

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## FINAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, ARTICLE 6,  
ADD SECTION 1294

### CHILD SAFETY ALERT SYSTEMS (CHP-R-2017-05)

#### UPDATE OF INITIAL STATEMENT OF REASONS

No updates were made to the Initial Statement of Reasons.

#### LOCAL MANDATE

These regulations do not impose any new mandates on local agencies. These regulations will impose new mandates on school districts as directed by Section 28160 of the California Vehicle Code (CVC). Since these regulations are a result of legislation defining a new crime, subvention of funds is not required per Sections 17500-17630 of the Government Code (GC).

#### SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF AUGUST 11, 2017, THROUGH SEPTEMBER 25, 2017

COMMENT NO. 1: Jason Hohalek (see Comments, p. 2) asked if there was a published list of approved Child Safety Alert Systems (CSAS) school districts may purchase and have installed, and if there was an authorized installer for the systems.

Response: The California Highway Patrol (CHP) is unable to accommodate this request as the CHP is not charged with authority to approve or authorize any service, system, or piece of equipment. As a result, no list of approved vendors of devices or installation, nor list of approved CSAS will be made available.

COMMENT NO. 2.1: Bill Martin (see Comments, p. 3) asked the following questions regarding Sections 1294(b) and 1294(c)(1); "Upon movement of the vehicle, the child safety alert system shall be automatically activated." If our child alert system is activated by positioning the ignition key to the on position, could that be an acceptable motor carrier option for activation? Are there other movement indicator sources other than an electronic speedometer output, a neutral safety switch signal, or a pulse generation signal from the ABS that would be acceptable? Will the addition of an inertia switch, drive line pick up or other type of motion detection equipment be acceptable? What other options or equipment have been identified that would satisfy that requirement?

Response: The CHP is making no change as a result of this comment. The regulatory requirements are performance-based rather than prescriptive in nature and require the system to become activated upon movement of the vehicle, not later than three minutes after movement begins or the vehicle reaches ten miles per hour, whichever occurs first. As a result, any method selected by the system developer, which activates the system within those criteria, is acceptable.

COMMENT NO. 2.2: Bill Martin (see Comments, p. 3) asked the following question regarding Section 1294(b); "...When not more than three minutes have elapsed or the vehicle reaches a speed of not more than 10 miles per hour,..." Should that read "...speed of more..."?

Response: The CHP disagrees with the comment. The verbiage provides only a maximum time and speed before which the system is not required to be activated. However, these maximums are, at the user's option, intended to be variable to suit the preferences of individual users, and may result in the system becoming activated in advance of three minutes after vehicle movement began, or prior to the vehicle reaching a speed of ten miles per hour. In no case may the system remain inactive when the vehicle is in motion and more than three minutes have elapsed since movement began, or the vehicle has reached a speed of ten miles per hour.

COMMENT NO. 2.3: Bill Martin (see Comments, p. 3) asked a question regarding Section 1294(g); "... the sound frequency including any harmonics shall be lower than 100hz or higher than 5,000hz." Should the terms "lower" and "higher" be reversed? Should "or" be "and"?

Response: The CHP disagrees with the comment. Existing regulations define the required frequency range for emergency vehicle sirens. The regulatory verbiage is intended to ensure the audible warning is not mistaken for an emergency vehicle siren, in order to draw maximum attention from passers-by and anyone within the audible range of the warning. As a result, the existing regulatory verbiage reflects the appropriate acceptable frequency ranges for CSAS audible warnings.

COMMENT NO. 2.4: Bill Martin (see Comments, p. 4) asked who will have the responsibility to determine compliance.

Response: The CHP is making no change as a result of this comment. Any law enforcement official with jurisdiction may review operation of installed CSAS for compliance with statutory and regulatory requirements. However, the CHP is charged with regulatory oversight for operation of school buses, youth buses, and school pupil activity buses. As a result, it is likely the CHP will serve as the primary enforcement body, which will determine compliance with operational requirements and requirements applicable to installation of CSAS.

COMMENT NO. 3: Greg Hanson (see Comments, p. 5) stated: "I have reviewed the proposed text and am in support of the text as written, with one minor exception. The proposed text references vehicles required to have a CSAS installed and mentions exceptions, but does not reference the controlling legislation (CVC 28160). I think a reference to the code in the statement of exception would be appropriate (... unless otherwise excepted under CVC 28160.) Adding that reference would show where the exception is written for SPAB carriers and would

clear up any questions that may arise as to whether a SPAB vehicle is required to have a CSAS installed.”

