaired in accordance with the manufacturer's or vendor's specifications.

(c) *Record of inspection and compliance.* A school entity, a system administrator acting on the school entity's behalf 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 manufacturer or vendor specifications. The school entity, system administrator acting on the school entity's behalf 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 manufacturer's or vendor's specifications.

(d) *Required documentation.* A school entity, a system administrator acting on the school entity's behalf or a

contracted company that provides pupil transportation must retain its records of inspection and compliance with the manufacturer's or vendor's specifications for a period of no less than 1 year from final disposition of an alleged violation of 75 Pa.C.S. § 3345.1(a). 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).

(e) *Use of recorded images.* A school entity, a system administrator acting on the school entity's behalf or a contracted company that provides pupil transportation must ensure that recorded images of alleged violations of 75 Pa.C.S. § 3345.1(a) are only used per the limitations of 75 Pa.C.S. § 3345.1(e)(1), except that a school entity, a system administrator acting on the school entity's behalf 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, a system administrator acting on the school entity's behalf or a contracted company that provides pupil transportation must destroy recorded images of an alleged violation of 75 Pa.C.S. § 3345.1(a) within 1 year of final disposition of the recorded event. Final disposition shall mean the following:

(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. § 3345.1(a).

(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. § 3345.1(a).

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