

CHAPTER 7470
DEPARTMENT OF PUBLIC SAFETY
SCHOOL BUS INSPECTION

- 7470.0100 DEFINITIONS.
- 7470.0200 PURPOSE AND AUTHORITY.
- 7470.1000 OPERATION OF TYPE A, B, C, D, AND MULTIFUNCTIONAL SCHOOL ACTIVITY BUSES.
- 7470.1100 DRIVER OF TYPE A, B, C, D, OR MULTIFUNCTIONAL SCHOOL ACTIVITY BUS.
- 7470.1200 FLAGGING AT RAILROAD GRADE CROSSINGS.
- 7470.1300 EQUIPMENT, INSPECTION AND USE.
- 7470.1400 OPERATION OF TYPE III VEHICLES.
- 7470.1500 DRIVER OF TYPE III VEHICLES.
- 7470.1600 TRANSPORTING PUPILS WITH DISABILITY.
- 7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.

7470.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms shall have the meanings given them.

Subp. 2. **Certificate.** "Certificate" means a school bus inspection certificate required by the provisions of Minnesota Statutes, section 169.451, subdivision 2.

Subp. 3. **Rejection sticker.** "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes. The size of the rejection sticker may not be larger than the inspection certificate.

Subp. 4. **State patrol.** "State patrol" means the Minnesota state patrol, or an individual state trooper thereof or a state patrol law compliance representative II (LCR II) employed pursuant to Minnesota Statutes, section 299D.06.

Subp. 5. **Temporary certificate.** "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

Statutory Authority: *MS s 169.451*

Published Electronically: *May 16, 2008*

7470.0200 PURPOSE AND AUTHORITY.

The purpose of this chapter is to establish rules governing the issuance and display of school bus inspection certificates, consistent with the provisions of Minnesota Statutes, section 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature.

Statutory Authority: *MS s 169.451*

Published Electronically: *May 16, 2008*

7470.0300 [Repealed, L 2021 1Sp5 art 4 s 151]

Published Electronically: *October 6, 2021*

7470.0400 [Repealed, L 2021 1Sp5 art 4 s 151]

Published Electronically: *October 6, 2021*

7470.0500 [Repealed, L 2021 1Sp5 art 4 s 151]

Published Electronically: *October 6, 2021*

7470.0600 [Repealed, L 2021 1Sp5 art 4 s 151]

Published Electronically: *October 6, 2021*

7470.0700 [Repealed, L 2021 1Sp5 art 4 s 151]

Published Electronically: *October 6, 2021*

7470.1000 OPERATION OF TYPE A, B, C, D, AND MULTIFUNCTIONAL SCHOOL ACTIVITY BUSES.

Subpart 1. **Application.** Parts 7470.1000 to 7470.1700 govern the operation of Type A, B, C, D, and multifunctional school activity buses used for transporting pupils to or from school or school-related activities when the buses are owned and operated by a school district or nonpublic school, or privately owned and operated under a contract or agreement with a school district or nonpublic school.

Subp. 2. **Transportation of pupils.** Pupils are not to be evicted from the bus along the route for a breach of discipline. All breaches of discipline must be reported by the bus driver to the authorized person.

The entrance door must be closed at all times when transporting pupils and the bus is in motion.

All buses must load and unload in the right lane of the roadway, at pupil stops on bus routes approved by the authorized person. Loading or unloading in a designated turn lane or in a lane immediately adjacent to a designated right-hand turn lane is prohibited unless the turn lane is a designated school bus stop at which pupils are not required to cross the road. Under these circumstances, the bus must stop at the extreme right-hand side of the turn lane and the eight-light system and stop arm should not be used. Loading and unloading pupils within an intersection is prohibited.

No pupils may be in the bus while the fuel tank is being filled. On leaving the vehicle when pupils are in the bus, the driver shall stop the motor, remove the ignition key, set the brakes, and otherwise render the bus immobile.

The authorized person shall see that no materials, including guns, loaded or unloaded; gasoline cans, empty or full; animals, except companion animals accompanying persons with disabilities;

or any other object of a dangerous or objectionable nature are transported in the school bus when pupils are being transported.

Subp. 3. **Driving on school grounds.** Buses must not be run backwards on the school grounds or at any other point if it can be avoided. If necessary to run a bus backwards, the driver should have adequate visibility to determine if any moving vehicles are within 500 feet in either direction, when on roadways. When there is a pupil pick-up or unloading at a backing point, the driver shall always load before backing and unload after backing. No pupils may be outside the bus when it is backing.

