

*James R. Thompson Center  
100 West Randolph Street  
Chicago, Illinois 60601*



*Alzina Building  
100 North First Street  
Springfield, Illinois 62777*

## MODES OF SCHOOL TRANSPORTATION TASK FORCE

October 19, 2017

### **CALL TO ORDER**

The meeting was called to order at 9:08 am by Chair Tim Imler and roll was taken.

### **ROLL CALL**

#### **Present (Springfield and Chicago):**

Derek Cantu, Policy Analyst Assistant, Illinois Lt. Governor Sanguinetti's Office;  
Dan Cox, Superintendent, Staunton Community Unit School District #6;  
Tim Imler, Division Administrator, Funding and Disbursement Services ISBE  
Patrick Johnson, President, Illinois State Transportation Association  
John Meixner, Regional Superintendent of Schools, ROE #26  
Tom Tully, Secretary/Treasurer, Illinois Education Association  
Tom Wise, Acting Section Chief, Illinois Department of Transportation, Commercial Vehicle Safety Section;

#### **Conference Call:**

Rep Dan Brady, Illinois State Representative, 105<sup>th</sup> District;  
Melissa Burns, Administrator, Acacia Academy;  
Jeff Dosier, Superintendent, Belleville Township High School District #201;  
Travis Wyatt, Assistant Superintendent, Jasper County School District.

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#### **Absent:**

Rep Fred Crespo, Illinois State Representative, 44<sup>th</sup> District;  
Vicki Giurlani, Director of Transportation, Round Lake Area School District 116  
Brenda Glahn, Legal Advisor, Illinois Secretary of State;  
Rich Hodson, Physics Instructor, Belleville East High School  
Rob Rodewald, Board President, Bourbonnais SD #53

#### **ISBE Staff:**

Mark Morten  
Mike Stier  
Jill Bayley

**Guests:**

Robert Wolfe (Springfield), Chief Financial Officer, ISBE;  
Cathy Allen (Springfield), Illinois Department of Transportation;  
Kevin Duesterhaus (Springfield), Manager of CDL Division, Illinois Secretary of State;  
Charlie Hood (Conference Call), Executive Director, NASDPTS;  
Andrew Bodewes (Conference Call), Cook Illinois Corporation, Student Transportation;  
Jay Shattuck (Springfield), Illinois School Transportation Association.  
Carrie Leitner (Springfield), Illinois Secretary of State, Vehicle Services Department

**Minutes**

Chair Tim Imler asked for a motion to approve the minutes from the September 26, 2017 meeting. Tom Tully made the motion to approve the minutes; Tom Wise seconded the motion. The motion passed and the minutes were approved.

**Discussion**

Cathy Allen from the Illinois Department of Transportation gave a slide presentation on the brief history of the modes of school transportation task force multifunction school activity buses and on seat belts on school buses. The documents are attached to the minutes.

Chair Tim Imler stated that cfr stands for Code Federal Regulation. John Meixner wanted to know whose responsibility it was to have the buses inspected. Cathy Allen stated that it is the school district or whomever owns the school bus or first division vehicle. The school bus and first division vehicles that require a school bus driver permit are inspected every 6 months or 10,000 miles, whichever occurs first. The inspection decal is located on the windshield and directly aligns with the steering column. Police look for this decal as proof of compliance. Robert Wolfe asked how the identification number (exterior) is assigned. Cathy Allen stated that the school districts assign the identification numbers. Melissa Burns asked the question if schools with MFSABs has had to add the additional features required. Cathy Allen stated that only vehicles manufactured on or after July 1, 2012 need the equipment listed and that there is no retrofit. Cathy Allen stated that she would like to recommend a change to the rules about MFSABs at railroad crossings. Any bus that meets all of the special requirements for school buses in Sections 12-801, 12-803 and 12-805, the driver of the bus must turn off all noise, heater blowers, defroster fans, auxiliary fans and radios and open the service door and driver's window before crossing a railroad track. In the ISBE bus driver's training manual, it states that the driver must also put on the yellow hazard lights but not law. Cathy Allen stated that if it is in the bus driver's training manual then it should also be in the law. Mike Stier and Patrick Johnson both agreed with Cathy about the hazard lights being included in the law if it is part of the driver's getting their school bus driving permit. Charlie Hood also agreed and said it would be much more consistent with whatever national level of training recommendations exists since operation life saver and procedures in other states almost universal require drivers to activate their 4-way warning/hazard lights when approaching a railroad crossing. Chair Tim Imler stated that this was going to be a recommendation for this committee that hazard lights on a multifunction school activity bus will need to be on at the time they approach a railroad crossing. Chair Tim Imler also stated that in regards to non-curricular activities that no matter what you are using the vehicle for, would it be advisable that any time you approach a railroad crossing for any trip, that you would have to follow the same procedures when approaching. This raises another issue. If you only have drivers with a driver's license, they will need to be told to follow the same procedures when approaching a railroad crossing as though it was like a curricular trip. Cathy Allen stated that the law really doesn't tell an MFSAB that it has to

