

MEETING WITH REPRESENTATIVE DENNIS LABOUNTY MEETING NOTES

PRESENT: Representative Dennis LaBounty
Commissioner Wanda Minoli
Deputy Commissioner Michael Smith
Education Unit Supervisor Patrick McManamon

DATE: Thursday February 09, 2023, 12:00 am to 1:00 pm

On February 09, 2023 a meeting was held between Representative LaBounty and several members of the Vermont Department of Motor Vehicles. The purpose of the meeting was to discuss H.108, a bill which would require the Commissioner of Motor Vehicles to update the School Bus Driver's Manual, update tests to limit them to only school bus related knowledge, and provide suitable training sites for new drivers to practice skills. Each section of the bill was discussed and the following is a brief overview of the outcome of those discussions.

Section 1(a)(1) speaks on the inconsistencies between the Vermont School Bus Driver's Manual and the Federal CDL Manual. There are two places where there are inconsistencies. The first is the placement of Emergency Flares / Triangles when a bus is disabled roadside. It is recommended that Title 23 V.S.A. 1304 be amended to adopt the language in 49 C.F.R 392.22. This would do away with this inconsistency.

The second inconsistency is where the school bus is stopped to perform a pick up / drop off. Federal instruction is to signal and pull to the extreme right of the road. Vermont has the driver maintain their lane of travel. The reason for this is safety. Vermont being such a rural state a good portion of the student drop off / pick ups are on rural narrow roads. If the driver pulled to the right, potentially the student would be in an embankment or snowbank. If Vermont was to adopt the Federal stop it would put children at risk.

Section 1(a)(2) calls for Vermont to use the American Association of Motor Vehicle Administrators CDL Testing system and avoid inconsistencies with other states. Vermont uses the American Association of Motor Vehicle Administrators recommended Testing which is approved by the Federal Motor Carrier Safety Administration. Vermont does not add anything to the testing so if inconsistencies exist it is with states that add state specific testing items.

Section 1(a)(3), (a)(4) and (a)(5) calls for the Department of Motor Vehicles to update the School Bus Driver's Manual by noting where school bus operation differs from other commercial motor vehicles, use plain English instead of legal terms and provide clarification on the different bus licensing requirements. The manual is reviewed every year for accuracy prior to reprinting. The Department of Motor Vehicles will include these three items in the upcoming review and annually thereafter.

Section 1(b) would require the Commissioner to hold five community outreach meetings when updating the manual and post a draft on the Department's website for 60 days for public comments

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before printing. This would give the perception if there were a public consensus the manual could potentially be change. Since the manual is based on statute and best practices this perception would not be accurate.

Section 2 calls for the Commissioner to update the tests to ask only questions that directly refer to the operation of a school bus. The example provided was questions related to a tractor trailer on the test. The test that this is referring to is the Federal Commercial Motor Vehicle Driver General Knowledge Test. This test is developed by the Federal Motor Carrier Safety Administration. The questions being asked, and the number asked are controlled by the Federal Motor Carrier Safety Administration. Vermont does not have the ability to change the test. Vermont does administer the Vermont school bus written test, this test is based on the Vermont School Bus Driver's Manual.

Section 3 would require the Department to provide 4 practice sites for driver's to practice their skills. The catalyst to this was an incident that took place in St Johnsbury where a driver who was practicing at the Department of Motor Vehicles CDL testing site and was informed by a Department employee that they couldn't use the site. This issue was cleared up shortly after it occurred. Department employees were advised that the Department only has control of the site when it is being utilized for testing. All other times it is under the control of the property owner who can allow others to use it if they wish.

It was discussed the bulk of the items within the bill could be accomplished without legislation. The Commissioner and Department are committed to implementing these changes to ensure the school bus licensing procedure is as straight forward as can be. The one legislative change would be as mentioned in Section 1(a)(1) in amending Title 23 V.S.A. 1304 to adopt the wording in 49 C.F.R. 393.22.

H.202

H.202 would require Law Enforcement to issue a traffic ticket to the registered owner of a vehicle that passes a stopped school bus. The ticket would be based on a sworn statement from the driver of a school bus. The bill uses the word "shall" issue taking all discretion away from the officer. It also would change the violation from a moving violation with points assessed to a non-moving violation with no points assessed.

This raises some questions. There is a potential that the driver may have misread the registration plate, for instance mistaken a "3" for a "B" or a "C" for a "0". If this happens a ticket could possibly be issued to the wrong registered owner. In turn, this would cause the person to contest the ticket and potentially having to go to court costing the person time and money.

As we know school bus pick ups and drop offs are the most dangerous time for students who ride school buses. Though this bill would require officers to issue tickets with the intent that it would

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lower the passing rate, by removing the moving violation status and points assessed the bill could be sending the wrong message. Is the State now telling the motoring public this violation is not that serious simply because the state is now treating it like a parking ticket. Also, with the points not being assessed insurance companies will now not take this in consideration when setting rates. As we often know the increase insurance rates are what gets a driver's / owner's attention.

Lastly, right now if an officer sees the violation or is able to identify the driver through an investigation, they can issue a ticket to the driver directly. This bill takes that ability away from them and would require them to issue to the owner who may not have been the driver or even in the vehicle at the time.

School Bus Idling

Title 23 V.S.A. 1110 regulates the idling of vehicles however if the vehicle is a school bus idling is regulated by Title 23 V.S.A. 1382(f) and the Vermont Agency of Education Rules 6001 through 6005. Agency of Education Rule 6005 sets the provisions for idling a school bus. Basically, the bus must not idle while on school property. The rule does allow for certain exemptions as listed below:

- 5 minutes out of every 60 minutes
- To operated specialized equipment for disabled persons.
- To operate safety equipment other than lighting systems. The equipment shall be necessary for specific traffic, health, or emergency concerns.
- During vehicle service when necessary

The rule applies to the primary propulsion engine, it does not apply to the auxiliary heat unit if the bus is equipped with one.