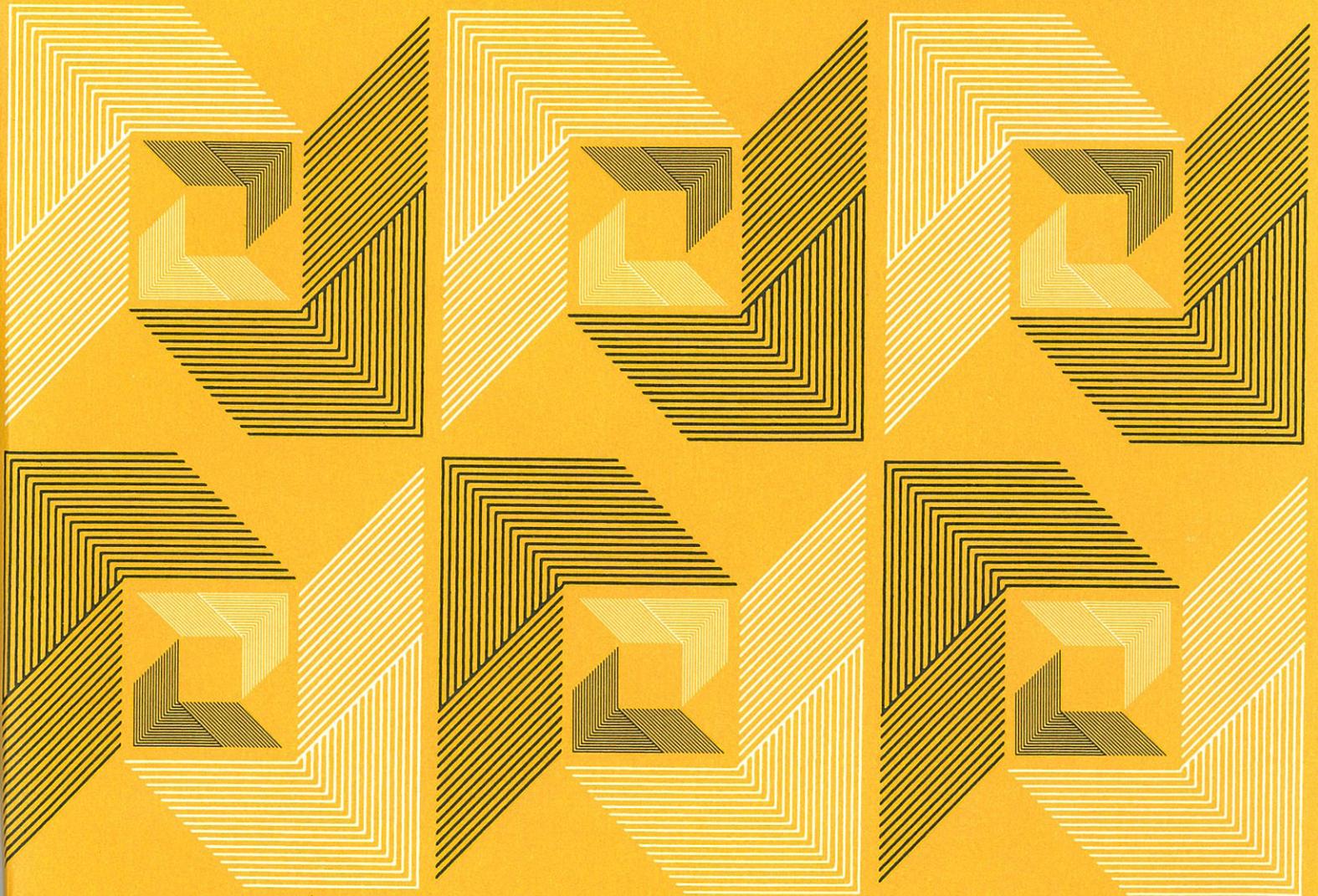


AUDIT REPORT NO. 78--2
DECEMBER 1978

MANAGEMENT AUDIT OF THE STUDENT TRANSPORTATION SERVICE PROGRAM

A REPORT TO THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII



SUBMITTED BY THE LEGISLATIVE AUDITOR OF THE STATE OF HAWAII

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**Submitted by the
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FOREWORD

Student transportation as an area of activity and concern for the state government in Hawaii has undergone fundamental change and experienced phenomenal growth in the period since statehood was achieved in 1959. Yet, much of this change and growth has been unconscious, unplanned, and uncoordinated. As a consequence, many serious shortcomings exist in the provision of student transportation services and in the promotion of student transportation safety in Hawaii even though considerable public and private resources are currently being devoted to these purposes.

In 1974 and 1975, we issued three reports of our audit of Hawaii's public utilities program. In the course of examining the transportation element of this program, we became acutely aware of grave deficiencies existing in the more specialized area of student transportation. As a result, we decided to make student transportation the subject of a separate audit and report.

The report is divided into four parts. Part I contains an introduction and some general background information. Part II is the longest portion of the report and deals extensively with the safety aspects of student transportation. Part III focuses upon the operational and economic aspects of student transportation. Part IV consists of the responses which were received from the agencies affected by the audit in answer to our invitation to comment on the report's recommendations.

It should be noted that the agency responses in the case of this audit are brief and indefinite considering the number and seriousness of the findings and recommendations set forth in the report. While acknowledging the existence of shortcomings and the basic soundness of our recommendations, the three key agencies in their joint response simply indicate they will be meeting to "review" the specific recommendations set forth in the report. They also lay claim to improvements already made and caution against the added costs which implementation of the recommendations may entail. The tenor of such comments does not suggest that a very high priority is being assigned to further action in this area of vital importance.

We hope, therefore, that upon further reflection the affected agencies will recognize much can be done to improve matters in this field within the considerable resources already being devoted to student transportation and will truly dedicate themselves to achieving better coordination and improved management performance in this area as rapidly as possible.

We wish to acknowledge the cooperation and assistance extended our staff by the agencies contacted in the process of conducting this audit.

Clinton T. Tanimura
Legislative Auditor
State of Hawaii

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PART I

INTRODUCTION AND BACKGROUND

Chapter 1

INTRODUCTION

This report is an outgrowth of the management audit of Hawaii's public utilities program undertaken several years ago by the office of the legislative auditor. In the course of our examination of the regulation of transportation services by the public utilities commission, we became acutely aware of serious problems affecting the provision, management, and regulation of student transportation services in Hawaii. However, the public utilities agency was only marginally involved in these matters, and the problems we detected extended beyond the scope of the public utilities audit. Therefore, full and proper attention could not be given to these problems within the framework of that audit.

Nevertheless, we recognized the importance of student transportation within our community and the severity of the problems affecting it. Accordingly, we initiated a separate management audit of student transportation activities within the State. This report represents the results of our investigation of this complex and vital subject.

Objectives of the Audit

The objectives of this audit were:

1. To search out, portray, and describe the various dimensions of student transportation as they reflect and affect public policy and public administration in Hawaii.

2. To assess how well Hawaii is coming to grips with the issues involved in student transportation and to evaluate the effectiveness and efficiency of the organization, management, and processes by which public policy is made and governmental action is taken in the field of student transportation.

3. To recommend changes in approach, organization, management, and processes which would clarify public policy in the field of student transportation and produce greater effectiveness and efficiency in attaining the objectives of this policy.

Scope of the Audit

Due to the diverse nature of the subject matter and the wide dispersion of authority and responsibility concerning it, this audit had to focus upon numerous agencies and upon interrelationships among these agencies. Thus, while the state department of education is the single most important of the agencies examined, this is, in fact, a multiagency review—including county and federal agencies as well as the several affected state agencies.

Organization of the Report

This report is divided into four parts. Part I contains this introduction and a general background chapter on the subject of student transportation. Part II, which includes chapters 3

through 10, deals in considerable detail with the safety aspects of student transportation. Part III, containing chapters 11 through 15, encompasses the operational and economic aspects of student transportation. Together, parts II and III contain our findings with respect to the provision, management, and regulation of student transportation services in Hawaii.

Finally, there is part IV, which contains the responses of the agencies affected by the audit. We asked the agencies to comment on the findings and recommendations in the preliminary draft of the report. Their comments are included in this part.

Abbreviations

In this report, we use numerous abbreviations. To avoid confusion and to identify these properly, the abbreviations used in this report and their meanings are listed below:

- APA – State Administrative Procedure Act (HRS, chapter 91)
- DAGS – state department of accounting and general services
- DOE – state department of education
- DOT – state department of transportation
- DPS – state department of personnel services
- NHTSA – National Highway Traffic Safety Administration, U.S. Department of Transportation
- OHSC – state office of highway safety coordinator
- PUC – state public utilities commission
- PUD – public utilities division, state department of regulatory agencies
- SSBSC – state school bus safety committee

Chapter 2

BACKGROUND

Student transportation is an increasingly important subject. As education becomes more specialized, professionalized, and centralized, it depends more and more on modern, efficient transportation. In both urban and rural areas, the long-term pattern is for the small, localized school service area to give way to the larger regional school district or complex.

In this process, student transportation becomes increasingly multidimensional. Transportation can be a significant variable in selecting school sites, determining school sizes, planning curriculum, broadening educational opportunities, and creating racially balanced schools. Policy questions concerning student transportation are not only educational, but social, political, and economic. These concerns come into play either nationally, locally, or both. The most important questions are these:

1. To what extent should government rely on general transportation systems to transport students?
2. Should government specially regulate student transportation and, if so, to what extent?
3. Should government directly provide transportation to students?
4. To what extent should government provide transportation to and from school? Or provide transportation for excursions?

5. How much should the individual student be required to pay for transportation? How much should the public pay?

6. Should public money be devoted to transporting private school students?

7. Should the means of student transportation be owned by the school system, or should schools buy the service?

8. To what extent should student transportation serve as a tool to equalize educational opportunity?

9. Should transportation serve as a tool to desegregate schools racially? If so, to what extent?

In this chapter, we discuss this policy grid briefly and in a general way.

Reliance on general transportation. Quite obviously we have many transportation modes. One option of government is simply to rely on general-use modes and do nothing special for students. A variation is to coordinate the planning of education sites with general transportation systems, but to stop short of regulating student transportation or providing special service for students.

Regulating student transportation. If a level of government becomes involved in student

transportation, it might only provide regulation of a transportation system. For instance, it might specially regulate the general transportation mode. On the other hand, government might not only *regulate* service but also *provide* the service itself. In either case, the problem is essentially to establish and enforce appropriate standards. The potential gamut includes standards of driver performance; standards for vehicles; standards for training of student riders; standards for routes, stops, and schedules; and standards for reporting and investigating accidents.

Directly providing transportation. If government opts to provide transportation, a range of important issues comes directly into play, since direct service can bear heavily on the quality of education and equality of educational opportunities. Transportation as a policy tool can be carried as far as busing to effect desegregation. Because of the high costs involved, student transportation is a major demand on limited public resources. It also has important effects on public transportation policy.

Transportation to and from school versus excursions. Student transportation is usually divided into two categories. One is transportation to and from school. This makes education possible, but is not a part of the educational experience *per se*. The second type of student transportation is the field trip, or excursion. Excursions to outside educational, cultural, or recreational activities may greatly expand and enrich the educational experience.

Who pays? A range of views exists regarding the question of who should pay for student transportation services. At one extreme is the contention that government has no responsibility at all to pay for services. Intermediate positions include partially subsidizing service, or subsidizing service to students deemed needy. At the other end of the spectrum is the contention that government should pay the entire cost of service. A sharp distinction

is also usually drawn between financing transportation to and from school and financing excursions. In Hawaii, transportation to and from school is heavily subsidized, but transportation for excursions receives virtually no subsidization except for very limited federal and private funds made available to selected groups of students for this purpose.

Public support for private school students. On this question, two quite opposite views are taken. One side opts to treat private and public school students alike, while the other would not subsidize private school students in any way.

Ownership of the means of student transportation. If government finances student transportation, it may either own and operate the service or buy the service. When considered free of ideological constraints, this question is largely one of relative economy, efficiency, and operational convenience. If the decision is to buy the service, there are several options: (1) contract publicly owned systems, (2) subsidize student utilization of a public system, (3) contract a private system, or (4) subsidize student utilization of a private system. Depending on what is available, any combination of these approaches is possible.

Equality of educational opportunity. Equal educational opportunity is the watchword of a progressive liberal society. As far as transportation can provide equal access, it is integral to equality of opportunity in education. Transportation also makes centralization, specialization, and a more diverse school program possible. The question of whether the individual or government pays for transportation is fundamental to the issue of equality. The question of equality of opportunity is especially important when weighed in the context of special transportation needs of the handicapped.

Racial desegregation. As far as racial desegregation of schools is identified with equality of opportunity, court-ordered busing is a variation on the basic theme of equality. In federal desegregation cases, racial

proportionality often has been the sole criterion for requiring the transportation of students. Hawaii, with its more heterogeneous population, has been unaffected by desegregation orders.