Response: The CHP disagrees with the comment. Statute contained in Section 28160 CVC clearly outlines exceptions to CSAS requirements. Section 11349 GC prohibits duplication of statutory verbiage within regulation, with limited exceptions. Since Section 28160 CVC outlines CSAS exceptions adequately, and the possibility that future statutory changes affecting CSAS may be implemented, no change in the current regulatory verbiage is necessary.

COMMENT NO. 4: Kathy DeVries (see Comments, p. 6) stated: “I support the idea, we currently have a policy and it has been working well. The concern is a nearby district just received a bus with a system designed from Ohio. The system is connected with the red lights and the ignition key. If the red lights are activated the system is armed when the key is removed the system engages. This may work in states where driver do not exit the bus for red light crossovers although it will not work in California, Will you please look into the Doran Sleeping Child Check Monitor before more buses are sent out. I have contacted AZ Bus and the manufacturer to give them an insight on the issue. I am requesting your insight because I am uncertain the power behind my voice.”

Response: The CHP is making no change as a result of this comment. The CHP is the regulatory body charged with safety oversight of school bus, youth bus, and school pupil activity bus operation. As such, the Department will, to the extent possible, determine compliance of installed CSAS during annual inspections of the aforementioned vehicles, conducted on or after the effective date of the regulations and the required CSAS implementation date. Any instances of non-compliance discovered during these inspections will result in a requirement for correction and reinspection to determine appropriate corrective action and compliance with applicable California requirements.

COMMENT NO. 5: Cindy Haase (see Comments, p. 6) asked where to purchase the device needed to be installed at the back of or bus.

Response: See response to Comment No. 1.

COMMENT NO. 6.1: Corrin Reynolds (see Comments, p. 7) stated: “We have worked with Child Check systems on vendor buses and have found they work poorly and inconsistently. We have heard reports of drivers having students pushing the button in the back of the bus for them. We are advocates for systems like Zonar where the driver scans a button in the back using their EVIR handheld or tablet to demonstrate and log that they have checked the bus. The advantage of a system like this is that these inspections are logged and can be independently confirmed that they occurred.”

Response: The CHP is making no change as a result of this comment. Regulatory requirements represent the minimum level of required compliance. The system attributes you describe appear to go beyond the minimum system requirements contained in regulation. While those system attributes are not prohibited, they are also not required. However, it is important to remember that any required CSAS installed in a vehicle must, in addition to any other system attributes, meet all minimum regulatory requirements.

COMMENT NO. 6.2: Corrin Reynolds (see Comments, p. 7) stated: “We have also developed a form for our charter bus contractor drivers to use when driving our students, attached. This form should meet the letter and intent of the law. To ensure its return, our contract with them specifies they won’t get paid for the trip unless the vendor returns the form with the invoice.”

Response: The CHP is making no change as a result of this comment. This comment is regarding meeting requirements of Section 28160 CVC and is not relevant to proposed regulations.

COMMENT NO. 6.3: Corrin Reynolds (see Comments, p. 7) stated: “While much of the law talks about what the charter bus driver has to do on a field trip, we think it ignores what the school bus driver does on field trip, which should be equally important.” The commenter provided excerpts from their Transportation Safety Plan, as required pursuant to Section 39831.3 of the Education Code (EC), regarding checking the bus, rosters, and safety speech. The commenter further stated: “I would hope the regulations would encourage/mandate similar actions on the part of the school bus driver.”

Response: The CHP is making no change as a result of this comment. This is outside of the scope of the current regulations and requirements of Section 28160 CVC.

COMMENT NO. 6.4: Corrin Reynolds (see Comments, p. 7) stated: “As per EC 39831.3, each driver of a school bus or van which has been used to transport students shall check the entire vehicle, including behind and under seats, to ensure the vehicle is clear of all students. This shall be completed at the end of every run or trip leg, after the last student has disembarked and before the vehicle is moved or before the driver disembarks from the bus at the trip destination. While checking, the driver shall use their Zonar device to scan the button in the back of the vehicle to demonstrate and time-stamp that the check has been made.” The commenter suggests that the regulations would encourage/mandate similar actions on the part of the school bus driver.

