

General Operational Regulations Applying to School District's Student Transportation

Colorado school district student transportation operations are required to comply with the following general operational regulations of the Colorado Department of Education (CDE):

- 301-25, Colorado Minimum Standards Governing School Transportation Vehicles
- 301-26, Rules for the Operation of School Transportation Vehicles
- 301-29, Rules for the Annual Inspection and Preventative Maintenance of School Transportation Vehicles

Although there are other regulations from other state agencies dealing with specific aspects of student transportation, these are the only general regulations. The regulations dealing with specific aspects are described elsewhere.

There are two state statutes that require the Colorado State Board of Education to promulgate these regulations for all public (including charter and facility) schools.

22-51-108. Rules.

The state board of education shall promulgate rules for the administration of this article. Such rules shall include reasonable and adequate standards of safety in the maintenance and operation of buses, the maintenance of records by school districts, the state charter school institute, and facility schools, the length of bus routes, the number of children to be transported in the various types of buses, and such other rules pertaining to pupil transportation as will promote the welfare of the students and afford reasonable protection to the public.

42-4-1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception.

(1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this article to govern the operation of all school buses used for the transportation of schoolchildren . . .

Federal Motor Carrier Safety Regulations

Federal Motor Carrier Safety Regulations do not apply to Colorado school district student transportation operations based on the fact that school districts are considered political subdivisions of the state and route operations are exempt:

49 CFR 390.3 Federal Motor Carrier Safety Regulations, general
§ 390.3 General applicability.

(f) Exceptions. Unless otherwise specifically provided, the rules in this subchapter do not apply to—

- (1) All school bus operations as defined in 390.5 except for the provisions of 391.15(e) and 392.80. (390.5 defines school bus operations as route operations)
- (2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

The subchapter referenced is subchapter B which includes Parts 350 through 399. The only Part that directly applies to school district student transportation is Part 382, Controlled substance and alcohol testing.

Colorado State Patrol Motor Carrier Safety Regulations

Colorado State Patrol Motor Carrier Safety Regulations do not apply to Colorado school district student transportation operations based on Colorado statute,

42-4-235. Minimum standards for commercial vehicles - repeal.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to section 42-4-1904...

(4) (a) The department (CSP) shall adopt rules for the operation of all commercial vehicles.

As shown on the previous page, statute 42-4-1904 requires the State Board of Education to regulate public (including charter and facility schools) schools student transportation. Since public school buses are "regulated pursuant to section 42-4-1904" thus are not considered 'commercial vehicles' for the purpose of this statute and are exempt from the state motor carrier safety regulations.