The History of Student Transportation in Hawaii

In Hawaii, government involvement in student transportation is relatively recent. Originally the county governments were the most active in this field, but in the post-statehood years their roles have diminished while the role of the State has expanded rapidly. However, despite moves to centralize and standardize student transportation, both regulation and service remain uneven and fragmented. No clear delineation has been made of policies, objectives, and responsibilities. Numerous agencies are involved, and their functions often overlap.

County-level activity was most pronounced before 1959. According to a study¹ of the subject, county-level programs were introduced "for the explicit purpose of equalizing the educational opportunities of those children residing in the remote areas . . ." However, in territory-wide terms, the results of these county programs were unequal. For example, the Hawaii county board of supervisors provided free transportation for children living three or more miles from their assigned schools. The Kauai county board of supervisors only provided transportation when students lived ten or more miles from their schools. The Honolulu board of supervisors limited transportation to children living outside the Honolulu district, and only then when the board deemed it necessary to do so. The Hawaii county program was mandatory, while Kauai county retained the option of not providing the service. Hawaii county acquired its own fleet of buses, while the Kauai board of supervisors was bound to contracting for the service. Not only were the levels of service different, but the regulatory standards also differed from county to county.

The state government became actively involved in student transportation only after statehood. As early as 1939, DOE, then called the department of public instruction, was charged by statute with the responsibility of adopting and enforcing territory-wide safety regulations governing school buses. However, DOE failed to adopt any such regulation during the period that Hawaii remained a territory. The involvement of the State (including DOE) after statehood is chronologized below. It will be noted that the State became involved at an accelerating pace throughout the 1960's.

1961: The Hawaii Motor Carrier Law. With the 1961 passage of the Hawaii Motor Carrier Law, the State of Hawaii took its first tentative step toward a state program on school bus transportation and safety in Hawaii. Although this law exempted school bus operators from economic regulation by the public utilities agency, operators were subjected to the safety regulation of the agency. However, because motor carrier regulation was a major new area of responsibility thrust on an ill-prepared public utilities agency, several years passed before the agency began to have any practical impact on school bus operations.

1962: Adoption of DOE regulations. In the meantime, DOE belatedly became involved in transportation safety with the 1962 adoption of its first version of Rule No. 1 entitled, "Relating to the Transportation of Students by School Bus." This rule set forth various safety requirements for both county-owned and privately-owned school buses.

1965: The state role expands. In 1965, the State broadened its powers at the expense of the counties by passage of Act 97. Among other things, this act transferred responsibility for student transportation services from the counties to the State. Because the act allowed

¹Ernest Farmer, *Student Transportation in Hawaii: Program Analysis and Evaluation*, (1971), pp. 1-2.

for the counties to contract this function from the State, the State takeover was deferred for two years.

1967: The state program. Act 203 of 1967 provided for the physical and operational transfer of school transportation functions to the State, thereby following through on the direction set by Act 97. Simultaneously, the state legislature passed Act 233, which charged DOE with developing a student transportation program for achieving equality of educational opportunities throughout the State. By Act 233, the state legislature also amended DOE's responsibility concerning the safety of school buses. While the 1939 act charged DOE with the responsibility of *adopting and enforcing* safety regulations, Act 233 affirmed in the DOE only that responsibility to *adopt* safety regulations: it shifted to the counties the task of enforcing the regulations adopted by DOE and of inspecting and ensuring the safety of school bus vehicles. This change was intended not only to relieve DOE of the function of enforcing safety regulations, but it seems that it was also intended to relieve PUC of responsibility in the area of school bus safety. The law, however, was not made explicit on this point. As a consequence, Act 233 brought about an overlapping of jurisdictions over school bus safety among DOE, PUC, and the counties.

The combined effects of Acts 97, 203, and 233 produced two other important results. One was that the State inherited from the counties and continued to utilize almost completely a system of providing student transportation through private contractors rather than through state-owned and -operated facilities and equipment (only the 20 buses once owned by the county of Hawaii are now state-owned and -operated). Secondly, the stage was set for greatly enlarged governmental financing of student transportation services in Hawaii. In the ten years since 1967, although public school enrollment has been virtually static, appropriations for student transportation services have increased nearly ten-fold. In 1967-68, expenditures were less than

\$850,000, compared to a 1977-78 appropriation in excess of \$8 million. Currently about 20 percent of Hawaii's students receive state subsidy.

Although the State's role has greatly expanded, the county governments continue to support student transportation financially, probably in excess of \$2 million annually. Despite both state and county support, Hawaii still does not have a fully subsidized or "free" system. Generally students still must live a mile or more from school to receive a subsidy. Moreover, Oahu students must pay 10 cents toward the cost of each bus trip. This cost is covered on the neighbor islands by the counties.

The basic concept embodied in Act 233 of 1967 appears to have been that the State would assume responsibility for subsidizing all school bus transportation in Hawaii, including buses serving private schools. However, this approach was blocked when opponents of subsidies to private school students instituted legal proceedings and won a decision from the state supreme court. The court held that using public funds to provide transportation subsidies to private school students is unconstitutional. This decision was rendered in December 1968, and a petition for rehearing was denied in March 1969, both by unanimous action of the court.

1972-73: An attempt at consolidation. In 1972, the federal government imposed on the states a set of standards for pupil transportation safety. Among them is one which states, "There shall be a single State agency having primary responsibility for pupil transportation, and employing at least one full-time professional to carry out its responsibilities for pupil transportation."

In response, the 1973 Hawaii legislature enacted Act 58, designating DOE as the State's primary agency.

However, Act 58 did not exclude the counties from participation in the program for student transportation safety; it did not relieve

the counties of their existing responsibilities. Thus, the counties continue to act as the primary enforcers of all school bus laws and regulations. The counties also continue to be responsible for the safety inspection of school buses.

Furthermore, Act 58, following the pattern of the federal standards, defines the term "school vehicle" in such a manner as to confine DOE's safety regulatory authority to the transportation of students to and from school. As a result, safety regulation of vehicles used on excursions remained with PUC until 1977, when it was transferred to DOT. Mass transit buses owned or operated by the counties apparently were exempt from most state safety regulation whether or not students were included among the passengers using them. However, the 1977 legislation transferring PUC's motor carrier safety functions to DOT appears to have eliminated the exemption of public transit buses from state safety regulation.

1973: The amended DOE rule. Pursuant to Act 58, DOE amended its existing Rule No. 1. It took out of Rule No. 1 all those rules relating to safety regulation, revised them, and incorporated them into a new set of rules. As a result, the present Rule No. 1 is confined to state subsidization of school bus services. Rule No. 48 is concerned with safety regulation of student transportation.

Rule No. 48 assigns numerous functions to agencies other than DOE. These include: (1) the state public utilities agency (the functions of which were recently transferred to DOT), relative to physical examinations and physical fitness of bus drivers, construction and equipment requirements of school buses, and the inspection and maintenance of school buses; (2) DAGS, relative to the certification of school bus drivers; (3) DPS, relative to the training of school bus drivers; (4) the county examiners of drivers, relative to the licensing of bus drivers; (5) the county police departments, relative to obtaining traffic and criminal clearances for school bus drivers and to determining the proper

seating on school buses; and (6) the counties, relative to the designation of school bus stops. By also incorporating references to various federal standards, the federal government and the now-defunct state office of the highway safety coordinator also were involved in the administration of Rule No. 48.

Within DOE, Rule No. 48 assigns duties and functions as follows: (1) the student transportation administrator is assigned to rule on initial appeals to reverse the denial, suspension, or revocation of a bus driver's certificate; (2) district offices are assigned to receive accident reports submitted by school bus drivers; (3) individual schools are assigned to provide safety instructions to bus riders at least twice a year; (4) school principals are assigned to receive reports from school bus drivers on cases of serious misconduct by students on school buses; and (5) the superintendent of education is assigned the power to grant exemptions from any of the requirements set forth in Rule No. 48. A proposed amendment of Rule No. 48 is now pending before the board of education. The proposed rule, if adopted in its present form, will overhaul many sections of the existing rule.

1977: The transfer of motor carrier safety. The 1977 legislature, out of concern for fragmentation of safety regulation, transferred the safety aspects of the Hawaii Motor Carrier Act of 1961 from PUC to the director of DOT (Act 20, Special Session of 1977). This was a promising step, in that it placed excursion transportation under the authority of the one agency in the State which has a primary interest in safe transportation. However, authority over student transportation safety continues to be fragmented by virtue of Act 58 of 1973, which made DOE primarily responsible for transportation safety to and from school and which remained unaffected by the legislation passed in 1977.

Summary. Despite several attempts to centralize responsibility for student transportation safety, regulation remains

PART II

SAFETY ASPECTS OF STUDENT TRANSPORTATION

Chapter 3

INTRODUCTION

As between provision of service and regulation, regulation is probably more complicated in terms of organization and management. Safety regulation embraces DOE, DAGS, DOT, the counties, and the federal government.

This part of the report deals with the organizational and management issues and also assesses the performance of the agencies involved in the regulation of student transportation safety. This part is organized into eight chapters. In addition to this introductory chapter, there are chapters on: (1) the legal and organizational framework for safety regulation; (2) policies, procedures, and administrative rulemaking in the field of student transportation safety; (3) the safety performance of school bus drivers; (4) the safety performance of student transportation vehicles; (5) the training, indoctrination, and control of student bus riders; (6) school bus routes, stops, and schedules; and (7) the reporting, investigation, and analysis of accidents.

Summary of Findings

In summary, our findings regarding regulation for student transportation safety are as follows:

1. Because of inadequate and unclear legal provisions and highly deficient organizational arrangements, Hawaii's student

transportation safety program is suffering from a lack of leadership and direction and an absence of effective coordination among the many agencies involved. Student bus riders are not being afforded sufficient safety protection.

2. Rules, regulations, policies, and procedures of the agencies involved in student transportation are seriously inadequate.

3. Regulation of school bus driver recruitment, selection, and qualification is grossly deficient. Hawaii is violating applicable federal standards, state statutory provisions, and sound safety practice by failing to develop a program for improving the performance of school bus drivers. As a result, there is no assurance that drivers are competent.

4. The safety regulation of vehicles suffers from: (a) a complete lack of an information and control system for such vehicles; (b) a widespread failure to exert effective regulation over the identification, design, construction, equipment, age, and rider capacity of vehicles; and (c) a general neglect of safety inspection and maintenance of vehicles. Regulations in this area create jurisdictional overlaps and are otherwise inadequate. No sufficient safeguards are being provided against the use of potentially dangerous vehicles.

5. Despite federal and state requirements covering the subject, Hawaii lacks an effective approach to the training and disciplinary control

of student bus riders. Generally accepted precautions in this area are not being taken to avoid accidents, or to lessen the effects of such accidents when they occur.

6. Although school bus routes, stops, and schedules all have significant safety

ramifications, these matters currently are receiving little attention.

7. Action by the State of Hawaii in the areas of reporting, investigating, analyzing, and otherwise following up on student transportation accidents generally is meager, inadequate, and ineffectual.

Chapter 4

LEGAL AND ORGANIZATIONAL FRAMEWORK FOR SAFETY REGULATION OF STUDENT TRANSPORTATION

Legal and organizational problems can constrain any governmental program, but they appear to have an especially significant impact on the effectiveness of safety regulation in the field of student transportation.

Summary of Findings

1. Laws governing safety regulation of student transportation tend to fragment government's approach to student transportation, when a unified approach is needed. The legal base of student transportation also creates jurisdictional overlaps.

2. Organizational arrangements for safety unduly disperse responsibilities and confuse the roles of the many agencies involved. No agency provides strong leadership, and interagency cooperation and coordination are inadequate to the task.

Legal Provisions

Legal requirements governing student transportation safety in Hawaii stem from a variety of federal, state, and county laws, which are described below.

Federal standards. The federal government in recent years has adopted a body of legislation on highway traffic safety and has greatly increased its administrative and enforcement activities. NHTSA has been established within

the U.S. Department of Transportation to administer most aspects of the federal highway traffic safety program. This agency has set standards which must be met by the various states if they are to qualify for federal matching funds for highway traffic safety and avoid forfeiting 10 percent of all federal highway aid funds. In Hawaii's case, highway safety matching funds may exceed \$1 million a year, while the 10 percent penalty provision could amount to \$5 million or more annually. A recent amendment to the federal legislation, however, gives NHTSA flexibility in enforcing the standards.

Rather than adopt a single, comprehensive set of highway safety standards, NHTSA has developed separate standards covering various areas of highway safety. One set governs student transportation safety. This set went into effect on June 6, 1972. It provides standards for such matters as (1) identification, operation, and maintenance of school buses; (2) qualification and training of personnel engaged in providing pupil transportation; and (3) general administration of a state program for student transportation safety.

As initially adopted, the federal standards were confined exclusively to the transportation of students to and from school and did not apply to student transportation for excursions, athletic contests, etc. However, as a result of a 1974 amendment (P.L. 93-492) to the National Traffic and Motor Vehicle Safety Act of 1966, the definition of "school bus" in the federal law was expanded to include vehicles used

to transport students to and from "events related to . . . schools."