Response: The CHP is making no change as a result of this comment. The CHP is only adopting regulations governing the specifications, installation, and use of CSAS as mandated by Section 28160 CVC. The regulations the commenter is proposing to add would be more appropriately applied within the scope of Section 39831.3 EC.

COMMENT NO. 6.5: Corrin Reynolds (see Comments, p. 7) stated: “As adapted from VC 28160, prior to departure on a school activity or athletic trip, the teacher, coach or other adult responsible for the group, shall have a roster with a list of students and chaperones who will be riding the vehicle. The chaperone shall certify to the driver, and sign their form, that he/she has a true and complete list and has accounted for all students. All passengers on a school bus shall be given safety instructions which will include: location of emergency exits, location and use of emergency equipment and special instructions by the driver for passengers seated next to emergency exits. The chaperone of the trip shall sign the driver’s form acknowledging that the safety instructions have been given.” The commenter suggests that the regulations would encourage/mandate similar actions on the part of the school bus driver.

Response: The CHP is making no change as a result of this comment. This is outside of the scope of the current regulations and requirements of Section 28160 CVC.

COMMENT NO. 7.1: Eric Gregory (see Comments, p. 10) stated: “The CSTA would request that the proposed regulation specifically address the exemptions to CCR (California Code of Regulations) Title 13, Section 1294 as this will make it easier for the reader to identify and locate these exemptions. We would like to propose the following language:

*(a) On or before the beginning of the 2018-2019 school year and continuously thereafter, unless otherwise excepted by vehicle code section 28160 or this section, all school buses, school pupil activity buses, youth buses, and child care vehicles subject to this chapter shall be equipped with a child safety alert system meeting the requirements of this section. The beginning of the school year shall be determined by the county superintendent of schools, the superintendent of any school district, or the owner or operator of any private school. The requirement is applicable to any vehicle transporting pupils to or from school or a school activity, based on the school year of the school attended by the pupils transported.”*

Response: See response to Comment 3.

COMMENT NO. 7.2: Eric Gregory (see Comments, p. 10) stated: “Under existing regulations, a school or school pupil activity bus (SPAB) driver is required to stop the engine on a bus upon arrival at a school, as such we would also request that a delay of up to three minutes be permitted that after the vehicle is stopped, the ignition is in the on position, and the entry door is opened. This is to allow passengers to safely exit the bus at a destination and the driver to deactivate the system in a safe and timely manner after all passengers have exited the bus. Without this extension, we foresee an issue with school buses unloading at schools, before, during, and after school hours, and receiving neighborhood complaints of noise. Just think of a band group returning to school after 2200 from a varsity football game and having multiple buses with their audible warning systems activated as students exit the buses. Therefore, we propose the following language:

*(c)(2) Child safety alert systems may be designed in a manner which delays the audible or visible warning for not more than three minutes from the time the vehicle is stopped, the parking brakes are applied, and the ignition is set to the off position, ~~and all floor level doors are closed,~~ until the time the tone, flashing lights, or both begin to be emitted. The tone, flashing lights, or both shall cease upon manual contact or scanning of the device by the driver.”*

Response: The CHP disagrees with this comment. As long as the floor level door is open, there is no requirement for the activation of the tone or flashing light to be emitted from the vehicle. This would allow for passengers to safely exit the bus at a destination without the audible warning system being activated while they exit. It is only until all of the activation requirements found in 1294(c), including all floor level doors are closed, are met before the tone or flashing light shall be activated.

COMMENT NO. 8: Tony Fiorini (see Comments, p. 12) stated: “The California Bus Association worked with Senator Mendoza to address our concerns with Senate Bill 1072 in

relation to School Pupil Activity Buses (SPAB) and we would request that the proposed language in Section 1294 be altered as follows:

*(a) On or before the beginning of the 2018–2019 school year and continuously thereafter, unless otherwise excepted by vehicle code section 28160 or this section, all school buses, school pupil activity buses, youth buses, and child care vehicles subject to this chapter shall be equipped with a child safety alert system meeting the requirements of this section. The beginning of the school year shall be determined by the county superintendent of schools, the superintendent of any school district, or the owner or operator of any private school. The requirement is applicable to any vehicle transporting pupils to or from school or a school activity, based on the school year of the school attended by the pupils transported.”*

Response: See response to Comment 3.