Subp. 4. **In case of accidents.** In case of an accident or breakdown of the bus the driver shall not leave the bus, but shall send two of the patrol or other responsible pupils to the nearest house to summon help.

Immediate reports of all accidents, however slight, involving the school bus must be made by the driver to the authorized person and to any other authorities as required by law, rule, or regulation. The driver shall prepare and keep all records and reports required by the authorized person.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; 32 SR 1983*

Published Electronically: *May 16, 2008*

7470.1100 DRIVER OF TYPE A, B, C, D, OR MULTIFUNCTIONAL SCHOOL ACTIVITY BUS.

The driver of a type A, B, C, D, or multifunctional school activity bus shall:

A. bring the bus to a full stop and disengage gears by shifting into neutral or park before loading and unloading pupils;

B. use the prewarning amber flashing signals, flashing red signals, and stop signal arm, if equipped, in accordance with Minnesota Statutes, section 169.443;

C. maintain at least a 50-foot interval when following another bus entering or leaving the school ground, and at least 500 feet when traveling on the highway, in accordance with Minnesota Statutes, section 169.18, subdivision 8, paragraph (b);

D. load or unload pupils only where the view is unobstructed to the motorist for 500 feet in either direction on a roadway with a speed limit of 35 miles per hour or greater and where the view is unobstructed for at least 100 feet where the speed limit is less than 35 miles per hour;

E. be responsible for safely delivering the pupils who must cross the highway to the left side of the road by one of the following methods: the pupil shall pass around in front of the vehicle and cross the road only upon receiving word or signal from the driver; or the pupil shall pass around in front of the bus and be conducted across the road by the school bus patrol or the bus monitor; or the driver shall personally conduct the pupils across the road; and

F. stop at all railroad crossings whether carrying passengers or not in accordance with Minnesota Statutes, section 169.28. The driver shall activate the four-way hazard warning lights not less than 100 feet from the nearest rail, and stop not less than ten feet from the nearest rail. While so stopped, the driver shall open the driver's window and service door to look and listen in both directions along the track for any approaching train. Eight-lamp prewarning alternately flashing amber signals and flashing red stop signals must not be used at railroad crossings. Hazard warning signals should be used.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; 32 SR 1983*

Published Electronically: *May 16, 2008*

7470.1200 FLAGGING AT RAILROAD GRADE CROSSINGS.

A school bus must not be flagged across railroad grade crossings except at such railroad grade crossings as the local school authorized person may designate.

Flagging must be done in the following manner.

The pupil or bus monitor shall take a position so as to have a clear view of the railroad tracks in both directions. If a train is approaching, the pupil or monitor shall not cross the track but shall face the bus and signal the bus not to proceed by holding up both hands above the head. On making certain that the track is clear and safe for crossing, the pupil or monitor shall signal the driver to cross the tracks by a forward motion of an upraised arm. The driver must be sure to check for approaching trains and be certain it is safe to cross before driving the bus across the tracks. The pupil or monitor shall not reenter the bus until the bus has crossed the tracks to a safe distance.

Statutory Authority: *MS s 169.449*

History: *20 SR 722*

Published Electronically: *May 16, 2008*

7470.1300 EQUIPMENT, INSPECTION AND USE.

No school bus shall be driven unless the driver or other designated person has inspected the vehicle to ensure that, at a minimum, the following parts and accessories are in good working order: service brakes, including trailer brake connections; parking (hand) brakes; steering mechanism; lighting devices and reflectors; tires; fluid levels; horn; windshield wiper or wipers; rear-vision and crossover mirrors, including their proper adjustment; eight-lamp system; and stop arm. A copy of the current daily pretrip inspection report must be carried in the bus.

Statutory Authority: *MS s 169.449*

History: *20 SR 722*

Published Electronically: *May 16, 2008*

7470.1400 OPERATION OF TYPE III VEHICLES.

The operating rules in parts 7470.1000 to 7470.1500 govern the operation of Type III vehicles used for transporting pupils when leased, rented, or owned and operated by a school district or nonpublic school, or privately leased, rented, or owned and operated under an agreement with a school district or nonpublic school. Type III vehicles are restricted to automobiles, station wagons, and other vehicles having a manufacturer's rated seating capacity of ten or fewer people including the driver, and a gross vehicle weight rating of 10,000 pounds or less.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; 32 SR 1983; L 2008 c 350 art 1 s 96*