Full compliance with the standards by the states is not required immediately, but the states are expected to take steps to achieve compliance as expeditiously as possible. To this end, all states are required to submit annual work programs to NHTSA for review and approval. The federal agency also has designated the areas within the program which should receive early emphasis on the part of the states: (1) an assessment of the State's existing program, (2) the development and implementation of a program to select and train school bus drivers, and (3) effective administration. As we have noted in chapter 2, federal standards require a comprehensive state program primarily administered by a single agency. They also require the operation of a state information system and annual state evaluations, which are to be shared with NHTSA.

State statutory provisions. Statutory provisions relating to student transportation or school bus safety are found in four separate places in the Hawaii Revised Statutes.

1. *Chapter 296 (general law governing DOE).* The earliest statutory provision was the 1939 law which charged DOE with adopting safety regulations governing school buses used by the counties. However, as noted in chapter 2, DOE failed to enact such rules until 1962. The 1939 law was amended by Act 233 of 1967 and further amended by Act 58 of 1973. The 1939 and 1967 enactments were codified in HRS chapter 296, the general law governing DOE. The 1973 legislation transferred many, but not all, of the laws affecting school bus safety from chapter 296 to chapter 286, the Hawaii Highway Safety Act. The 1973 legislation, however, did not relieve DOE of responsibility for school bus safety. Indeed, as noted below, the legislation expanded DOE's responsibility. As a result of the 1973 legislation, DOE's responsibility for school bus safety is now contained in two different statutes, chapter 296 and chapter 286. In chapter 296, the

pertinent provisions are in section 296-45. Section 296-45 is the general law empowering DOE to adopt a policy, procedure, and program for student transportation throughout the State. This section also authorizes DOE to adopt rules and regulations governing the supervision and administration of student transportation.

Chapter 296 in section 296-46 also contains a provision requiring the county executives and the police departments to conduct safety inspections of vehicles. Thus, chapter 296 assigns both DOE and the counties powers and duties over school bus safety.

2. *Chapter 271 (Hawaii Motor Carrier Law).* Despite the 1939 law giving DOE responsibility for adopting rules and regulations governing the safety of county school bus operations, PUC was also assigned responsibilities in this area by the Hawaii Motor Carrier Law of 1961. This law gave PUC general powers over the safety regulation of motor carrier vehicles. PUC's authority extended to school buses running to and from school and also to buses used for excursions. DOE's specific responsibility was limited to transportation to and from school. In 1977, the safety regulatory functions of PUC were transferred to DOT.

3. *Chapter 286 (Hawaii Highway Safety Act).* The Hawaii Highway Safety Act, which includes many of the laws concerning DOE's responsibility for student transportation safety, is a general law on highway traffic safety. The Hawaii Highway Safety Act was passed in 1967 largely in response to federal initiatives to bring state highway safety programs into conformance with federal standards and requirements. The main aim of this law was to facilitate coordination of highway safety. The key word was coordination. This was the responsibility of the governor, who was empowered to delegate it to a highway safety coordinator. The position was never filled by a full-time administrator. In 1977, by the same legislation which transferred the safety regulatory functions of PUC to DOT, the legislature extensively

amended the Hawaii Highway Safety Act. As amended, the law relies less on coordination and more on direct administration. The position of coordinator was abolished, and the director of transportation was empowered to set rules or standards. With respect to motor carriers, these standards are to cover:

- . establishing a recordkeeping and information system for highway safety,
- . qualifying drivers,
- . continuously training and periodically evaluating drivers,
- . inspecting vehicles,
- . maintaining vehicles,
- . limiting the size and weight of vehicles, and
- . investigating accidents.

The director may delegate all or part of the highway safety program to the counties, which by tradition have exercised authority over enforcement and inspection.

Despite the extensive ramifications of the 1977 amendment, it left undisturbed the 1973 legislature's Act 58, which (in addition to transferring many of the provisions concerning DOE responsibility for school transportation safety from chapter 296 to chapter 286), greatly expanded DOE's power to regulate school transportation safety. Act 58 is the single most important legal feature in the field of student transportation in Hawaii. It empowered DOE to set standards over the following:

- (1) School vehicle and school vehicle equipment design, construction and identification;
- (2) School vehicle driver training and qualification;
- (3) School vehicle passenger safety instruction;
- (4) School vehicle operation safety;
- (5) School vehicle passenger loading and unloading safety;

- (6) School vehicle maintenance safety; and
- (7) Special school vehicle safety inspections."

The power of DOE to regulate safety is limited in chapter 286 to transportation to and from school. Although the federal legislation governing student transportation safety was broadened in 1974 to include the safety regulation of the transportation involved in taking students on field trips and excursions, no such amendment has been made to chapter 286. It would seem, however, that under its general authority to manage and operate the public school system DOE has the power to regulate some, if not all, aspects of safety affecting field trips and excursions.

In summary, chapter 286 provides for three-way participation in student transportation safety by DOE, the counties, and DOT. DOE is charged with direct and detailed responsibility for rulemaking over transportation to and from school. The counties are assigned enforcement. DOT has broad general powers over highway safety regulation.

4. *Chapter 291C (Statewide Traffic Code)*. A second general measure closely allied with the Hawaii Highway Safety Act is chapter 291C, the Statewide Traffic Code. As well as being generally applicable to motor vehicles on public highways, this chapter contains specific provisions on school buses (section 291C-95). These are on the loading and unloading of school buses and on the overtaking and passing of school buses. This section is confined to buses going to and from school.

State departmental rules and regulations. Another important dimension of student transportation is the rules and regulations of two departments of state government, transportation and education. These are summarized below.

1. *DOT rules.* After the Motor Carrier Act of 1961 assigned the broad power of safety regulation on the highway to PUC, PUC adopted General Order No. 2, covering a diversity of important subjects: driver qualifications, vehicle

standards, inspection and maintenance, accident reports, and insurance requirements. Only one section referred specifically to school buses, prescribing at least semi-annual safety inspections.

General Order No. 2 was updated and reissued by PUC on July 1, 1977 to bring it into substantial conformance with federal motor carrier safety requirements. However, as inherited by DOT, the rule needs to be revised and strengthened in some areas. Therefore, the quality of the rules which are to be adopted hereafter by DOT will significantly affect safety in student transportation.

By the authority of the Highway Safety Act, DOT already has rules covering several areas of highway safety. One which affects bus operations is licensing drivers of heavy, commercial-type vehicles. Generally this rule outlines a certification program and requires drivers to participate in ongoing driver improvement programs.

2. *DOE rules.* DOE Rule No. 48 was designed to bring Hawaii into compliance with the then existing federal pupil standards. Thus, its regulatory scope is confined to the transportation of students to and from school. Although the scope of federal authority subsequently has been broadened to include student transportation involved in school-related activities, Rule No. 48 has not yet been expanded to include transportation involved in school activities. A proposed amendment to the rule now pending before the board of education would so extend its scope. However, until chapter 286, HRS, is amended to expand the definition of school bus in the same manner, DOE's authority will remain statutorily limited.

As we noted in chapter 2, Rule No. 48 disperses student transportation safety regulation among other agencies. In short, while seemingly centralizing the regulation of student transportation safety, Rule No. 48 permits considerable administrative diffusion in carrying out this safety program.¹

County ordinances. Hawaii's counties have broad authority to regulate highway safety and traffic so long as their ordinances are consistent with state law. In the area of student transportation and school bus safety, the counties are empowered to act in at least three specific areas. The first involves the safety inspection of school vehicles. Second, counties also are empowered to designate school bus stops, but so far county action in this area has been limited. A third area of county authority pertains to motorists passing stopped school buses. Previously, the use of flashing red lights by school buses and the prohibition against passing a stopped bus were restricted to areas outside of business and residential districts. However, under 1975 state legislation (Act 22), the counties may by ordinance establish zones inside business and residential districts prohibiting the passing of stopped school buses. It is still too early to tell how much the counties will use this new authority. The neighbor island counties have adopted ordinances on the matter, but Honolulu has not. Opinions among affected officials are split regarding the value and

¹While this report was being finalized, DOE was in the process of completing an overall revision of Rule No. 48. At the time of this writing, a revision of the rule had been adopted by the board of education (BOE), but still had to be reviewed by the attorney general, approved by the governor, and filed with the office of the lieutenant governor before it would become effective. The revision adopted by BOE was somewhat different from the proposed revision which was the subject of a series of public hearings conducted by the BOE.

Due to this timing, we have had to deal with several versions of Rule No. 48—i.e., the original rule adopted in 1973, the proposed revision which went to public hearings, and the revision which has just been adopted by BOE. Most of the discussion in this report centers around the original Rule No. 48. However, where significant changes were contained in the proposed revision, we have tried to indicate them in this report. With the final version still pending, we have not attempted to reflect all of the further changes which have been made in this version.

Consequently, some of the points we raise concerning Rule No. 48 may no longer be fully applicable if BOE's adopted revision goes into effect. Nevertheless, we believe our discussion is still pertinent. First, the deficiencies we point out—many of them quite serious—have been allowed to continue over a period of five years before any corrections have been made. Second, while the revision of the rule adopted by BOE has made a number of specific improvements, some of the problems we note are dealt with only partially in the revised rule and some of the more basic problems have not been touched at all. Hence, the whole rule—even as revised—still needs to be re-examined.

desirability of making more extensive use of flashing red lights to halt traffic while school buses are stopped to load and unload passengers.

Organization. Organization of functions for regulating student transportation mirrors the confusing, often overlapping laws on the subject. The operations of the agencies involved are described below.

1. **NHTSA.** NHTSA, an arm of the U.S. Department of Transportation, is the primary federal agency for highway traffic safety. Its two most basic functions are: (a) to establish minimum safety standards for the states and (b) to encourage compliance by the states.

2. **DOT.** The original highway safety legislation involving the state DOT was the 1967 Hawaii Highway Safety Act. This act set up OHSC. OHSC was an arm of the governor but was assigned to DOT for administrative purposes. Subsequently, it operated as a unit of DOT. At its inception it was headed by the person who then was deputy director of transportation. He continued to head OHSC after he became the director of transportation. OHSC was authorized ten staff positions, but during most of its existence fewer than half of these were filled.

OHSC's main role was to coordinate. However, it had rulemaking power in some areas of traffic safety. It also had the responsibility to monitor compliance with federal and state safety requirements and served as the conduit for federal highway safety matching funds.

The staff focused on drafting traffic safety legislation, developing work plans to meet federal requirements, preparing reports for the federal government, and formulating rules and regulations. Coordination with other agencies involved in highway safety was carried out through the highway safety council, which is an advisory body to the governor, chaired by the highway safety coordinator and composed of public members and representatives of affected agencies. Coordination also was sought in direct

working relationships at the staff level with related agencies. The amount of coordination and cooperation varied considerably from agency to agency. In most cases OHSC was limited to advising, persuading, and cajoling the other agencies.

As a result of the 1977 amendments, OHSC was abolished, but the importance of DOT has been expanded. Most likely the staff and experience of OHSC will significantly shape the performance of whatever administrative entity is organized in DOT to take the place of OHSC. The authority of the new apparatus is directly administrative, as opposed to coordinative.

The 1977 legislation also transferred to DOT the motor carrier safety regulatory functions previously vested in PUC. In this context, we also should briefly note the staff history of PUC, which administered motor carrier safety while the function was still in PUC. PUD, which then was expected to act as staff of PUC, devoted relatively little attention to administration and enforcement of its General Order No. 2 on transportation safety. Most of the burden fell on three PUD investigators and backup clerical staff. Because that staff was assigned many other responsibilities of higher priority, 10 percent or less of its time was spent on safety. As a result, there were large gaps in the State's safety program.

3. **DOE.** By state law, DOE is the designated, single agency with prime responsibility for student transportation safety to and from school, but not school excursions. Administration of DOE's safety program lies five levels down in DOE organizational structure. This is in the position of student transportation, traffic safety, and faculty housing administrator, which falls under the auxiliary services section of the facilities and auxiliary services branch of the office of business services. The office of business services is in turn headed by the assistant superintendent of education for business services. The assistant is responsible to the superintendent, who in turn is responsible to the board of education. The position of student

transportation, traffic safety, and faculty housing is responsible for several disparate functions. The incumbent in the position estimates that about 15 percent of his time is spent on faculty housing while 85 percent is devoted to student transportation, traffic safety, and other miscellaneous duties assigned to him. The traffic safety aspects of the job are confined to dealing with traffic safety problems arising on or around public school campuses which are brought to DOE's attention, usually as a result of complaints or the occurrence of accidents. His transportation responsibilities include safety education.

The present administrator conceives of his position as staff in nature, devoid of operational responsibilities. He sees implementation of DOE policies and programs relating to student transportation as resting at the level of district superintendents and handled on a day-to-day basis by DAGS transportation officers and by the business staff specialists attached to the seven DOE district offices.² The administrator is concerned primarily with developing policies and procedures and making reports. His efforts to date have been concentrated on such matters as drafting DOE Rule No. 48, annually compiling school bus accident statistics, issuing school bus driver and student transportation procedures manuals, and making initial review of requests submitted to the superintendent of education for waivers from the requirements of DOE Rule Nos. 1 and 48. At one time, he also issued school bus driver certificates on Oahu, but this now has been fully delegated to DAGS.