COMMENT NO. 9: Dan Pires (see Comments, p. 13) states: “Seems like these regulations go way overboard to meet the spirit of the law. The Child Check Mate System takes 20 minutes to install, cost only \$120 per bus and would meet the spirit of the law. You can review the product here. We have them installed on our buses and they work great.”

Response: The CHP disagrees with this comment. Cost estimates generated by the CHP in support of the rulemaking are intended to account for the entirety of the community subject to, and in compliance with, the regulations. As a result, although one motor carrier may experience a cost of less than that estimated by the CHP, others may experience a higher cost. As such, the estimate is developed as an average estimate, inclusive of variations.

COMMENT NO. 10.1: Susan Reese (see Comments, p. 14) stated: “There is a plethora of regulations in the training manuals for our Special Certificated Drivers, yet there is NO regulation or instruction taught to these professionals. Adding a CSAS device will not address this issue and create more distraction for these professionals. The loading and unloading of children is the most dangerous function drivers perform. It is likely that this type of device can distract a driver from their attention to the many safety issues related to safely loading and unloading of children.”

Response: The CHP is making no change as a result of this comment. The CHP is only adopting regulations governing the specifications, installation, and use of CSAS systems as mandated by Section 28160 CVC.

COMMENT NO. 10.2: Susan Reese (see Comments, p. 15) suggested the CHP add another section to Title 13 CCR that reads: “The driver shall walk the entire interior of the bus prior to exiting the bus, to any distance that is not in the close proximity of the bus. (Close Proximity is defined as behaviors that are connected to the safe loading and unloading of passengers and/or equipment). To ensure all students who are intended to be delivered to their appropriate destination have been delivered.”

Response: The CHP disagrees with this comment. Section 28160 CVC requires the CHP to adopt regulations for the installation and operation of CSAS within the parameters of the

statutory requirements. This recommendation does not incorporate the statutory requirements as set forth within Section 28160 CVC.

COMMENT NO. 10.3: Susan Reese (see Comments, p. 15) suggested the CHP amend Section 1236 Title 13 CCR to add subsection (c) which would read: "Carriers shall notify the Department of Motor Vehicles of any driver who has been found to be in violation of any provision of statute or regulation within five (5) days."

Response: The CHP disagrees with this comment. Section 28160 CVC requires the Department to adopt regulations for the installation and operation of CSAS, within the parameters of the statutory requirements. This recommendation does not incorporate the statutory requirements as set forth within Section 28160 CVC.

COMMENT NO. 11: Trina Caton (see Comments, p. 16) asked if the CHP will have recommendations or will endorse specific vendors of CSAS.

Response: See response to Comment No. 1.

COMMENT NO. 12.1: TrisAnn Ratko-Robison (see Comments, p. 17) stated: "Our first concern is with the proposed section 13 CCR 1294(c). Once the system has been activated, when the vehicle stops, parking brake is applied, ignition is in the off position and all floor level doors are closed the driver has three minutes to deactivate the CSAS before the "alarm" portion of the system is activated. In this scenario when a school bus driver first arrives at a school, 13 CCR 2408 requires the driver to turn off the engine as soon as they stop at a school and when a pupil is aboard, section 1226, requires the driver to place the transmission in park, set the parking brake and remove the key before they leave the drivers compartment. It may not be possible to comply with all three of these regulations. In effect, asking a school bus driver to ignore one or more of the regulations."

Response: The CHP disagrees with this comment. The intent is to ensure no pupil is left on board the bus; the driver must walk to the rear of the bus to ensure that is the case, prior to exiting the vehicle. No requirement for the key to be left in the ignition is included in the regulations and the time limit is intended to facilitate timely inspection of the vehicle interior. As a result, no conflict is perceived.

COMMENT NO. 12.2: TrisAnn Ratko-Robison (see Comments, p. 17) stated: "Our second concern is one of timing. The regulation is still in the proposal stage and there is not one company that makes a CSAS that complies with the proposed regulation. I have talked to several manufactures and they are testing units that will meet the proposed regulation, but they will not put into production any units until there is a final rule which may not be until late this year early 2018. This will make it difficult for not only adequate production of units to meet the demand of the industry, but allow industry enough time to install and train the drivers before the start of school in 2018."