stop because the law clearly states that is only for a school bus 12-801, 12-803 and 12-805 because a MFSAB cannot be either of these. If you would like MFSABs to stop, then add them in at #4 under IVC Sec. 11-1202. Carrie Leitner stated that there is actually a division on MFSABs depending on usage in regards to #1 of IVC Sec. 11-1202 that any second division vehicle carrying passengers for hire. She also stated that if you are taking adults somewhere for hire, they would be required to stop at the railroad crossing but during the week it would be different and depending on how it is plated, which brings up a whole other can of worms. Cathy Allen stated that a daycare would not have to stop at a railroad crossing. Kevin Duesterhaus stated that the "for hire" is the magic word and why they would need to stop at a railroad crossing. Carrie Leitner stated that they could argue if it is being used for extracurricular activities, then they wouldn't have to stop. However, if it were being used to take adults somewhere, they would need to stop. Tom Tully stated that if you have to send more people to training, they are going to say they are not flexible and not doing it so you would lose people. Dan Cox stated that to send coaches to training may be hard because bus drivers have a hard time finding training places. Cathy Allen stated that to add #4 to the IVC Sec. 11-1202 contain MFSABs owned by schools K-12 and any other private place that owns MFSABs could be in #1 but the reason schools purchased these vehicles for is for extracurricular activities and for coaches to drive. Cathy Allen stated that back in September 2010, the IDOT attorney stated that since the definition of a MFSAB starts out with the words school bus, that we could hang our hat on that and make them stop at railroad crossings. The law does not say it but IDOT has a legal document stating we could make them stop. Robert Wolfe stated that this under the discretion of this committee. Chair Tim Imler asked Charlie Hood that from a National perspective how would he feel about having MFSABs stop at all railroad crossings regardless of the trip. Charlie Hood stated that he does not have any information as to what other states are requiring but from a common sense consistency and safety point of view but the procedures for stopping at railroad crossings that it should be uniformed for any school carrying students on any form of a school sanctioned trip. Chair Tim Imler stated that it is not the use but the vehicle is itself that is dictating the stopping at railroad crossings. Chair Tim Imler also stated that if we were looking at uniformity and standardization, the use of that vehicle, regardless of the type of trip, would fall under and be used stop at railroad crossings because of what it is and not what it is being used for. Tom Tully stated that additional information is needed and there needs to be distinction between the law and what he sees because he also sees buses with their arms out when crossing at a railroad. If we are talking about uniformity, do we want these mini buses to have to add the stop sign? Melissa Burns stated that she was told because they were very confused, when they went to get their license at the Secretary of State and one of the people there when we discussed if we needed to do that, it was their feeling it was more unsafe for a white bus to stop at a railroad crossing. With a yellow school bus, every driver probably knows they stop at a railroad crossing but with white buses, the expectation wasn't there so there was more of a risk that white buses would get rear-ended. Cathy Allen stated that their attorney said when they brought up the same argument that he would rather have them get rear ended than hit by a train. Charlie Hood stated that it is not unusual in states for school buses and I can't say specifically for MFSABs, but a specification requirement is to have large lettering on the back of the bus that says vehicle stops at all railroad crossings to help mitigate the concern that people might not be aware they are going to do it. Cathy Allen stated that they could require that on all MFSABs. Dan Cox state that first and foremost looking at student's safety, stopping at the tracks makes the most sense. However, from a training standpoint, is it the thought that the coaches and drivers of these buses are going to have to go through more training that is rigorous or is it something that districts can have guidelines to do themselves. If you require training, it could eliminate the purpose and indirectly affect many districts because the purpose of driving that bus is because of driver shortage and it is a cost saving measure too. Robert Wolfe asked the question of what would be the estimated time for training and proper procedures for a coach to learn to stop at a railroad crossings. Would this training take an hour or less? Patrick Johnson stated that it would be based on the candidate, but you could probably learn what you need to learn in an afternoon. Tom Tully suggested that maybe a driver could watch a video or webinar and

answer questions to get a certificate to stop at railroad crossings. Cathy Allen presented information on seatbelts and the usage of them on school buses, which is attached to the minutes with a short discussion.

Chair Tim Imler gave a slide show presentation about Illinois vehicle Usage Guide, which is attached to the minutes. Cathy Allen asked the question about a school bus with 15 or less students, you wouldn't have to have a cdl license but I think you do. Kevin Duesterhaus stated that this type of vehicle would be a class D school bus permit, second division and therefore would not need a cdl license. You need a cdl license for 16 or more students.

