

EDUCATION

STATE BOARD OF EDUCATION

Student Transportation

Proposed New Rule: N.J.A.C. 6A:27-7.13

Authorized By: New Jersey State Board of Education, David C. Hespe, Commissioner,
Department of Education and Secretary, State Board of Education.

Authority: N.J.S.A. 18A:39B-26.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-172.

Submit written comments by December 16, 2016, to:

William Haldeman, Assistant Commissioner

New Jersey Department of Education

100 River View Plaza

PO Box 500

Trenton, New Jersey 08625-0500

E-mail: chapter27@doe.state.nj.us

The agency proposal follows:

Summary

The Department of Education (Department) proposes new N.J.A.C. 6A:27-7.13, School bus sensor system. The Legislature passed and Governor Christie, in January, enacted A-1455, which requires school buses manufactured on or after July 17, 2016, to be equipped with a sensor “to determine the presence of objects in the front or back of the bus.” The law, P.L. 2015, c. 266 (N.J.S.A. 39:3B-26), requires the State Board of Education, in consultation with the Chief

Administrator of the New Jersey Motor Vehicle Commission in the Department of Transportation, to promulgate rules to effectuate the law's provisions.

The following summary provides an overview of the proposed new rule:

Subchapter 7. Vehicle Use and Standards

6A:27-7.13 School bus sensor system

The Department proposes new N.J.A.C. 6A:27-7.13(a) to define "school bus" and "sensor system" specific to their use in the section. School bus to mean as set forth in N.J.S.A. 39:1-1, which includes all school vehicles used for transporting students. Sensor system means a system utilizing radar, video, sound, or infrared technology to detect the presence of a person(s) or object(s) within a minimum of a 10-foot radius in the front and rear of the school bus. The minimum radius is based on the National Highway Traffic Safety Administration's "school bus danger zone" definition.

The Department proposes new N.J.A.C. 6A:27-7.13(b) to require a school bus manufactured on or after July 17, 2016, to be equipped with a sensor system to detect the presence of a person(s) or object(s) in the front and rear of the bus. Proposed N.J.A.C. 6A:27-7.13(b)1 states that N.J.A.C. 6A:27-7.13(b) shall not be construed to prohibit the equipping of a school bus with a sensor system to determine the presence of a person(s) in the side areas of the school bus, in addition to the front and rear of the bus.

The Department proposes new N.J.A.C. 6A:27-7.13(c) to require the sensor system to include an audible and visual alert signal placed in the driver's compartment to alert the driver when a person(s) or object(s) is detected within the sensor's designated range, or a video monitor with an audible alert placed in the driver's compartment relaying the image of the area within the sensor's designated range. Proposed N.J.A.C. 6A:27-7.13(c)1 will require the audible alert to be a sound unique to the system. Proposed N.J.A.C. 6A:27-7.13(c)2 will require the alert signal to identify for the driver the location near the vehicle in which the person(s) or object(s) is detected.

The Department proposes new N.J.A.C. 6A:27-7.13(d) to require the sensor system to activate with the engagement of reverse gear and also activate simultaneous with the activation of at least one of the vehicle safety systems, including, but not limited to: warning lights or alarms; crossing control arm; stop signal arm; or passenger entrance door. The rule also will require the sensor system to deactivate with the disengagement of reverse gear or on a delay from the deactivation of one of the listed vehicle safety systems based upon vehicle speed or a set period of time. Proposed new N.J.A.C. 6A:27-7.13(d)1 will prohibit the sensor system from including a dual-technology system that requires the triggering of more than one technology before an alert is activated.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The health, safety, and welfare of the children in the State are of utmost importance to the Department. The proposed new rule will effectuate the Legislature's intent of providing additional measures to increase the safety of students while entering or leaving a school bus.