Response: The CHP is making no change as a result of this comment. The CHP is mandated by Section 28160 CVC regarding the timeline of the implementation of CSAS.

COMMENT NO. 12.3: TrisAnn Ratko-Robison (see Comments, p. 17) stated: “Our third concern is that not all resources were investigated. In your Initial Statement of Reasons, Alternatives, you state "the CHP has not identified an alternative which would be more cost effective to affected parties and equally effective in implementation of the statutory policy or other provision of law". There are several thousand school buses in California already using a CSAS system, which will meet the intent of the regulation. However, not one of these systems will meet the specific provisions in the proposed regulation. Yet they provide the protection and safety of the pupils transported by requiring the driver to walk the entire length of the interior of the school bus to deactivate the system before leaving the school bus thus ensuring that no student is left aboard. To exclude these systems already in place creates an undue hardship on these carriers that the California Highway Patrol has totally disregarded.”

Response: The CHP disagrees with this comment. Although versions of CSAS may already be installed in some school buses, the CHP has determined the standards for specifications, installation, and use of CSAS are best accomplished by these proposed regulations, for the reasons explained in the initial statement of reasons. It is the opinion of the CHP that other systems, which may appear to meet the intent of the statute, may be more cost effective, but do not meet the standards established by the proposed regulations and would not be equally effective in implementation of the statutory policy.

COMMENT NO. 13: Daniel Coyne (see Comments, p. 19) stated: “In reading this, we discover the local school Superintendent determines when the school year starts. In most cases in Shasta County and surrounding areas, the school year starts around the second week of August. Given that the final draft may not be ready until January 1, 2018, or later depending on revisions due to public comment, we are asking for an extension to the implementation date to the 2019-2020 school year. Please consider the following reasons for our request:

#1) Assuming the final draft is ready by Jan 1, 2018, the system manufacturers will need time to comply with all the requirements, (depending on the final draft this could take several months).

#2) Depending on the size of the fleets, the older buses within those fleets, along with their limited amount of spare buses available, scheduling the systems install will put many departments at a disadvantage as the older buses are expected to take a considerable amount of additional time to install the systems.

#3) Because the fiscal 2018 school year has started, districts including our own (Shasta County Office of Education) have not budgeted for this extra expense, and with no outside financial help. This will be a financial burden to many districts. If the implementation were changed to the 2019-2020 school years, it would ease the installation scheduling and financial burdens that are being thrust upon districts to be completed in approximately six months to meet the 2018-2019 school year. (The cost would be shared in two fiscal school years).

As much as this type of safety regulation is needed, there is the need to ensure everyone can comply both financially and in a reasonable time frame. Shasta County Office of Education provides service and repair to over 100 school buses from several school districts within Shasta and Trinity counties. The districts are going to be very limited in the use of outside contractors for the installation of these systems, due to our Geographic's. We believe other school districts,



statewide, will have the same issues. Additionally, we ask that a public hearing on this regulation be considered before enacting the regulation.”

Response: The CHP is making no change as a result of this comment. The CHP is mandated by Section 28160 CVC regarding the timeline of the implementation of CSAS. As such, the Department has no latitude to adjust the compliance time frames or permit any extensions. Regulation permits incremental installation and use requirements based on the determination of the first day of the 2018/2019 school year made by the superintendent or owner/operator of the private school. Buses transporting students to schools, on or after the date the 2018/2019 school year has begun, must be in compliance with CSAS requirements.

COMMENT NO. 14.1: Stephen Wells (see Comments, p. 20) stated: “The concern I have is the potential for malfunction. If the CSAS has any issues, then the bus will be out of service (due to this becoming a mandatory feature of the bus) until the problem can be fixed. This may not be an issue for large companies down in Los Angeles who may have a huge fleet. Many smaller communities rely heavily on their small numbers.”

Response: The CHP is making no change as a result of this comment. Proposed Section 1294(f) addresses malfunctions of CSAS. Although malfunctions are a reality, no provision to operate the vehicle with a known malfunctioning CSAS is provided by Section 28160 CVC.

COMMENT NO. 14.2: Stephen Wells (see Comments, p. 20) stated: “The major problems which will NOT be "fixed" by implementing the proposed device are these:

The driver should have a list of students. The fact that everyone missed Paul getting on the bus and never getting off is the first problem. We (drivers) know where to go and who to pickup. We do not open the door and let people on who do not belong.

