

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

**AGENCY REPORT TO THE LEGISLATURE
CLEARINGHOUSE RULE 19-004**

In the matter of rulemaking proceedings of Wisconsin Administrative Code ch. Trans 330 relating to Motor Bus Equipment and Inspection the Wisconsin Department of Transportation proposes an order to: **Amend** ss. Trans 330.03, 330.07, 330.10 (3), (8), (30); and **repeal** s. Trans 330.05 (1).

I. THE PROPOSED RULE:

The proposed rule revisions and the analysis are attached.

II. REFERENCE TO APPLICABLE FORMS:

No forms are newly required by these rule revisions.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rulemaking updates s. Trans 330, Wis. Adm. Code to meet the Federal Motor Carrier Safety Regulations (FMCSR). It also updates current rule language to meet the Federal Motor Carrier Safety Administration 2009 audit titled "Wisconsin MCSAP Review Summary Findings, Recommendations, and Noteworthy Practices Report" dated July 2009. The rulemaking updates equipment exceptions to a motor vehicle previously manufactured or equipped as a school bus, which has now been converted into a motor bus.

The State's Motor Bus Equipment and Inspection regulations contained in s. Trans 330 "Motor Bus Equipment and Inspection" are not compatible with the "Parts and Accessories Necessary for Safe Operation" requirements of 49 CFR Part 393 and the "Inspection, Repair, and Maintenance" in 49 CFR Part 396, as detailed below.

- Section Trans 330.03 specifies that the Parts of 49 CFR 393 adopted in s. Trans 330 are those that were in effect on October 1, 1990. This date will be removed from s. Trans 330.03.
- In s. Trans 330.05, the driver is required to do a pre-trip but not a post-trip inspection as required by 49 CFR 396. Section Trans 330.05 will be repealed.
- In s. Trans 330.10 (8), the provisions of 49 CFR 393.92 concerning Emergency Exits are adopted, but no longer exist in that section of the FMCSR. The reference to 49 CFR 393.92 in s. Trans 330.10 (8) will be repealed.
- In s. Trans 330.10, the brake requirements in 49 CFR 393.40 – 393.52 are adopted but not the antilock brake requirements as required in 49 CFR 393.55. The reference to 49 CFR 393.55 will be added to s. Trans 330.10 (3).

These proposed rule changes will make s. Trans 330 compatible with 49 CFR 393 and 49 CFR 396 and will be less restrictive than as currently written. The rule as proposed will also give a clearer understanding to industries who chose to use a converted school bus as a motor bus to transport passengers without jeopardizing any safety standards.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:

The Department held a public hearing on the proposed rule on March 21, 2019. No one testified or appeared at the hearing, and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF COMMENTS:

The Department received the Clearinghouse Report on February 25, 2019, which reported 16 distinct comments related to: statutory authority, form, style and placement in the administrative code; adequacy of references to related statutes, rules and forms; and clarity, grammar, punctuation and use of plain language. The Department made all recommended changes, except for the following:

Rule Summary. 49 CFR 393.61 and 393.62 exist and no further clarification is needed in the Summary of and Comparison with, Existing or Proposed Federal Statutes and Regulation section.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

The Department did not receive a statement, suggested changes, or other material from the Small Business Regulatory Review Board.