

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

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

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

In compliance with the requirements of Section 28160 of the California Vehicle Code (CVC), the California Highway Patrol (CHP) proposes to adopt Title 13, California Code of Regulations (CCR) Section 1294 establishing necessary specifications, installation and use of Child Safety Alert Systems (CSAS).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

As a result of the tragic loss of life of a pupil left on board a school bus unattended, Senate Bill 1072 (Mendoza, Chapter 721, Statute of 2016), known as the Paul Lee Schoolbus Safety Law was enacted. The purpose of the law is to ensure no pupil is left unattended onboard a school bus, school pupil activity bus (SPAB), youth bus (YB), or child care vehicle, and to provide specific procedures and driver discipline in the case of gross negligence in doing so. Each of the above outlined vehicles, unless otherwise excepted, must be equipped with CSAS on or before the beginning of the 2018–2019 school year.

The required CSAS is a device, located at the rear of the interior of the bus, which requires the driver to manually contact or scan the device prior to exiting the vehicle, in order to prompt the driver to inspect the interior of the vehicle before exiting. Additionally, on or before January 1, 2018, the CHP must adopt regulations regarding the specifications, installation, and use of CSAS.

Title 13, CCR, Division 2, Chapter 6.5, Article 6, Section 1294 is added to provide the necessary specifications, installation and use of the CSAS pursuant to Section 28160 CVC. The section provides clarity to when all school buses, SPAB, YB and child care vehicles must be equipped with a CSAS to provide the basis for the determination of compliance with implementation date requirements. This section specifies the circumstances under which the CSAS is required to become activated and prohibits any method of deactivation except as provided. This section specifies the warning requirements applicable to the CSAS, consisting of a tone, flashing light or both. This section further specifies CSAS warning initiation requirements. This section serves to specify interior lighting requirements associated with operation of the CSAS and provides a lighting requirement alternative. This section clarifies CSAS operational requirements under specified conditions and requires documentation and notification of any CSAS failure.

After conducting an evaluation, the CHP has determined this is the only regulation concerning CSAS. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Anticipated Benefits of Proposed Regulation

This proposed regulatory action will provide a benefit to the protection and safety of pupils transported on specified school buses by requiring the necessary specifications, installation and use of the CSAS necessary to ensure that a pupil is not left unattended on a school bus.

PUBLIC COMMENTS

Interested persons may submit written comments on these proposed actions via facsimile to (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Officer Joseph Mosinski
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m. on September 25, 2017.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an Initial Statement of Reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any substantial changes to the original proposal will be available for at least 15 days prior to the CHP adopting this resulting regulation.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP's Web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Cullen Sisskind, CHP, CVS at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

DISCLOSURES REGARDING THE PROPOSED ACTION

The CHP has made the following initial determinations:

Mandate on local agencies and school districts: These regulations will impose new mandates upon local agencies or school districts who operate school buses as required per 28160 CVC.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The CHP estimates there is approximately 24,000 school buses required to be retrofitted with the CSAS. The CHP contacted various vendors to receive an approximate cost needed to purchase and install CSAS in a school bus. The estimates for the CSAS ranged from \$1115.00 - \$1250.00 depending on vehicle configuration and vendor. With the total number of school buses estimated and the approximate cost per CSAS unit installed, the CHP estimates the overall fiscal impact to the school bus industry would range from \$26.8 to \$30 million.

It is anticipated there will be a positive economic impact to small businesses that retrofit existing modified school buses and to businesses that sell and install the required CSAS.

Statewide adverse economic impact directly affecting business and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the CHP

concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CHP concludes this proposed regulatory action: (1) is unlikely to eliminate any jobs in the State of California; (2) is unlikely to create additional jobs in the State of California; (3) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the state of California; (4) will provide a nonmonetary benefit to the protection and safety of pupils transported on specified school buses by requiring the necessary specifications, installation and use of the CSAS necessary to ensure that a pupil is not left unattended on a school bus. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses. Businesses subject to state jurisdiction are currently required to comply with 28160 CVC. The adoption of this section merely provides a regulatory basis to create the necessary specifications, installation and use of CSAS establishes a performance based selection system.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative it considered or has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 28160 CVC.

REFERENCE

This action implements, interprets and/or makes specific Sections 34506, and 28160 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
E. L. FALAT, Chief
Enforcement and Planning Division