The teacher should have a list of students. In the realm of special needs, we (drivers) receive students from the parents, teachers receive students from us, and reverse in the afternoon. Teachers here come out with a clipboard if necessary (with larger groups of students) and verify with the driver who is coming to class. In the morning, a teacher would have asked, "Did Paul come today?" prior to the driver leaving the school.

The transportation team includes everyone. I do not know why there would ever be a communication breakdown. The parents communicate to the driver, school, and coordinator (dispatch), the school communicates to the driver, parents, and coordinator, the driver communicates to the parents, school, and coordinator. If a student misses the bus, then the driver notifies the coordinator (dispatch) that the student did not ride. If a student goes home early, then the school notifies the driver and/or coordinator (who also confirms with the driver) that the student is not riding.

The driver checks his mirrors. The only way a student can even be missed on the bus is the driver never checked his mirrors. It is virtually impossible to check your mirrors and somehow miss seeing a person sitting behind you.”

Response: The CHP is making no change as a result of these comments. These comments are outside of the scope of the current regulations and requirements of Section 28160 CVC.

COMMENT NO. 15: Trystan Thomas (see Comments, p. 22) stated: “Some of my concerns are that I feel that the implementation date does not give our industry enough time to have these systems installed. January 2018 is the date to my knowledge that the department (CHP) will approve the appropriate systems my concern is once this is done what happens if numerous districts start ordering all at once will the companies have enough stock to cover all of our state or what if they are on back order due to the popular demand. Also some districts may need to make budgeting adjustments to buy these systems. I think that there should be a concrete date on when the systems need to be installed in the buses and not when the Superintendent determines when the first day of the 2018-2019 school year will be as we have many districts who may contract their transportation or may have M.O.U’s to use buses etc. For example by August 1<sup>st</sup> 2018 all school buses and vehicles that fall under this regulation shall have these systems installed that way everyone has an idea and can be on the same page. My other concern is that there may not be enough time for big bus fleets that have over 100 + buses to install these systems by this deadline also some of the older buses may take much longer for installation. Due to the CARB (California Air Recourse Board) requirement’s many districts do not have many spare buses to use while these systems are being installed through the entire bus fleet and the spare buses would have to have these installed as well.

Response: See response to Comment No. 12.2.

COMMENT NO. 16.1: Dale F. Shimasaki (see Comments, p. 23), states he is concerned no system on the market today meets the requirements of the proposed regulations.

Response: The CHP is making no change as a result of this comment. The Department is aware several system manufacturers are currently working on systems, and system upgrades, which will be compliant with the statutory and regulatory requirements. While compelling, this argument is one to be made to the Legislature; regulation promulgation and compliance time frames are contained in Section 28160 CVC.

COMMENT NO. 16.2: Dale F. Shimasaki (see Comments, p. 23) stated: “The proposed regulations appear to significantly exceed the intent of the law.”

Response: The CHP disagrees with this comment. No specific regulatory recommendation was included.

COMMENT NO. 16.3: Dale F. Shimasaki (see Comments, p. 23) stated: “ALL current installed systems will require replacement or significant retrofits resulting in much higher costs than the legislator explained or expected when the law was adopted. At a minimum cost of \$250 per unit for equipment and installation (this is a low estimate by manufacturers), the cost exceeds \$6 million to California school districts and county offices of education.”

Response: The CHP is making no change as a result of this comment. The economic impact anticipated by the Department is provided on the Economic Impact Statement, included as part

of the rulemaking package. That impact is anticipated to exceed the commenter's estimated \$6 million impact.

COMMENT NO. 16.4: Dale F. Shimasaki (see Comments, p. 23) stated: "Furthermore, we have concerns with the short timeline of equipping the statewide California School Bus Fleet by the start of the 2018-19 school years:

- Manufacturers will not know what to produce until the regulations are adopted.
- Devices must be developed to fit legacy vehicles as well as new multiplex-wired vehicles.
- A large number of devices will need to be manufactured, about 25,000, with installation plans to fit each bus make and year. (It is not clear if those installations plans will be approved by the School Bus Manufacturers within the proposed timeline.)
- We are concerned with how much time will be available to test the product for defects and complications over time."