The administrator sees no role for himself and assumes no responsibility for: (a) school excursions, (b) the safe operation of school-owned vehicles, and (c) monitoring and evaluating the safety performance of the districts and the schools.

The administrator is far removed both organizationally and physically from other DOE positions which have safety responsibilities, such as the student safety program specialist, who oversees the student driver training program; and the

accreditation and licensing administrator, who is responsible for the licensing of driver training schools and driving instructors. Not too long ago a new position of director of safety and security was created within the superintendent's office. The position and its incumbent were subsequently transferred to the facilities and support services branch under the office of business services. This action brought the safety and security function organizationally close to the student transportation function, but has had no discernible effect upon coordination between the two.

It also should be noted that the district business staff specialists, whom the administrator regards as in charge of day-to-day administration, are generally concerned only with the transportation of regular students to and from school. The door-to-door type of transportation required for special education students is handled through the special education staff specialists attached to each of the seven districts. Moreover, much of the action takes place at the school level, and sometimes at the level of the individual classroom teachers. For example, the schools and school principals are responsible for such matters as student safety instruction, student behavior and discipline on school buses, and the loading and unloading of students at the schools. School excursions are arranged by individual teachers with the approval of their school principals and of the affected DOE district office. Inter-island and out-of-state transportation also require district-level approval. The general curriculum staff specialists in the district offices generally process the approvals of field trips and excursions.

4. **SSBSC.** In an apparent attempt to broaden the base for policy formulation and to achieve a degree of interagency coordination, DOE established SSBSC, the state school bus safety committee. DOE's student transportation,

²The business staff specialists also have many other duties relating to the business operations of their respective districts.

traffic safety, and faculty housing administrator is the chairman of the committee. The members are the seven DOE district business staff specialists and representatives of the following agencies and groups: (a) DAGS, (b) OHSC, (c) the four county police departments, (d) some county transportation or public works departments, and (e) the state school bus contractors' industry association. The committee also formerly included a representative of PUC, an agency no longer active in safety regulation as a result of 1977 legislation.

SSBSC meets infrequently, usually once a year for a one- or two-day conference. The chairman largely controls the agenda. SSBSC appears to serve primarily as a sounding board for proposals initiated by the chairman and to provide a forum for the discussion of problems. Participation by representatives of PUC and the Honolulu police department has been minimal at best. Other officials who have participated in meetings of SSBSC have questioned its value and effectiveness as an overall coordinating body in the field of student transportation safety.

SSBSC appears to suffer from several significant structural deficiencies. *First*, it seems to be organizationally misplaced. Although referred to as a "state" committee, it is largely a DOE committee. As such, its focus is restricted to student transportation safety to and from school.

Second, the committee is not fully representative of all the parties which have vital interests in the field of student transportation safety. There is no representation of such important groups as: (a) student bus riders; (b) parents of school bus riders; (c) the armed services, which until quite recently have been major transporters of students and which still maintain a keen interest in the transportation of military dependents to and from school; (d) district special education staff, who are directly concerned with the transportation of special education students; (e) school-level personnel, who have the most extensive and continuing contact with almost all aspects

of student transportation safety; and (f) private schools which operate their own school buses. Also excluded from SSBSC is DPS, even though under DOE Rule No. 48 this department is responsible for school bus driver training.

SSBSC's *third* basic deficiency is that it has no clear statement of purpose or definition of responsibilities, no internal organization or procedures, no evident means of making decisions or implementing actions, and no apparent overall program or strategic approach to the subject of student transportation safety. These conditions may explain why some agencies fail to participate in SSBSC's deliberations and why others have expressed frustration with the way it operates.

In short, SSBSC is not providing broad-based community input to decisions affecting student transportation safety, nor is it stimulating interagency cooperation.

5. *DAGS*. DAGS is not assigned any role by law in student transportation safety. But as the agency responsible for administering the state school bus service contracts,³ DAGS is nonetheless deeply involved in student transportation and the related problem of safety. DAGS' most powerful safety tools are the safety requirements of contracts.

DAGS' organization for handling student transportation closely parallels that of DOE. The focal point in DAGS is a student transportation administrator who is a counterpart to DOE's administrator of student transportation, traffic safety, and faculty housing. Although not separated from the head of the department by as many administrative levels, this position is still considerably removed from the department's center of decision-making. DAGS also has district transportation officers. There is one for each county except Hawaii, which has separate officers for East and West Hawaii.

³ DAGS is also responsible for operating the limited number of state-owned school buses located on the island of Hawaii.

Despite their involvement in safety, DAGS personnel view safety as being the primary responsibility of other agencies. DAGS has not developed any overall program for promoting and enforcing safety measures among the State's school bus contractors. It does certify the drivers of school buses operated by private schools and, quite recently, it assumed the role of the agency to implement a 70 percent federally funded school bus driver training program, a project initiated by DOE and OHSC. Apart from involvement in these matters, DAGS has not regarded itself as having any responsibility for the safe transportation of private school students. Nonetheless, DOE appears to view DAGS as the primary agency for implementing many of the requirements set forth in DOE Rule No. 48.

6. *DPS.* Rule No. 48 provides that every school bus driver "shall complete a course in school bus driver training as provided by the Department of Personnel Services or approved by the [DOE]." Such training is to include "first aid, defensive driving techniques, safe operating procedures, accident procedures, student control, and all other topics necessary to insure the safety of student passengers." These provisions apparently were inserted without consulting DPS. In any event, DPS has never developed the training program described in Rule No. 48. This is quite understandable in view of the fact that DPS is a service department for the state government; it does not normally assume responsibility for employees of private companies such as those employed by contractors to drive school buses.

DPS once did provide limited training for some of the school bus drivers in Hawaii. This occurred when, for a brief time, school bus drivers participated in a defensive driver training course which DPS conducted for state employees to improve their driver performance. As employees of private contractors or private schools, most school bus drivers were not really eligible to participate in this state employee training program. Nevertheless, the course was opened to school bus drivers as an expedient.

A hundred or so took the training. However, this was a one-shot affair. The course is not now being offered to nonstate employees.

In early 1975, the passage of a federal legislation made 70 percent federal matching funds available for bus driver training programs which include both private and public employees. Even then, DPS made no move to make a training program available to school bus drivers. It was generally assumed by the other agencies that DPS was taking action to take advantage of the federal matching funds. When it became obvious such was not the case, OHSC and DOE finally submitted a driver training proposal to the federal government. After federal approval was obtained for the project in summer 1977, it was turned over to DAGS to implement.

Despite the recent assumption by DAGS of the responsibility to implement the federally funded school bus driver training program, a clear understanding of who should do what about school bus driver training still appears to be lacking. Unanswered are such questions as whether driver training is: (1) a personnel services function of concern to DPS, or (2) an educational problem to be dealt with by an educational agency, or (3) a highway safety function to be taken on by a highway safety agency (defensive driver training courses are already being provided by Honolulu's traffic safety unit and by the state courts through the traffic violations bureau), (4) a contract administration matter, or (5) a function to be performed by DAGS. Until some direction is provided, uncertainty about school bus driver training will persist, and the role of DPS will remain ill-defined.

7. *Counties.* Most of the county responsibilities for student transportation safety are centered in the police departments. Coordination between the counties and other concerned agencies varies considerably. The counties also vary in imposing safety requirements (e.g., frequency of required safety

inspections of school vehicles). Similarly, enforcement of safety requirements is uneven.

Impact of Legal Provisions on Student Transportation Safety Regulation in Hawaii

Our examination of the legal framework for school bus safety indicates that its basic weakness is its failure to provide an overall, coherent approach to student transportation safety. This weakness adversely affects the safety program.

Lack of an overall, coherent approach to student transportation safety. The federal standards, state statutes, departmental rules and regulations, and county ordinances relating to student transportation safety all fail to recognize the common features of all types of student transportation. The failure of the state statutes, rules, regulations, and ordinances to evince a comprehensive approach to student transportation safety is due in a large measure to the manner in which they have been enacted and promulgated.

Changes in Hawaii law have occurred piecemeal over a long period of years, usually in reaction to outside events or pressures. As each specific situation has been dealt with, there has been a pronounced tendency to isolate it as much as possible and to keep it from disturbing existing arrangements.

For example, the Hawaii Motor Carrier Law was passed in 1961 largely to keep Hawaii's motor carrier industry exempt from federal regulation, and school buses were placed under PUC's safety regulation without any attention being given to existing legislation vesting responsibility for safety in DOE. Similarly, when the student transportation function was transferred from the counties to the State in the 1965-67 period, extensive responsibility for school bus safety regulation was left with the counties, and the Hawaii Motor Carrier Law was left completely undisturbed. The 1973

amendment which transferred the laws concerning DOE responsibility for school transportation safety from the general statute on DOE (chapter 296) to the Hawaii Highway Safety Act (chapter 286) and which expanded the responsibility of DOE for transportation safety was passed primarily to comply with federal requirements. At the time, no real consideration was given to the effects of separating student transportation to and from school from other student transportation. The 1977 amendment which abolished OHSC and transferred the motor carrier safety regulations from PUC to DOT persists in overlooking the sameness of the two types of student transportation.

Much the same pattern has prevailed with regard to departmental rulemaking. PUC's General Order No. 2 remained basically unchanged after it was first adopted in 1961.⁴ Likewise, DOE's Rule No. 48 was superimposed on existing arrangements. As a result, it left responsibilities widely diffused among different agencies and created many ambiguities between old and new requirements. This occurred despite the obvious intent of both the federal standards and state law to centralize responsibility for at least one aspect of student transportation safety and to bring about a closely coordinated approach in this area of highway safety.

The fractured nature of this legal framework is most readily apparent in the universal acceptance of the differentiation made between transportation to and from school and excursion-type transportation.

Some distinctions well may be drawn between the two areas, such as (1) regularity of trips, (2) frequency of trips, (3) the need to make stops along the highway to load and discharge student passengers, and (4) the presence or absence of school personnel accompanying the students. But differences pale when compared

⁴ A revised version of this general order took effect on July 1, 1977. However, with the transfer of responsibility for motor carrier safety from PUC to DOT, which took effect January 1, 1978, DOT will have to adopt its own version of the general order.

to the similarities of these two areas. Both involve: (1) driver qualification and performance, (2) vehicle safety, (3) student discipline, (4) road and driving conditions, (5) loading and unloading of student passengers, (6) emergency procedures, (7) accident reporting, and (8) injury and damage liability.

Results of jurisdictional overlapping and confusion. The absence of a comprehensive, coherent legal framework has resulted in gaps and confusion. It has made it difficult to define clearly the objectives of the various agencies involved in student transportation safety and to relate these various objectives, and has thus provided fertile ground for administrative neglect. There are numerous examples of such gaps, confusion, and neglect, a few of which are outlined here.

One is the safety training and certification of school bus drivers. Although DOE is charged with certifying drivers to operate school buses, this agency among all those involved has the least to do with determining qualifications. Other agencies involved include DOT, the department of health (tuberculosis clearances), the county examiners of drivers (driver licensing), the county police (traffic and criminal clearances), and DAGS (issuance of DOE school bus driver certificates). Under these arrangements, a person could fail the eye examination administered by the county examiners of drivers and still be granted a waiver by the motor carrier program to drive a school bus. Moreover, at the present time an impasse has been reached between the state agencies and at least one of the county police departments regarding the issuance of criminal clearances, with the result that the relevant requirements of Rule No. 48 cannot be implemented. Most significant of all, many persons are allowed to operate school buses without ever being properly certified.

Similarly, in the area of safety inspection of school bus vehicles, there has been much confusion and variation in standards. Both the motor carrier program (previously in PUC, now

in DOT) and county inspection requirements have covered school buses, but the requirements are not coordinated. School buses may be subjected to duplicating inspections. This can occur if the police inspection stations do not also serve as motor carrier inspection stations and if separate forms and stickers are used. As we note elsewhere, the required frequency of inspection varies among the counties (monthly on the island of Hawaii, quarterly in Maui county, and semiannually on Oahu and Kauai). In addition, at least some of DAGS district transportation officers conduct their own separate vehicle inspections for compliance with contract requirements.

Another area of difficulty is school bus routes and stops. Here the affected agencies include DOE, DAGS, the county police departments, and the county public works or traffic departments. DOT also is affected where state highways are involved. Because of the unclear jurisdictional responsibilities of these various agencies, progress toward establishing school bus routes and stops is slow.

Impact of Organizational Arrangements

In response to the complexities of Hawaii's student transportation safety laws, the affected administrative agencies generally have further compounded problems rather than devising ways of overcoming them. Indeed, government has: (1) strongly tended to further disperse responsibilities and confuse the roles of the many agencies affected and (2) failed to develop program leadership and program integration, coordination, and cooperation.

Dispersion of responsibilities. Although the original PUC General Order No. 2 and original DOE Rule No. 1 were adopted within eight months of each other, there is no indication that the two agencies attempted to work together during this period, 1961-62, in the area of school bus safety. In any event, they did not develop a coordinated approach to this subject. General Order No. 2 took no cognizance of the

county inspection of school buses, and Rule No. 1 made no reference to PUC requirements governing the inspection of school vehicles. Even where the DOE rule (which was adopted after the PUC general order) made reference to PUC requirements governing the physical fitness of drivers, somewhat different standards were prescribed and a separate system of granting waivers was created.

