

Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

January 4, 1999

The Honorable Fred Risser
President, Wisconsin State Senate
Room 218 South, State Capitol
Madison, Wisconsin 53707

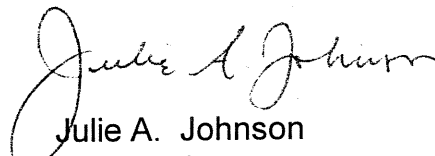
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 300**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 98-153

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-153**, relating to **school bus equipment standards**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)
Senator Judy Robson
Representative Glenn Grothman
Gene Kussart
Bill Singletary
Lt. Sandra Huxtable
Frieda Andreas

CR 98-153

The Wisconsin Department of Transportation proposes an order to repeal TRANS 300.54(4)(intro.); renumber TRANS 300.54(4)(a) to (d); renumber and amend TRANS 300.54(4)(e); amend TRANS 300.16(1); and create TRANS 300.54(1)(am) and (4), relating to school bus equipment standards.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

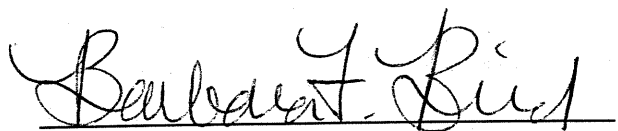
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1
Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16 and 347.25(2), Stats.

STATUTES INTERPRETED: s. 347.25(2), Stats.

General Summary of Proposed Rule. This proposed rule making amending ch. Trans 300, relating to school bus equipment standards, will address the installation, operation and light output brilliance of the white strobe light which will be required on all school buses first registered in WI after October 1, 1998. Currently, s. Trans 300.54(4) advises that the strobe light is an optional piece of equipment for use on school buses. 1997 Wis. Act 117 requires the strobe light as mandatory equipment for all buses first registered on or after October 1, 1998. The current specifications for optional strobe lights will be made applicable to the mandatory strobe lights, and the use of the lights will be required whenever a school bus is in operation on a highway for the purposes specified in s. 340.01(56)(a) and (am), Stats. Use of the strobe light will be permitted when children are being transported for any other purpose.

Fiscal Effect. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities. The rule will not impose any fiscal effect on school districts other than that imposed by the amendment of s. 347.25(2), Stats.

Copies of Proposed Rule. Copies of this proposed rule may be obtained upon request, without cost, by writing to Lt. Sandra Huxtable, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 267-0325. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16 and 347.25(2), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 347.25(2), Stats., relating to school bus equipment standards.

SECTION 1. Trans 300.16(1) is amended to read:

TRANS 300.16(1) Prior to the start of any trip, the driver shall check the condition of the bus, giving particular attention to brakes, tires, lights, emergency equipment, mirrors, windows, and interior cleanliness of the bus. Defects shall be reported in writing to the person in charge of bus maintenance. The driver shall be responsible for the cleanliness of the interior of the bus and shall ensure that the windshield and mirrors are clean before each school bus operation and that the strobe light is actuated whenever the bus is in operation on a highway for purposes specified in s. 340.01(56)(a) and (am), Stats.

SECTION 2. Trans 300.54(1)(am)(intro.) and 6. are created to read:

TRANS 300.54(1)(am)(intro.) Each bus first registered on or after October 1, 1998, shall be equipped with a strobe light which shall conform with the following requirements:

6. The strobe light shall be actuated whenever the bus is in operation on a highway for purposes specified in s. 340.01(56)(a) and (am), Stats., and may be actuated when the bus is in operation on a highway and is transporting children for any other purpose.

SECTION 3. Trans 300.54(4)(intro.) is repealed.

SECTION 4. Trans 300.54(4)(a) to (d) are renumbered Trans 300.54(1)(am)1. to 4.

SECTION 5. Trans 300.54(4)(e) is renumbered Trans 300.54(1)(am)5. and amended to read:

TRANS 300.54(1)(am)5. The unit ~~shall~~ may be wired with an independent switch with an indicator light in the driver's compartment showing when the light is in operation.

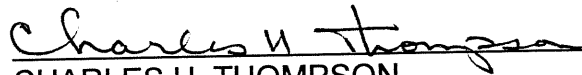
SECTION 6. Trans 300.54(4) is created to read:

TRANS 300.54(4) School buses painted as provided in s. 347.44, Stats., and registered prior to October 1, 1998, may be equipped with a strobe light meeting the requirements of sub. (1)(am).

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 7 day of December, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

PART 3

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-153

AN ORDER to repeal Trans 300.54 (4) (intro.); to renumber Trans 300.54 (4) (a) to (d); to renumber and amend Trans 300.54 (4) (e); to amend Trans 300.16 (1); and to create Trans 300.54 (1) (am) and (4), relating to school bus equipment standards.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-13-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-26-98 REPORT SENT TO AGENCY.

RS:WF:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

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CLEARINGHOUSE RULE 98-153

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Trans 300.54 (4), the notation ", Stats.," should be inserted after "s. 347.44."

5. Clarity, Grammar, Punctuation and Use of Plain Language

Section Trans 300.16 (1) requires that the strobe light be actuated whenever the bus is in operation on the highway for purposes specified in s. 340.01 (56) (a) and (am), Stats. Section Trans 300.54 (1) (am) 6. requires that the strobe light be actuated whenever the bus is in operation on a highway *unless* the bus is being operated in accordance with s. 346.48 (2) (c), Stats. Section 346.48 (2) (c), Stats., regulates when flashing red warning lights on a school bus may be used to warn approaching traffic that the bus is intending to stop to either pick up or discharge passengers. The statutory section says that the flashing red warning lights shall *not* be used when a school bus is being used on a highway for purposes *other* than those specified in s. 340.01 (56) (a) and (am), Stats., but says that the flashing red warning lights *may* be used at any time that a school bus is transporting children for any purpose. If the department intends that strobe lights may be used at any time that a school bus is transporting children for purposes other than those specified in s. 340.01 (56) (a) and (am), Stats., it is suggested that the rule be redrafted to explicitly say so.

PART 4
CR 98-153

ANALYSIS OF FINAL DRAFT OF TRANS 300

(a) **Need for Amended Rule.** This proposed rule making amending ch. Trans 300, relating to school bus equipment standards, will address the installation, operation and light output brilliance of the white strobe light which will be required on all school buses first registered in WI after October 1, 1998. Currently, s. Trans 300.54(4) advises that the strobe light is an optional piece of equipment for use on school buses. 1997 Wis. Act 117 requires the strobe light as mandatory equipment for all buses first registered on or after October 1, 1998. The current specifications for optional strobe lights will be made applicable to the mandatory strobe lights, and the use of the lights will be required whenever a school bus is in operation on a highway for the purposes specified in s. 340.01(56)(a) and (am), Stats. Use of the strobe light will be permitted when children are being transported for any other purpose.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council recommendations have been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.