Chair Tim Imler asked the task force committee if they were considering making a recommendation to expand the use of the MFSABs beyond what is currently in law, with the understanding specifically grade level expansion, curricular trips with an understanding a school bus driver's permit has to be a part of that equation if you are going to use the MFSABs for curricular purposes? Dan Cox asked if the thought behind this was because school districts that have multiple buses and they want to use them more because they are sitting in their parking lots from 8:00 to 3:00. Chair Tim Imler stated that this task force is for understanding vehicles and licensure but coming up with a recommendation for elementary and secondary education for allowed purpose and use. Kevin Duesterhaus stated that he does not hear school districts complaining about using a yellow bus versus a white bus but thinks more of the complaints are coming from parochial and private schools. Melissa Burns stated that expanding the use of MFSABs comes down to cost because they already have the white buses and if you switch to a yellow bus then you will need a cdl license, which would make it harder to find drivers. In addition, if requiring a yellow school bus, this would be much larger than what they would need compared to the small number of students. Dan Cox stated that cost would also be if you owned or leased the MFSAB's. Cathy Allen stated that contractors do not use the MFSABs but school districts do use them. Chair Tim Imler asked Melissa Burns with MFSABs that the concerns with licensure s, if it was only a school bus driver's permit if that would be more acceptable than to maybe force the issue on having them get a cdl for purchasing or using a bus of 16 passengers or more. Melissa Burns stated that it be more safe to have everyone be licensed. Jay Schadek stated that when making a recommendation to think about safety in regards to a white school bus versus a yellow school bus.

Carrie Leitner discussed some recent changes for licensure (registration). A change to M (municipal) plates on work trucks, like maintenance crew that were not legal but are legal now. These plates do not expire Public Act 99-707. In Public Act 99-595, this changed the insurance requirements for school buses. School buses are plated on a 2-year cycle and prior to this Public Act 99-595; someone changed the insurance requirements on liability insurance on school buses from \$25,000 to a combined \$2 million single limit policy. At the last registration in 2015, certificates for insurance were collected for school buses to verify they had the proper amount of insurance. School districts have a variation of insurance policies and some do not have certificates. The Department of Insurance was consulted and is has to be \$2million combined single limit because that is what is in the statute. , Secretary of State just wants to make sure everyone is following the law and there were some negotiations in not the past session but the one before it, and has now been changed to a combined \$2 million single limit policy or a \$1 million primary commercial with a minimum \$1 million umbrella. At the 100<sup>th</sup> General Assembly, two laws pertaining to school buses were passed. The first one involved plating school buses that were being used in the summer that had nothing to do with student transportation. Previously, once you were plated as a school bus (sb plate) you could not use it for anything other than transporting kids to and from school. If you wanted to use a school bus for non-related school activities, you could get a pt (public transportation) plate. Once you had either of those plates, it limited the function use of the vehicle. You cannot flip back and forth more than one time in a calendar year. The Illinois Secretary of State does not care if you want to use a school bus on the weekend for something not school related but you have to a school bus plate, higher insurance, higher driver's license requirements, cover up the words "school bus" and cannot

use the stop sign, arm and lights, per Public Act 241. In Public Act 100-227 (12-806 amended), this came out of Representative Sue Scherer's office, if you sell a school bus to a non-school entity and/or a non-dealer who specializes in school buses, it will then be considered a private citizen's bus. You will have to paint the bus a different color, remove stop arm, stop sign, lights and anything else that would make it look like a school bus. This will also go into effect January 1, 2018. Chair Tim Imler asked who was responsible for making these changes to the school bus. Carrie Leitner stated that the buy is responsible. This act will be enforced by the type of registration plate and should be plated as a flat weight plate (# DEF)

Chair Tim Imler stated that the last discussion is in regards to the National Survey of the NASDPTS, which Charlie Hood is the president of this association. The survey (dated January 29, 2015) was taken in regards to how other states use the MFSABs. The survey is attached to the minutes, more detailed survey results are in the resources in Task Force binder. Chair Tim Imler asked Charlie Hood if he knew if there was any other state besides Illinois that limited the use of MFSABs for certain grade levels. Charlie Hood stated that he really didn't know that because the survey did not specifically ask them that question. Charlie Hood stated that the survey is a great resource, but not legal gospel without more in-depth research being done. The overall one thing to take away from this is that most states don't make a distinction of how the MFSAB is used. Except for the driver qualification issue which is another whole different story, if the drivers qualification issues are treated equally (Training, CDL...) assuming it is uniform but rather the safety remain consistent regardless of the type of trip.

**Next Steps:**

Tim Imler reviewed with the group that the task force will need to focus on the recommendations for the final report and the upcoming meetings and what is forthcoming. There was discussion on the different recommendations that these past two meetings have sparked (usage of the MFSAB / costs / driver licensure) as well as if any further information is needed.

**Public Comment:**

None.

**Adjournment:**

The meeting was adjourned at 11:35 am by Chair Tim Imler. The next MSTTF meeting is Monday, November 20, 2017 at 9:00 am.