In 1967, when the Hawaii Highway Safety Act was passed, OHSC was created, and Act 233 centralized school bus safety regulation in DOE, there still was no coordinated effort to fit school bus regulation into an overall approach to highway traffic safety. Legislative action that year was interpreted to relieve PUC of any responsibility for school bus safety inspection by seeming to leave this task to the counties. PUC was quick to note that it had been relieved of its responsibility for school bus safety. It immediately discontinued all activity in this area without devoting any attention to transitional arrangements or to the need for continuing coordination where the same vehicles might be used for both school bus and common carrier purposes. Likewise PUC failed to coordinate efforts in situations in which DOE and the counties still might impose PUC requirements in carrying out their safety responsibilities. An attorney general's opinion was needed in 1970 to confirm that inspections remained a county responsibility despite whatever other legislation had been passed on this subject.

DOE made no effective effort to unify its safety program until 1972, when Rule No. 1 was broadened to encompass the safety regulation of students transported on field trips and similar outings. This was apparently done without consulting the public utilities agency and without closely examining the respective jurisdictional authority of PUC and DOE. This action was nullified the following year when Act 58 restricted DOE's jurisdiction to transporting students to and from school.

In 1973, although the ostensible purpose of Act 58 and DOE's Rule No. 48 was to establish

centralized administrative responsibility for student transportation safety in Hawaii, the most significant effect of both was to divide the field between transportation to and from school and excursion-type transportation. However, at least with respect to transportation to and from school, Act 58 provided DOE an opportunity to develop a coordinated approach. But this was not to be. DOE Rule No. 48 dispersed responsibility for student transportation safety among a variety of agencies.

This is not to say that DOE must necessarily perform all administrative functions relating to student transportation safety or that it should not delegate functions to other agencies. However, if there is to be true administrative integration, the disparate parts must be fitted into some sort of functioning system. Someone should know what is going on throughout the program, should be able to detect problems, and should provide overall coordination. Essential to such a setup is a comprehensive and current information system which can be used for monitoring performance, compiling and analyzing data, answering inquiries, etc. DOE Rule No. 48 makes no provision for it and such a system is completely lacking at the present time. Very little information flows into or out of DOE's central office. Both within DOE and DAGS, day-to-day administration is handled at the district level and most information remains at this level. Interagency communication is minimal at best and in some cases nonexistent.

Lack of program leadership. There has never been an agency of state government which has viewed student transportation safety as a primary mission and acted forcefully to carry it out. Although there is no adequate justification for this, it is understandable in terms of how student transportation safety has evolved in Hawaii. Up to 1961, PUC had been an independent agency involved almost exclusively in the economic regulation of utility companies operating in Hawaii. In quick succession, the agency lost its independence, was amalgamated into what is now the department of regulatory

agencies, and was assigned the broad new area of economic and safety regulation of the motor carrier industry. In the turmoil of being reorganized and adding staff, the agency had little time or resources to devote to the specific area of student transportation safety. Thereafter PUC never gave safety a significant priority up to the 1977 transfer of its safety functions to DOT.

As for DOE: when it became involved in 1962, the role visualized for it was establishing minimum safety requirements to be met by the counties, rather than directly administering a broad safety program. DOE made no effort to develop administrative depth or expertise in the field of student transportation safety. To a great extent, such an outlook continues to prevail within the department despite the fundamental changes which have occurred in the meantime.

In 1967 DOE took over student transportation services from the counties. Student transportation safety more or less accompanied transportation services, but in the field of safety an exception was made to the clear centralization of power in the state government. As previously indicated, the counties were left with an important role in student transportation safety. At the same time, the State embarked on a significant expansion of publicly supported student transportation services. This action naturally consumed a great deal of administrative attention.

The passage of Act 58 in 1973 has not had a marked impact on DOE's general approach to student transportation safety even though Act 58 gives DOE "primary administrative responsibility" over safety regulation. This is perhaps due in part to the origin of the legislation. Rather than arising from an initiative from within DOE, it resulted mainly from prodding by the federal government.

With both PUC and DOE having failed to exert overall leadership in the field of student transportation safety, one might have expected OHSC to have assumed such a role, since during

its existence from 1967 to 1977 it was the one agency with comprehensive statutorily assigned duties in this area. In fact, OHSC was the only state agency with a broad enough scope of authority to encompass virtually all aspects of student transportation safety. However, rather than exerting leadership in this field, OHSC fell into much the same pattern as the other two agencies. Following OHSC's establishment in 1967, it faced the formidable task of developing and implementing a statewide highway traffic safety program for Hawaii which would meet the many requirements imposed by the federal government. Unlike other states, Hawaii did not have a state agency concerned with such matters as driver licensing, motor vehicle registration and inspection, and other aspects of traffic safety, because all these functions were performed by the counties. This phenomenon is attributable to the insular nature of Hawaii, where there is very little interisland movement of motor vehicles. When OHSC was set up, it was superimposed on existing organizational arrangements and was given a "coordinating" role rather than direct operational responsibilities.

With other aspects of state highway safety warranting priority attention, student transportation safety understandably was accorded secondary consideration by OHSC. OHSC was further limited by being a minor appendage of the large and complex DOT. The highway safety coordinator's position was only a part-time assignment of a high DOT official. For eight years this official served in the coordinator's job on an acting basis, an indication of how little significance was attached to this position within the overall framework of the state government.⁵ In addition, OHSC never operated at its authorized staff capacity. For most of its existence, personnel turnover was high; seldom were half of the ten allotted positions filled.

⁵ Finally, in response to frequent prodding from federal officials, the appointment was converted from an acting basis to a regular permanent basis in June 1975. However, this has not provided the official with any more time to devote to his traffic safety responsibilities.

Nevertheless, within these limitations, OHSC developed a degree of expertise in highway safety matters generally and a fair appreciation of the specific importance of student transportation safety. As noted, although OHSC was abolished by the 1977 legislation, the role of DOT was greatly expanded. Counting OHSC's staff experience as an antecedent, the department is likely the best equipped agency of the State to assume broad-gauged responsibility in the field of student transportation safety. However, the legal base for action remains seriously flawed, since the law still distinguishes between (1) excursions and (2) transportation to and from school; and since the latter area still falls within the jurisdiction of DOE.

Insufficient Safety Protection Is Afforded to Student Bus Riders

In the preceding sections we have set forth the many complexities of law and organization in which student transportation safety in Hawaii is presently enmeshed. The result is, of course, that students are not now being afforded proper and sufficient safety protection in transportation. This statement holds true both for transportation to and from school and for organized group transportation which falls outside the legal definition of student transportation and outside the safety regulatory control of DOE and its Rule No. 48. In the latter category are (1) all excursion-type outings of all public and private schools throughout the State and (2) transportation involving vehicles owned and operated by various public high schools in Hawaii (usually for athletic teams).⁶

An illustration of the situation concerning transportation safety is the following. On the island of Oahu, where there are several hundred persons operating school buses, there were no properly certified school bus drivers for the entire school year of 1973-74. During the school year of 1974-75, only a fraction of the drivers had valid certificates. Considerable improvement has been made in the past two

years (1976-77 and 1977-78) but, even so, coverage is still significantly below 100 percent. Although certificates are supposed to be issued prior to the beginning of the school year, many persons still drive school buses during the school year without such certificates. When certificates actually have been issued in the past, the process often has taken so long that the certificates were not issued before the end of the school year. This, of course, renders the whole process almost meaningless.

The importance of proper driver qualification is indicated by the fact that driver error is the single largest cause of school bus accidents according to accident statistics.

Glaring deficiencies also are apparent in the area of vehicle and equipment safety. An example is the following: A cornerstone of the whole approach to pupil transportation safety under the federal standards is to make school buses throughout the United States instantly recognizable as school vehicles. Accordingly, a special school bus yellow and black are prescribed as colors for all school buses; the size and placement of "school bus" signs on school buses are carefully designated; and the number, type, and placement of warning signals and

⁶We might note here that the problem of transportation safety for youths is wider than school transportation. The safety of transportation associated with public and private summer fun programs and the safety of other youth transportation, such as that provided by the Honolulu Community Action Program (which reported in 1975 as owning 17 mini-bus vans making about 13,000 passenger trips a month) are largely unregulated. Theoretically, many of these activities were subject to PUC safety regulation, but in actual fact PUC's safety regulation was so weakly administered and ineffective as to be virtually meaningless.

Actually, an even broader problem exists. This is the problem of proper safety regulation of all group transportation by motor vehicle—especially groups consisting of the young, the elderly, and the handicapped. All sorts of organizations are involved in providing such transportation with wide variations in the types and condition of vehicles used, in the qualifications of the persons driving the vehicles, and in the safety precautions taken. While youth transportation may be the largest element in this category and therefore the one warranting priority attention, as soon as possible the scope of the attack should be broadened to deal with the whole problem of the safety regulation of group transportation by motor vehicle.

lights are detailed under the federal standards. Nevertheless, many school vehicles still are operated in Hawaii which do not meet these requirements. Then, vehicles which do not meet the legal definition of a school vehicle are not supposed to bear any school bus designation, but nonetheless there are non-school-buses painted yellow or bear "school bus" signs. This situation detracts from the strategy of instilling caution in all drivers whenever they see the familiar identification marks of a school bus.

Another example of deficiencies in vehicle and equipment safety is as follows: a program to examine, plan, and design school bus routes, stops, and schedules would help students avoid dangerous conditions arising from such things as crossing highways, blind stops, congested traffic, and long bus stop waits. Yet no coordinated, aggressive action has been taken in these areas.

Finally, safety training and indoctrination of student passengers is practically nonexistent, although the behavior of students is an important factor in the safety equation.

Summary

There are many gaping holes in Hawaii's approach to student or youth transportation safety. As a result, Hawaii's youth are being exposed unnecessarily to unsafe conditions in almost every aspect of organized group transportation taking place throughout the State. The major factor contributing to this situation is the legal framework which makes it virtually impossible to clearly define agency roles and fix responsibilities. Another factor is the reluctance of any of the agencies to assume responsibility for a coordinated program. The law names DOE as the primary regulator. But DOE has been reluctant to assume this responsibility.

A basic assumption underlying Hawaii's laws seems to be that, because DOE is a major user of student transportation services,

it should also be the primary regulator. However, DOE may not be the most appropriate agency to establish and enforce safety standards, since safety regulation adds a policing function to an agency primarily concerned with education.

As we have noted, operational responsibility for carrying out the safety function has been pushed far down the DOE organizational structure, and only meager staff resources are devoted to it. If this aspect of public safety is to receive adequate attention, responsibility may well have to be given to an agency which views public safety or highway safety as a primary function. By virtue of its assigned duties and functions, DOT should be such an agency.

This is not to say that DOE should have no role in student transportation safety. So long as it is a major user of student transportation services, it will have to be concerned. However, this concern should not be for setting and enforcing standards, but rather for implementing standards established by those with expertise in transportation safety.

Recommendations

We recommend as a matter of high priority that the State of Hawaii recognize the inter-related nature of the field of student transportation safety and that it shape accordingly its policies, programs, and actions. To this end, we specifically recommend that:

1. *The legal framework should be revised to deal with student transportation as comprehensively as possible. Transportation to and from school and excursion-type transportation should be treated as closely similar efforts.*

2. *DOT should be designated as the state agency primarily responsible for transportation safety, since it is the agency with the broadest interest in this field and the most expertise. This requires or suggests attention to the following:*

a. removing DOE from setting, regulating, and enforcing student transportation safety standards;

b. removing DAGS from its various de facto regulatory activities—e.g., issuing DOE driver certificates, enforcing safety provisions of bus contracts, and inspecting buses; and

c. clearly relieving DPS of any responsibility for training school bus drivers.

3. In furtherance of the preceding recommendations, we recommend that adequate resources and priority be accorded to student transportation safety, both within DOT and DOE. More specifically, this means that:

a. the safety program of DOT should be headed on a full-time basis by a top-level

official, and should be provided with an enlarged and more broadly qualified staff with special competencies in the area of youth and student transportation safety.

b. DOE should equip itself to carry out effectively a safety compliance program through such measures as: (i) clearly fixing operational responsibility for student transportation safety at a high level within DOE, (ii) closely coordinating student transportation safety with other aspects of student and school safety, (iii) formulating and implementing an adequate program of safety training and indoctrination for students and DOE staff, and (iv) developing a department-wide system for monitoring program performance and compliance with safety requirements.

Chapter 5

POLICIES, PROCEDURES, RULES AND REGULATIONS

Although at times administrative policies, procedures, rules, and regulations may complicate public business, they are necessary and important. If properly conceived and used, they contribute to the effectiveness and efficiency of government programs. They define duties and functions, fix responsibility, promote the orderly conduct of business, and ensure consistent and equitable treatment. They are particularly significant in programs where many agencies are engaged in interdependent activities or where government regulates private activities.

In our examination of student transportation safety, we became acutely aware of many deficiencies in policy, procedure, and rulemaking. This chapter reports our findings and recommendations.