Published Electronically: *September 4, 2008*

7470.1500 DRIVER OF TYPE III VEHICLES.

The driver of a Type III vehicle shall not:

- A. operate the vehicle as a Type A, B, C, or D school bus;
- B. stop traffic;
- C. load or unload in a vehicular traffic lane or on the shoulder, but is restricted to curb, nontraffic side (normal parking lane), off-street loading areas, driveways, yard service, and other areas to avoid any hazardous conditions;
- D. load or unload in the right-hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated right-hand turn lane;
- E. load or unload so that a pupil has to cross the road, except where not possible or impractical, then the driver or aide shall personally escort the pupil across the road;
- F. escort a pupil across the road under item E unless the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; or
- G. load or unload before making a complete stop and disengaging gears by shifting into neutral or park.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; 32 SR 1983; L 2008 c 350 art 1 s 96*

Published Electronically: *September 4, 2008*

7470.1600 TRANSPORTING PUPILS WITH DISABILITY.

Subpart 1. **Services provided.** Minnesota Statutes, sections 125A.03 to 125A.24, requires school districts to provide special education and services for a school age resident with a disability. Accordingly, free transportation services must be provided to any child with a disability who requires special transportation services because of the child's disabling conditions or special program needs.

Parts 7470.1600 and 7470.1700 apply to transportation of a child with a disability, as defined in Minnesota Statutes, section 125A.02, when the disabling conditions of the child are such that the child cannot be safely transported on the regular school bus route or when the child is transported on a special route for the purpose of attending an approved special education program.

Parts 7470.1600 and 7470.1700 are not applicable to parents who transport their own child under contract with a school district or nonpublic school.

Subp. 2. **Appeal process.** Any parent of a child with a disability who believes that the transportation services provided for that child are not in compliance with parts 7470.1600 and 7470.1700 may utilize the due process procedures provided for in Minnesota Statutes, sections 125A.03 to 125A.24.

Subp. 3. **Length of transit time.** The length of time a pupil with a disability is transported must be appropriate to the physical, mental, and emotional well-being of the pupil. In general, a pupil with a disability should not spend more time in transit than a pupil without a disability except as may be required because of the unique location of the pupil's educational program.

Subp. 4. **Type of vehicle.** The school district shall determine the type of vehicle used to transport pupils with a disability on the basis of the disabling conditions of those pupils. These vehicles must comply with Minnesota Statutes, section 169.4504.

Subp. 5. **Additional assistance; determination.** Vehicles used to transport pupils with a disability must be equipped with a two-way communications system or have a responsible aide, or both, to provide necessary assistance and supervision that cannot safely be provided by the driver. A school district may determine that an aide is required. The determination of whether an aide is required must reflect the needs of the pupils and be based on such factors as disabilities of pupils transported, distance traveled, density of population, terrain, and any other factors that may affect the safety of the pupil passengers. Exceptions to this subpart may be made upon mutual agreement between the parents and the school district.

Subp. 6. **Special equipment.** Specially adapted seats, support, or protective devices must be provided for all pupils who require the devices to ensure their safe transportation. These devices must be selected by the school district in consultation with the pupil's parents and on the basis of the specific needs of the individual pupil with a disability.

Subp. 7. **Wheelchair securement.** A school bus used to transport pupils in wheelchairs must be equipped with fastening devices that will hold the wheelchairs securely in a fixed position.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; L 1998 c 397 art 11 s 3*

Published Electronically: *May 16, 2008*

7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.

Subpart 1. **Drivers generally.** Each driver of a vehicle for pupils with a disability shall be carefully selected to assure the driver can perform the requirements of the job. Drivers must be assigned to each route on a regular basis whenever possible.

Subp. 2. **Information necessary.** Each driver and aide assigned to a vehicle transporting pupils with a disability shall have available to them the following information in hard copy or immediately accessible through a two-way communication system:

- A. the pupil's name and address;
- B. the nature of the pupil's disabilities;
- C. emergency health care information; and

D. the names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency.

Subp. 3. **Training.** Each driver and aide assigned to a vehicle transporting pupils with a disability must:

- A. be instructed in basic first aid and procedures for the pupils under their care;
- B. within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities;
- C. assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and
- D. ensure that protective safety devices, as required in part 7470.1600, subpart 6, are in use and fastened properly.

Statutory Authority: *MS s 169.449*

History: *20 SR 722; 32 SR 1983*

Published Electronically: *May 16, 2008*