Response: See response to Comment No. 12.2.

COMMENT NO. 16.5: Dale F. Shimasaki (see Comments, p. 24) stated: "Protecting students and meeting the installation time frame could be accomplished by following the requirement of a "child safety alert system" as called for in VC 28160. Current systems would not need replacement AND costs would be reduced."

Response: The CHP disagrees with this comment. This is the opinion of the commenter with no apparent basis for the statement(s). Additionally, Section 28160 CVC requires the Department to adopt regulations for the installation and use of CSAS; this rulemaking is the response to that mandate.

### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED AFTER THE INITIAL NOTICE PERIOD OF AUGUST 11, 2017, THROUGH SEPTEMBER 25, 2017**

COMMENT NO. 17.1: Fred Fakkema (see Comments, p. 25) stated: "There is no need to have an alert system that causes a tone, flashing light, or both – these requirements materially increase the cost of implementation while providing minimal additional safety. Requiring the driver to physically walk to the rear of the bus and scan a device prior to exiting will not only met the requirements in the legislation, but has been proven to be effective. Zonar would propose to remove the requirement for a tone and/or flashing light."

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 17.2: Fred Fakkema (see Comments, p. 26) stated: "In some situations, buses are parked in areas where no one may see or hear the notification. In the event that the alarm is not manually deactivated within the 30 minutes that the audible and lights are active there should be a way to notify a broader group of people about the unresolved issue. Zonar would propose the addition of a requirement for electronic notification (email and/or text) to inform the school/school district/dispatcher/fleet manager when the alarm is triggered. This

adds an important escalation of the event to appropriate parties in real time, to maximize the ‘alert’ situation. In addition, a resolution for each alarm should be noted in the electronic record for inclusion in the monthly reporting.”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 17.3: Fred Fakkema (see Comments, p. 26) stated: “While the CSAS legislation is a great step forward in protecting children the end goal is to change/reinforce the behavior of all drivers. In order to further understand the situations when students are left on a bus and how effective CSAS is in reducing the incidence, a record of all CSAS events should be required and accessible to the State. Zonar would suggest language similar to Article 18 section H; Record of all CSAS incidents with the following data elements be sent to the State each month, including:

- Time and date of Incident
- Location of Incident
- Vehicle involved
- Driver of vehicle
- Time elapsed from alarm to resolution
- Resolution: why alarm was triggered

This information should also be retained by the school district, county office of education, charter school, or private school for a minimum of two years.”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 18.1: Bill Martin (see Comments, p. 27) stated: “The original SB 1072 legislation intent appears to require a system that reminds the driver to check the bus for students left on board by necessitating a manual disarm by scan or contact at the rear of the vehicle before an alarm activates. The minimum performance standard published from your office take that intent many steps further. The additional hardware, programing, and installation expertise required is significant and may possibly exceed your end user cost estimates.”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 18.2: Bill Martin (see Comments, p. 27) stated: “It is not likely that most school bus motor carriers will have the employee time or technically qualified personnel to install these new devices. So far, our installation estimates have increased from our original six-terminal system installed in one or two man hours to a twelve-terminal unit that will vary from an estimate of at least four to eight man hours. Would you consider that some of the minimum performance standards required, like parking brake set recognition, be permitted as a motor carrier option instead of a required standard?”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 18.3: Bill Martin (see Comments, p. 27) stated: “Regardless of what product is selected, it seems overly optimistic that 24,000 buses could be retrofitted by the start of the 2018-2019 school year. Is the CHP planning to offer a withhold of enforcement or other means of compliance extension for motor carriers?”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

COMMENT NO. 18.3: Bill Martin (see Comments, p. 27) stated: “Do you have any estimate of when the CHP may be able to confirm the final rulemaking so districts could start the unit selection and purchase order process? Would it possibly be sooner than the January 2018 deadline?”

Response: This comment was received after the close of the public comment period. As such, the CHP has chosen not to consider change as a result of the comment.

## **ALTERNATIVES**

The CHP has not identified, nor been made aware of, an alternative which would be as effective and less burdensome to affected parties than the proposed action. Additionally, the CHP has not identified an alternative which would be more cost effective to affected parties and equally effective in implementation of the statutory policy or other provision of law.

The CHP has made the determination that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the regulation is proposed.