Summary of Findings

Agencies involved in student transportation safety generally are not devoting sufficient attention to developing and updating formal rules and procedures. The result is that existing ways of doing government business are inadequate and usually outdated.

This is particularly true of DOE's approach to rulemaking in the field of student transportation safety. It suffers from serious deficiencies, including the following:

1. By taking an overly narrow view of its role and by restricting participation in its

rulemaking processes, DOE in its Rule No. 48 failed to provide for an integrated program.

2. Even internally, DOE has failed to unify its many policies, procedures, rules, and regulations on student transportation safety. The result is confusion and widespread disregard for legitimate safety precautions.

3. DOE has further undermined its rules on student transportation safety by including in Rule No. 48 an exemption so broad as to render its safety standards virtually meaningless.

Non-DOE Agencies: A Case of General Neglect

The problems of rules and procedures of agencies other than DOE are summarized below by agency.

Public utilities agency (PUC/PUD). PUC rules regulating motor carrier safety were in effect between 1961 and the 1977 transfer of motor carrier safety regulation to DOT. PUC General Order No. 2 dated almost entirely to 1961, although minor revisions were made in 1966. Thereafter, many advances were made in highway safety which PUC failed to incorporate into its rules. This failure of PUC to update General Order No. 2 was one of the factors cited by the Federal Bureau of Motor Carrier Safety in 1974 when it reasserted its safety jurisdiction over interstate carriers operating in Hawaii. As a result of PUC's inaction, school bus safety

suffered along with motor carrier safety in general. It was only in mid-1977 that a broad revision was made of General Order No. 2. It was at this point, however, that the motor carrier safety function was transferred to DOT. Thus, DOT now faces the task of adopting its own set of rules and regulations on motor carrier safety.¹

At the staff level, PUD failed similarly. It did not develop any formal rules or procedures to guide internally its regulation of motor carrier safety.

As a result of the combined inaction of PUC and PUD, DOT assumes responsibility for an area in which rules and internal procedures are grossly inadequate. DOT's response will be highly important to the future of motor carrier safety in the State.

DAGS. Under DOE Rule No. 48 and by virtue of DAGS' role as the contracting agency for school bus services, DAGS has a major operational role. DAGS, therefore, should be reasonably expected to have formal rules and procedures on student transportation safety. However, our review reveals there are no departmental rules on this subject and no indication that DAGS has ever contemplated making such rules. The prevailing assumption appears to be that DOE Rule No. 48 is sufficient. However, Rule No. 48 does not directly and specifically cover contract administration by DAGS.

DAGS' lack of written rules therefore appears to violate the Hawaii APA. This is because the APA requires that all departmental policies and procedures affecting private parties be set forth in formal rules and regulations. Indications are that DAGS is exercising a policy function, since it is going beyond Rule No. 48 by imposing safety requirements on school bus contractors. For example, DAGS has indicated it intends to eliminate the use of very old vehicles by school bus contractors. Through its contracts, it has attempted to place limits on the ages of the vehicles. When a contractor objected

to this contract provision, he was eliminated from the school bus service contracts awarded on the island of Oahu. Assuming the validity of this requirement from a safety point of view, DAGS much more appropriately should follow the established rulemaking procedure. In fact, DAGS appears to be setting safety standards and, if so, the APA requires rulemaking. Also, Rule No. 48 makes DAGS responsible for certifying school bus drivers, but the rule is silent on many of the administrative details for accomplishing this task. In this case, DAGS seemingly should have its own rules and regulations to achieve compliance with the general requirements of Rule No. 48.

DAGS also is deficient in formal, internal operating policies and procedures in this field. Some sort of formalized procedures are essential for effective and fair administration. This is especially true because responsibilities are delegated to DAGS district transportation officers who are widely scattered and who must deal with numerous other agencies. However, we found no written internal operating policies and procedures on the safety duties of the district transportation officers. As a result, each of the five district officers operates independently; the amount of attention they devote to student transportation safety varies widely. In short, DAGS appears to operate in a loose and unstructured manner.

DOT. Under the 1967 Hawaii Highway Safety Act, OHSC was given rulemaking powers only in specific areas of highway safety, while rulemaking over student transportation safety was reserved to DOE and PUC. In the areas where OHSC had direct rulemaking powers, it turned in a creditable performance. The rules and regulations formulated by OHSC appear to be reasonably adequate and appropriate.

Nevertheless, DOT must share responsibility for the deficiencies which exist in

¹General Order No. 2 remains in effect during the interim period.

the State's formal policies, procedures, rules, and regulations in the field of student transportation safety, since OHSC was the only state agency of sufficient scope to bridge the gap between DOE's jurisdiction over travel to and from school and PUC's jurisdiction over excursions. Indeed, to fulfill the primary mission implied in its title, OHSC should have moved forcefully to provide effective coordination. Now that the 1977 amendments to the Highway Safety Act have expanded DOT's role, it is in a strong position to formulate comprehensive motor carrier regulations, including the regulation of school buses. Legally, it appears DOT need not be inhibited from making rules over busing to and from school as well. The reason is that although DOE was assigned primary responsibility for safety to and from school, the agency in charge of safety regulation generally—then PUC, now DOT—was not simultaneously prohibited from taking its own action.

Counties. Besides enforcing the rules of DOE and DOT, the county police departments are directly responsible for judging the qualifications of school bus drivers and conducting the safety inspection of school vehicles. Drivers are supposed to be examined annually by the county examiners of drivers and certified to DOE as competent. School bus inspections are supposed to be conducted at least semi-annually in accordance with state requirements. The police departments need not use their own personnel to conduct such inspections, but may require the inspections to be conducted at designated inspection stations. The counties also apparently have the power to establish other safety inspection standards. (Recall that Hawaii county requires monthly safety checks during the school year while other counties conduct inspections less often.) However, the counties have generally relied on the State for leadership in this field. As a result, the counties have not done much in the way of developing formal policies.

Summary. In many administrative areas of concern to the agencies dealing with student

transportation safety, there are no formal rules or procedures. Even in areas where formal rules and procedures exist, they are often incomplete and out of date. Taken together, they form a hodge-podge of provisions with no overall consistency. None of the agencies involved has as yet devoted the attention required to achieve a comprehensive, coordinated, and effective set of administrative policies.

Deficiencies in the DOE's Approach to Rulemaking

Despite its long-time responsibility for school bus safety, DOE had no rules before 1962, and its rules still suffer from severe deficiencies. They fail to provide a coherent, consistent, and meaningful approach to administration. These deficiencies are discussed below in three areas of major weakness.

Overly narrow and restrictive approach to rulemaking. DOE has taken a narrow approach to rulemaking over student transportation safety. It has unnecessarily limited its scope and has restricted participation in its decision-making processes. As a result, DOE's rules are incomplete, and also not coordinated with other governmental efforts aimed at promoting safety in this field.

The original Rule No. 1 of 1962 contained only two references to PUC, and neither of these provided for a coordinated approach to safety regulation on the part of the two agencies. The first reference exhorted school bus drivers to be familiar with PUC's rules for driving motor vehicles. The second called for the use of PUC physical examination and doctor's certificate forms for documenting the physical fitness of school bus drivers. However, Rule No. 1 set up an entirely separate system for the safety inspection of school buses (i.e., monthly county inspections rather than semi-annual PUC inspections). DOE rule was silent on PUC requirements relating to the construction and equipment of school buses. Even in the area of the physical examination of drivers and waivers

for physical disabilities, although it made reference to PUC forms for documenting the drivers' physical fitness, DOE rule established criteria somewhat different from those specified by PUC.

This proclivity on the part of DOE to act in isolation again showed itself in the latter part of the 1960's when new legislation gave DOE an expanded role in student transportation safety. At that time, both DOE and PUC apparently assumed that the entire field of student transportation safety had been turned over to DOE, although, as we noted above, the legislation (Act 233 of 1967) had limited DOE's jurisdiction by defining "school bus" as a bus transporting children to and from school. However, even as it assumed that it had acquired jurisdiction over the entire area of student transportation safety, DOE continued to rely on PUC regulation concerning the safety of buses used in excursions by incorporating PUC safety requirements into Rule No. 1. PUC, on the other hand, suspended all interest in the area of school bus safety. It was not until 1972 that DOE amended Rule No. 1 to include buses used for excursions and to bring them within the safety requirements of DOE. Hence, between 1967 and 1972 no real safety coverage was extended to excursions.

The successor to Rule No. 1, Rule No. 48, is not much better. DOE restricted Rule No. 48 to transportation to and from school, and it made no attempt to ensure that safety of buses used in excursions was being given attention by some governmental agency if not by itself. Moreover, DOE did not provide in Rule No. 48 for an integrated administrative approach to that aspect of transportation safety directly under its jurisdiction.

Thus, Rule No. 48 is incomplete. In addition to being incomplete, Rule No. 48 contains provisions which are clearly inapplicable. For example, the rule makes reference to PUC vehicle construction and equipment requirements. At the time that Rule No. 48 was put together, PUC had no requirements relating specifically to school buses. At

present, of course, there are no PUC rules on the subject, PUC's jurisdiction over vehicle safety in general having been transferred to DOT.

One of the reasons for the weaknesses in the DOE rule is the way DOE went about making its rule. It limited participation of those involved in and concerned with various aspects of transportation safety. As noted, its advisory committee on the subject failed to include parents, students, private schools, the armed services, and even special education personnel from within DOE. The public hearings on Rule No. 48 were held during the summer, when school-related groups were least likely to be aware of a hearing or to formulate testimony.

When advisory committee views were actually stated, DOE's response was to discourage or reject ideas at variance with its own. For example, OHSC forcefully pointed out the difficulties inherent in DOE's proposed incorporation of inapplicable and inadequate PUC requirements. These views were rejected. Similarly, several agencies voiced strong objections concerning the open-ended exemption DOE proposed for Rule No. 48, but all of these views were ignored. The provision was adopted as proposed by DOE.

Not surprisingly, DOE seemed unconcerned when an agency failed to participate. For example, the negligible participation of PUC in the advisory committee was of little evident concern to DOE.

The net result is that DOE has rules and regulations which are insufficient for internal administration and inadequate for coordination with other agencies.

Unrelated policies and procedures. Adding to the problems of coordination and administration of student transportation safety within DOE is the fact that policies and procedures are not compiled for easy reference. Although Rule No. 48 is the most important document on student transportation safety, it is only one of a bewildering array of DOE documents in which

safety directives are contained. DOE has separate documents containing policies for field trips, athletic trips, student drivers of school vehicles, junior police officers, and other matters, all of which touch on the safe transportation of students. Then, there are a variety of less formal publications on the subject of transportation safety. These varieties of documents are not pulled together in any meaningful fashion. Indeed, often, one is not consistent with the next. The non-integration of the many documents is illustrated as follows.

The DOE has a publication entitled, *Student Transportation Handbook*. The latest edition is dated August 1974. It fails to make specific reference to Rule No. 48 or to indicate how the matters in the publication relate to or supplement the rule. Then, the department has a manual titled, *Hawaii State School Bus Driver's Manual*. This manual was issued in 1971. It has not been updated to reflect either the 1973 Highway Safety Act amendments or the adoption of DOE Rule No. 48. It does not include DOE's accident report nor does it indicate that accidents are supposed to be reported to DOE. Although Rule No. 48 requires pretrip inspection of the buses, the manual merely urges drivers to make inspections "at regular intervals depending on the condition of the bus."² Yet a third DOE manual, although devoted mainly to the financial aspects of travel, nonetheless touches on safety problems: e.g., liability insurance and adult supervision of students. None of these matters is cross-referenced or otherwise systematically related to Rule No. 48 and other documents on student transportation safety.

What the DOE lacks is a means of continuing review and updating of the department's directives on a consistent and comprehensive basis. The result is that those affected, especially personnel at the school level, are often not familiar with many of the formal requirements relating to student transportation safety. We conducted a selected sampling of 27 schools at the elementary, intermediate, and high school levels on the islands of Oahu

(including schools in all four DOE districts) and Hawaii (including both East and West Hawaii). We sought to ascertain how student transportation safety was being administered at the school level. We found that, in most cases, school personnel were not familiar with the pertinent documents. They usually said that many of the documents had not been received by the school or could not be located at the school. Contacts with additional schools indicated this pattern prevails throughout the entire school system. The situation is even worse in private schools which operate their own school buses. In their case, Rule No. 48 with all its limitations is the only available document which spells out DOE requirements.

The consequences are alarming. In case after case, serious problems result from confusion, ignorance, neglect, or disregard of applicable procedures. At not one of the schools we surveyed did we find all of the policies and requirements being consistently observed. Rather, it appeared that issues and problems were being met and dealt with in an ad hoc basis as they arose. In only rare instances did school personnel seem to have a firm, overall grasp of the importance of student transportation safety and be trying conscientiously to comply with departmental requirements.

Unrestricted exemption: DOE loophole. The most readily apparent defect in the DOE's student transportation program is the DOE superintendent's power to grant exemptions from DOE rules and regulations. This power to grant exemptions from safety rules is virtually unrestricted. In practice, exemptions are widespread and create dangers to students.