Economic Impact

The proposed new rule will add to the cost of school buses manufactured on or after July 17, 2016. The additional cost will vary depending on a number of factors, such as the number of systems ordered, system options available, and whether the system is installed at the factory or after market. Preliminary estimates for the sensor systems range between approximately \$1,700 and \$2,500 per school bus. The Motor Vehicle Commission estimates that 1,500 new buses are purchased each year. School districts receive transportation aid as part of their State aid package, which covers a portion of each school district's annual transportation costs. Thus, the increased cost of the new school buses will be covered, in part, by transportation aid.

Federal Standards Statement

There are no Federal standards or requirements applicable to the proposed new rule; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed new rule could result in the creation of jobs for developing and installing sensor systems for school buses.

Agriculture Industry Impact

The proposed new rule will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the proposed new rule impacts New Jersey public schools, nonpublic schools that own buses, school bus contractors, school bus manufacturers, and dealers. More than 1,000 school bus contractors and private schools own school buses in the State and there are approximately 20 school bus manufacturers and dealers that sell buses to New Jersey operators. The entities could be considered small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

To comply with the new law, any organization that operates a school bus manufactured after July 17, 2016, must ensure the school bus has a compliant sensor system installed. The Motor Vehicle Commission will inspect the sensor system. Preliminary estimates for the sensor systems range from \$1,700 to \$2,500; however, there are many factors that could influence the cost, including the number of units ordered, system options, and whether the sensor systems are installed at the factory or by the dealer.

The proposed new rule specifies the minimum performance standards to allow flexibility in system choices available to the impacted entities. School bus owners have the option of sensor technology, how the driver will be alerted, and activation and deactivation method. There are no reporting or recordkeeping requirements as a result of the proposed new rule. Professional services should not be required for compliance with the proposed new rule.

Housing Affordability Impact Analysis

The proposed new rule will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed new rule would evoke a change in the average costs associated with housing because the proposed new rule relates to sensor systems on school buses.

Smart Growth Development Impact Analysis

The proposed new rule will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed new rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed new rule relates to sensor systems on school buses.

Full text of the proposed new rule follows (additions indicated in boldface **thus**):

SUBCHAPTER 7. VEHICLE USE AND STANDARDS

6A:27-7.13 School bus sensor system

(a) **The following words and terms shall have the following meanings when used in this section, unless the context clearly indicates otherwise:**

“School bus” means as set forth in N.J.S.A. 39:1-1.

“Sensor system” means a system utilizing radar, video, sound, or infrared technology to detect the presence of a person(s) or object(s) within a minimum of a 10-foot radius in the front and rear of the school bus.

(b) **Every school bus, as defined in this section, manufactured after July 17, 2016, shall be equipped with a sensor system to detect the presence of a person(s) or object(s) in the front and rear of the bus.**

1. This subsection shall not be construed to prohibit the equipping of a school bus with a sensor system to determine the presence of a person(s) in the side areas of the school bus, in addition to the front and rear of the bus.

(c) The sensor system shall include an audible and visual alert signal placed in the driver's compartment to alert the driver when a person(s) or object(s) is detected within the sensor's designated range or a video monitor with an audible alert placed in the driver's compartment relaying the image of the area within the sensor's designated range.

- 1. The audible alert signal shall be a sound unique to the system.**
- 2. The alert signal shall identify for the driver the location near the vehicle in which the person(s) or object(s) is detected.**

(d) The sensor system shall activate with the engagement of reverse gear and also activate simultaneous with the activation of at least one of the vehicle safety systems set forth in N.J.A.C. 13:20-50B, including, but not limited to: warning lights or alarms, as specified in N.J.A.C. 13:20-50B.23(f) or 50B.3; crossing control arm, as specified in N.J.A.C. 13:20-50B.9; stop signal arm, as specified in N.J.A.C. 13:20-50B.38; or passenger entrance door. The sensor system shall deactivate with the disengagement of reverse gear or on a delay from the deactivation of one of the vehicle safety systems listed in this subsection based upon vehicle speed or a set period of time.

- 1. The sensor system shall not include a dual-technology system that requires the triggering of more than one technology before an alert is activated.**