²Recently, DOE—following the lead of its Hawaii district office—has issued a pretrip inspection form to be used by bus drivers. However, no formal instructions have been provided regarding the use of this form. As a result, some companies are submitting the form to DAGS, but DAGS simply files the forms away without taking any other action on them.

The exemption provision of DOE rules reads as follows:

"1.12 Exemptions

... Exemptions from the requirements may be made by the Superintendent of Education. Exemptions may be granted when it appears that the applicant is accomplishing the results intended to be attained by these regulations through the use of methods other than those therein specifically set forth. Temporary exemptions may be granted by the Superintendent of Education where immediate compliance would cause undue hardships to school bus contractors and the State. Any exemption, when granted, may be rescinded at any time for good cause by the Superintendent of Education. The superintendent has 60 days to answer a written application for an exemption. If the superintendent refuses to grant the exemption, the applicant may appeal to the Board of Education."

In other words the superintendent is empowered to waive any safety requirement of Rule No. 48 so long as he is satisfied that the general objectives of the rule are likely to be attained. This is true regardless of how important or how specific any particular safety provision may be, or how little it may be reasonably subject to judgmental considerations. Moreover, no procedural protection, such as public notice and public hearings, restrain the superintendent's authority.

There appears to be no justification for such a broad and unrestricted grant of authority. In the area of public safety, unambiguous rules are both possible and generally desirable. For example, a person who is blind cannot safely operate a school bus under any circumstances. A school bus without effective brakes is a safety hazard. In such cases, reasonable standards can be devised to prevent noncompliance with minimum needs. Once this is done, no room for compromise need be provided. Accordingly, federal and state safety standards frequently are quite specific and usually do not provide for exemptions. Situations in which exemptions may be authorized are usually sharply circumscribed. In no case with which we are familiar, except DOE, is a blanket grant of authority given to set aside safety standards.

Hawaii's school bus operators throughout the State, with the exception of Hawaii county,

have submitted many requests for exemptions to DOE. DOE has granted these exemptions freely. Out of the many requests involving hundreds of vehicles and drivers, only a handful has been denied. In most cases, the requests have been based on a contention that compliance with rules would work an economic hardship on the bus operators. Almost invariably, this justification has been accepted without question. In no instance were we able to find any real analysis of the economic impact a required change would have had on a bus operator.

One result of DOE's uncritical approach to the granting of exemptions is unfair and inequitable treatment of school bus operators. Some operators have assumed that the requirements mean what they say and have tried to comply fully. As a consequence, they have taken on additional costs. On the other hand, those who have sought and obtained exemptions have avoided costs. Also, DOE has not attempted to set consistent time limits on the exemptions which it has granted. Some operators enjoy "indefinite" exemptions while others must meet specific, and sometimes relatively early, deadlines. Finally, in the rare instances where requests have been denied, DOE has denied to one operator what it has allowed to another.

In the process, widely recognized safety standards are being broken. One example is the standards aimed at making school buses instantly recognizable to other drivers. A third or more of Hawaii's school buses, involving perhaps several hundred vehicles, fail to meet these simple paint and equipment requirements. In most cases, noncompliance has been approved officially by DOE through the granting of exemptions. A second example of the effect of exemptions is first aid training. The requirement of such training for drivers traces to the original Rule No. 1 of 1962. It has continued to be a formal requirement ever since. School bus operators cannot argue that this was a new and unforeseen requirement imposed by Rule No. 48. Yet many of them have sought and been

granted exemptions from this requirement. Moreover, DOE has at least tacitly accepted the operators' contention that such training should be the State's responsibility rather than the operators'. This is because the exemptions have been requested and approved until such time as the State provides training to school bus drivers. With no such training program in sight, this will probably remain a meaningless requirement indefinitely. From such examples, we believe it is obvious that such broad authority to grant exemptions is unwise and unwarranted.

Recommendations

1. All agencies involved in regulating student transportation safety should immediately focus attention on rulemaking to ensure that rules and procedures are complete, current, and effectively coordinated on an

interagency basis. In this regard, DOT has a particularly important leadership role to play.

2. So long as DOE has primary administrative responsibility for pupil transportation safety, we recommend that it:

a. continuously cross-reference and revise its rules and procedures on student transportation safety and make them readily available and understandable to affected parties; and

b. amend Rule No. 48 either to remove completely the superintendent of education's power to grant safety exemptions or to establish appropriate safeguards for the exercise of such power and to restrict such authority to where the need for an exemption is clearly demonstrated.

Chapter 6

ENHANCING THE SAFETY PERFORMANCE OF SCHOOL BUS DRIVERS

By a significant margin, driver error is the single greatest cause of highway traffic accidents. Accordingly, regulatory action aimed at improving the performance of school bus drivers probably is the most important way of improving safety in the transportation of students. Basically, two means can be used to improve driver safety. One is to control the initial selection and qualification of drivers. The other is a continuing program of maintaining and improving driver performance through a regular review and evaluation of drivers, coupled with training. Our findings and recommendations in this area are reported below.

Summary of Findings

Regulation of the recruitment, selection, qualification, and evaluation of school bus drivers suffers from many serious deficiencies, including the following:

1. The regulatory approach is based primarily on the negative concept of screening out incompetents, rather than on a positive program of seeking out the most talented available people and preparing them to drive as competently as possible.
2. Positive action in this field is hindered further by: (a) the lack of state participation in the recruitment and selection of most school bus drivers, and (b) the limited appeal of bus driving because of its part-time and split-shift nature.

3. Formal qualifications for school bus drivers are inadequate. They fail to provide a carefully defined program for determining the proper qualification of persons employed as drivers.

4. Much of the existing effort to assure the proper qualification of drivers is rendered meaningless by grossly inadequate administration and enforcement.

5. Hawaii violates federal safety standards and standards of sound practice by failing almost totally to evaluate and continuously train school bus drivers.

Deficiencies in the Recruitment, Selection, and Initial Qualification of School Bus Drivers

The qualifications of a driver include his training and experience, his physical and mental condition, and his ability to cope with the circumstances which will confront him. Demands imposed by circumstance vary widely, so that no single set of qualifications can be used for all types of drivers. In the case of school bus drivers, other factors not directly related to driving competence are involved in the qualification process, particularly questions of moral character.

The need for regulating bus drivers has been recognized at both the federal and state levels. The federal standards on pupil transportation safety require that each state "develop

a plan for selecting, training, and supervising persons whose primary duties involve transporting school pupils, in order to assure that such persons will attain a high degree of competence in, and knowledge of, their duties." Although leaving considerable discretion to the states, the federal standards make clear that states must give special attention to the selection and qualification of school bus drivers.

In recognition of the unique considerations surrounding the qualification of school bus drivers, the State of Hawaii has established a special process for the qualification of school bus drivers. This process is set forth in Rule No. 48 of DOE, as adopted in the latter part of 1973, but many of the requirements date back as far as 1962, when they first were incorporated in DOE Rule No. 1. This process suffers from several serious deficiencies, which are discussed below.

Negative rather than positive regulatory approach. Hawaii's approach to school bus driver qualification is based primarily on screening out those least likely to make good school bus drivers, rather than on a positive program for seeking out the best available talent. In terms of traditional governmental regulatory practices, this approach is by no means unusual. Frequently, minimum standards, coupled to enforcement, are considered sufficient. However, there are grounds for questioning whether such a limited approach should be acceptable when drivers are entrusted with the safety of young people. In view of the potential of student transportation for disaster, a positive approach appears to be imperative, rather than merely desirable. Such a positive approach would include: (1) identifying and attracting persons with high aptitude for becoming school bus drivers, (2) developing training programs which will produce highly qualified and motivated drivers, and (3) providing incentives to encourage the training, experience, and attitudes necessary to be fully qualified in all aspects of school bus driving.

Employment limitations affecting the selection process. Two factors work as barriers

to a positive program of recruitment and training. The first is the fact that most drivers work for private employers; they are not recruited and hired by the State. As a result, the State is removed from recruitment and selection. The second limiting factor arises from the nature of the work and the work hours. The work is only part time, usually about half time per school day for nine months a year. It is not highly paid, and it is split into morning and afternoon shifts of about two hours apiece. Accordingly, it is not attractive employment for many workers.

With respect to the first factor, the State's role in recruiting school bus drivers is and will be limited so long as the State relies on private contractors. At the present time, the State's only requirement is that all school bus drivers be certificated by DOE as prescribed under Rule No. 48. However, even this requirement is frequently ignored. The issue of selecting and recruiting drivers naturally raises the question of whether the State's disassociating itself so completely from the process is desirable. With the exception of a few drivers employed by private schools, school bus drivers in Hawaii are all ultimately paid out of state appropriations. Therefore, a more direct role in recruiting and selecting drivers seemingly would be a legitimate concern of the State. At a minimum, state authorities should be familiar with hiring practices and procedures of the school bus contractors and periodically review their work to detect problems and devise solutions. The State might find it should be taking a more aggressive role, either in the form of additional requirements or oversight. In any event, recruitment and selection are much too important for state authorities to neglect completely.

Regarding the factor of work hours, it is not known how seriously the part-time, split-shift schedule affects the quality of drivers. No real evaluation of this matter has ever been made. However, two aspects of this problem should be given attention by state officials. One is the probability that the best-qualified drivers

will not seek employment in this field because of the disadvantages inherent in part-time, split-shift work, particularly when the pay is not attractive. The other is that well-qualified drivers may take on this work as a second job, but as a consequence subject themselves to undue stress and expose their passengers to unnecessary danger. Accordingly, state authorities should consider (1) whether such work might be placed on a full-time, regular-shift basis, and (2) whether the number of hours a person drives should be limited.

There are several ways to make drivers' jobs full-time. On the island of Hawaii the jobs of state-employed drivers have been made full-time and permanent by combining school custodial duties with bus driving duties. For privately employed drivers, one possibility is to contract for excursion services during the school day, between the morning and afternoon trips to and from school. Obviously this would entail the State's treating student transportation for excursions and transportation to and from school as similar.

With respect to the matter of limiting the work hours of school bus drivers, apparently no formal restrictions now govern the subject. But because safety authorities agree that hours of work have a significant influence on the safety performance of commercial and heavy vehicle drivers, immediate steps should be taken on this matter.

Inadequate requirements. The formal requirements governing the qualifications of school bus drivers are in section 1.6 of DOE Rule No. 48. Because DOE's jurisdiction is limited to trips to and from school, DOE certificates are not required when a person drives a vehicle on a field trip or, to give a second example, when a person drives a school-owned bus to transport an athletic team or a band. Needless to say, this creates a large void in the coverage of the school bus driver certification program, permitting students to be driven by persons who may not be qualified to do so.

Rule No. 48 suffers from other weaknesses. In setting standards for the physical and mental fitness of school bus drivers, DOE has merely incorporated what until recently was PUC's requirements. This was done despite strong reservations expressed by OHSC regarding the value and effectiveness of PUC's program for determining the physical and mental fitness of drivers. As pointed out in the legislative auditor's report on PUC, Volume III, PUC's program for the certification of motor carrier drivers was deficient in so many different ways as to be virtually meaningless.

There is still another deficiency in section 1.6 of Rule No. 48 which appears to have resulted from an error in drafting. As written, section 1.6 lists six requirements drivers are supposed to meet (subsections a through f). However, only the first five (subsections a through e) are listed as requirements to qualify for a school bus driver's certificate. Subsection f requiring driver training is not a condition of certification. This subsection simply states that drivers each August shall submit evidence to DAGS of having taken a training course.

Furthermore, section 1.6 does not clearly indicate that certificates are for only one year and must be renewed annually. The confusion arises from the fact that some of the items listed in the subsections are explicitly required on an annual basis, while others are not. The section fails to establish a timetable for submitting materials required for school bus drivers' certificates. It does not set a deadline for DOE to issue the certificates once the applications have been filed. Neither does the subsection clearly define the roles of DAGS and DOE relative to the review, evaluation, and approval of driver applications. As a result, no one can be held directly accountable for assessing and acting on the applications. As a matter of fact, the procedure for issuing certificates differs between Oahu and the other islands. On Oahu, certification is handled entirely by DAGS. On

the other islands, DOE issues the certificates based on information supplied by DAGS.¹

Perhaps most importantly, the State has no program to evaluate driver performance and provide regular training. No one is in a position to know in any detail how well school bus drivers are performing.

In short, the formal requirements governing school bus driver qualification and certification need to be reviewed and revised to ensure that certification will be based on careful assessment of driver qualifications. Indeed, it appears that the certification program should be coordinated with the general requirements governing the qualification of drivers of commercial and heavy vehicles.

Deficiencies in program implementation and enforcement. The school bus driver certification program also suffers from serious deficiencies in implementation and enforcement. Conspicuous shortcomings in this field are discussed below.

1. Physical and mental requirements. DOE shared responsibility with PUC, and now shares responsibility with DOT, for setting physical and mental requirements for driver certifications. DOE's approach has been to rely on PUC standards, and otherwise to ignore responsibility for the requirements. By refusing to become involved directly in this subject, DOE knows nothing of the physical and mental fitness of the persons driving school buses. DOE has not even known whether all drivers possess valid physical examination certificates, much less know whether there are any significant correlations between the physical conditions of drivers, driving records, accident records, ages, etc.

During a random examination of PUC records, we came across the record of a school bus driver who weighed almost 500 pounds, a weight level which would disqualify a driver under several nationally recognized criteria. Even if this person had been deemed physically

fit to drive on the basis of PUC standards, DOE seemingly should have wanted to watch this situation with special care. Moreover, this driver was only the most extreme example of a sizeable number of drivers who evidenced being significantly overweight. This indicates that obesity may be a fairly widespread condition among bus drivers, and this condition should be closely monitored to determine whether or not it is adversely affecting driver performance and should receive remedial attention.

2. Tuberculosis clearances. Closely related to the requirement of a physical examination is the requirement in Rule No. 48 that all school bus drivers receive an annual tuberculosis clearance. The implementation and enforcement of this requirement are grossly deficient. In our review of the records for school bus drivers on Oahu for the three years 1971-74, we found serious discrepancies for the first two years and a complete absence of records for the third year. In the first two years, numerous certificates were issued in the absence of any evidence of a tuberculosis clearance, or on the basis of X-rays more than a year old. In other cases, the date of the X-ray results could not be ascertained. In still other cases, improper evidence was accepted consisting of a mere notice an X-ray had been taken. For the third year, apparently no effort was made to require evidence of a tuberculosis clearance. There was a complete breakdown in the issuance of school bus driver certificates on Oahu.

Since this breakdown, some improvement has been made, but it still falls short of assuring an adequate system of compliance with the requirement that all school bus drivers have a tuberculosis clearance. For last year and the current year, DAGS has been relying upon the bus companies to submit listings of their drivers

¹The proposed revision of Rule No. 48 will remedy some, but not all, of the deficiencies noted here and elsewhere in this report.

who supposedly have obtained tuberculosis clearances. However, no verification is made of the information so reported.

3. *Traffic and criminal clearances.*

Another breakdown in the enforcement of Rule No. 48 is in the requirement of annual traffic and criminal clearances for all school bus drivers. This rule disqualifies persons from driving if convicted of certain felonies within the five preceding years, or convicted of misdemeanors in the three preceding years. The rule calls for each driver to obtain a traffic and criminal clearance annually from the police department of the county in which the driver will be operating a bus. The clearance is supposed to be submitted to the appropriate DAGS transportation officer. However, the practice (at least on Oahu, where most drivers are located) appears to be for DAGS to accept the applications for certificates without such clearances. DAGS then requests the clearances directly from the police department on a consolidated basis. While this alternative procedure would seem to be more efficient, it has not been so. Initially, there was an inordinate delay in putting the procedure into effect. We found that in many instances the school year was almost over before DAGS sent requests for clearances to the police department. Clearly most of the delay occurred at DAGS, because generally the police department responded within a week.

More recently, the clearance system has been stymied on Oahu completely. In early 1975, the Honolulu police department served notice that it was restricting the release of criminal information records to agencies of the criminal justice system. The police department said it would no longer provide "clearances of individuals for the purpose of employment..." In response, the superintendent of education wrote to the mayor of Honolulu to seek his assistance in obtaining clearances to prevent "persons convicted of felonies and misdemeanors involving moral turpitude, and sale of dangerous drugs" from being allowed to drive school buses. This in turn

led to a lengthy letter from the deputy corporation counsel to the superintendent of education contending that as a result of various 1974 laws (Act 45, Act 92, and Act 205) DOE needed special legislation to obtain the clearances. On February 25, 1975, DOE asked the attorney general to advise whether to draft corrective legislation, but no further action was taken on the matter.

Without any effective means of verification and enforcement, the requirement of a criminal clearance as set forth in Rule No. 48 remains largely meaningless. Yet, instead of confronting this problem and trying to resolve it, the affected DOE officials are largely ignoring it. Thus, in the proposed revision of Rule No. 48 now pending before the board of education, the DOE administration is recommending that the scope of the requirement be broadened to include conviction of all, instead of just selected, felonies within the preceding five years as a disqualification to become a school bus driver. In its comments on the proposed revision of Rule No. 48, DAGS suggested the requirement be deleted so long as the county police departments refused or were unable to supply the information necessary to enforce it. DOE, however, has chosen to ignore DAGS' comment and suggestion on this point.

4. *Driver examination requirements.*

Another area of administrative weakness is the driver examination process. Under Rule No. 48, an applicant for a DOE-issued certificate to operate a school bus is required to be certified by the county examiners of drivers (1) that the applicant is "competent to operate safely, the type of motor vehicle required for transporting school children" based upon actual demonstration of ability and (2) that the applicant has the ability to read and understand simple English used in highway traffic directional signs and [has] knowledge of all traffic laws and ordinances relating to school buses."

Concerning demonstrated ability to operate a vehicle used to transport school children, there is a running controversy as to whether or not

drivers of vehicles used to transport children should all be able and licensed to operate heavyweight vehicles (i.e., large buses), even though in fact they may operate only small vans. The regular driver licensing programs of the counties make a distinction between licenses for lightweight and heavyweight vehicles. This distinction is:

Type 3 license — for drivers of lightweight vehicles, such as passenger cars and light trucks

Type 4 license — for drivers of heavyweight vehicles, such as buses

This is an important distinction, since the skills for driving a small vehicle are significantly different from those for driving a large one.

The question of whether a type 4 license should be possessed by all school bus drivers, even drivers of light vehicles, has never been fully resolved by DOE, even though the controversy has been brewing for years. Before 1974, OHSC and the Honolulu police department maintained that a heavy-vehicle license was required for all school bus drivers, including drivers of small vans and station wagons used to transport pupils. But the neighbor island police departments deemed a license for light vehicles sufficient for drivers of small school buses. DOE took no position on the matter. As a result, in 1973, on Oahu, there were no drivers certified by DOE under Rule No. 48 who held only type 3 driver's licenses, but there were 19 such drivers on the neighbor islands.

In 1974, amendments were made to the law, but these amendments failed to clear up this issue altogether. Ironically, the DOE rule classifies vehicles as being below or above a gross weight of 10,000 pounds, but it fails to settle the issue of which type license is required of persons driving light vehicles. The proposed revision of Rule No. 48 now pending before the board of education still does not completely settle this point. It simply states that to be certificated as a school bus driver, a person must

“hold a valid driver's license of appropriate class.” It would be clearer and more definite if all drivers of type I (heavy) buses were required to have a type 4 driver's license and all drivers of type II (light) buses were required to have either a type 3 or type 4 driver's license. The DOE school bus driver certificates should then be issued in two categories: (a) for drivers qualified to drive both type I and type II buses, and (b) for drivers qualified to drive only type II buses. Currently, because of the unsettled status of this issue, only one class of certificates is issued.

Inadequate administration is even more apparent in matters concerning language requirements. To assist the county examiners of drivers in ascertaining the ability of the applicants to read and understand “simple English used in highway directional signals,” and in determining whether the applicants have knowledge of applicable laws, the DOE's school bus safety committee devised a written examination to be administered by the county examiners. However, we found that this examination is not being administered on Oahu. Indeed, the examiners of drivers on Oahu pleaded complete ignorance of any special examination. DOE for its part expressed surprise that the test was not being administered. As nearly as can be determined, no specific attention is being devoted to testing competency in this area beyond what is required to obtain a regular driver's license.

5. *Verification of age, driver's license, and driving experience.* Under DOE Rule No. 48, DAGS transportation officers are responsible for verifying the age, the possession of a proper driver's license, and the driving experience of each applicant for a DOE school bus driver certificate. However, DAGS personnel—at least on Oahu—are not performing this required task. One procedure that is required is for each applicant to produce his driver's license for inspection by the transportation officers. From the driver's license, it can be determined that the applicant has a driver's license of the proper kind and the applicant's age can be readily verified. But this procedure is

not enforced. Reliance is placed instead (at least on Oahu) upon forms issued by the police department. The form, however, does not constitute an official verification process, and there is no guarantee the appropriate spaces will be filled out. Indeed, in our review, we came across a number of these forms with spaces left blank. Furthermore, there is no space to verify whether a person has the requisite year of driving experience.

The importance of a proper verification procedure is illustrated by the following. We made a check of the ages of bus drivers. Of the drivers reviewed, 25 were over 60 and several were over 70. Although there is no maximum age limit under DOE Rule No. 48, it would appear that persons responsible for bus safety would be interested in the performance of older drivers and would thus seek to monitor their operations. Such monitoring, however, cannot (and does not) occur when the ages of drivers are of no particular concern to the administrators of the school bus program. Indeed, there is no evidence that either DOE or DAGS is focusing on older drivers to determine whether an age limit should be set.

Generally, enforcement is so haphazard that the verification process prescribed by Rule No. 48 has little or no meaning.

6. *General procedural breakdown.* The situation that exists in the area of enforcement and implementation of Rule No. 48's driver certification and qualification requirements is best described as chaotic. There is a general breakdown in procedure. This status is evidenced in the first instance by a dearth of data and information which would otherwise be readily available if the system of certification and qualification were operating properly. Then, the data which exist clearly point to utter failure in ensuring that school buses are being driven by qualified drivers.

The lack of proper data was established when we sought information on school bus drivers for the purposes of this audit. In no

instance were we able on an initial try to obtain the desired information; repeated requests were necessary and, even then, some information was not available or, if available, it was available only in a raw state. Generally, there is no compilation and reporting of school bus driver data on a comprehensive and continuing basis, either statewide or on a district or county basis. Thus, for example, information on drivers employed by school bus operators under contract with the State is not available in all cases. This is so even though bus operators are supposed to supply rosters of their drivers to DAGS.

The absence of these rosters, of course, presents obstacles in the administration of the driver qualification program. Among other things, it prevents the cross-checking and verification of data necessary to achieve compliance with regulatory requirements. Indeed, without such rosters, no one knows how many persons are actually driving school buses in Hawaii at any given time, much less who they are and whether or not they meet the formal qualification requirements that have been established.

During our examination, there appeared to be no one really concerned about, interested in, or doing anything about setting up an information system on school bus drivers to enhance compliance with driver qualification requirements and to promote student transportation safety. More recently, the Oahu transportation officer has been attempting to set up a better driver information system and has made some progress. However, having to rely upon a manual system of recordkeeping and being only one person with heavy administrative responsibilities, he is unable to put a truly effective information system into operation.

The data that are available on school bus drivers point to a serious breakdown in administration of the certification program. Some of the data are summarized in tables 6.1 and 6.2. Table 6.1 compares the number of school bus drivers reported by OHSC to the federal government for each of the four counties

for the school years 1971-72, 1972-73, and 1973-74, and the number of persons receiving school bus driver certificates for the same three years. Table 6.2 provides data on the processing of applications for school bus driver certificates on the island of Oahu for the same three school years.

Table 6.1

Summary of Data, by County, on School Bus Drivers and the Issuance of School Bus Driver Certificates in Hawaii For the School Years of 1971-1972, 1972-1973, and 1973-1974

County and school years	No. of school bus drivers reported by OHSC to the federal government	No. of persons to whom DOE school bus driver certifs were issued each year
<i>Honolulu:</i>		
1971-1972	285	164
1972-1973	293	26
1973-1974	305	-
<i>Hawaii:</i>		
1971-1972	130	123
1972-1973	133	138
1973-1974	138	113
<i>Maui:</i>		
1971-1972	95	N/A
1972-1973	105	85
1973-1974	109	86
<i>Kauai:</i>		
1971-1972	50	57
1972-1973	52	50
1973-1974	53	46*

*Does not include three persons on the DOE list of school bus drivers for whom no certificates could be identified as having been issued.

Sources: Hawaii state department of education (DOE) administrator of student transportation and teacher housing and business staff specialists for Hawaii, Maui, and Kauai.

Hawaii state department of accounting and general Services (DAGS) student transportation administrator.

Hawaii State Office of the Highway Safety Coordinator (OHSC), *The State Highway Safety Comprehensive Program Plan, 1974-1977*.

Table 6.2

Summary of Data on School Bus Driver Certification On the Island of Oahu (City and County of Honolulu) For the School Years 1971-1972, 1972-1973, and 1973-1974

	1971-72	1972-73	1973-74
No. of school bus drivers reported by OHSC to federal government . . .	285	293	305
No. of persons applying for DOE school bus driver certificates	167	74	-
No. of persons to whom DOE school bus driver certificates were issued . . .	164	26	-
No. of applicants complying with DOE certification requirements within one month of submission of application			
Driver's test	167	74	-
Traffic abstract	152	70	-
Test for tuberculosis . . .	151	72	-
Physical exam	118	70	-
Criminal abstract	101	20	-
No. of drivers certified by DOE			
Within 9 months	15	26	-
Over 9 months	149	-	-

Sources: State department of education, administrator of student transportation and teacher housing.

State department of accounting and general services, student transportation administrator.

Office of the Highway Safety Coordinator, *The State Highway Safety Comprehensive Program Plan, 1974-1977*.

An examination of table 6.1 quickly reveals a vast disparity between the number of school bus drivers in Hawaii, as reported by OHSC, and the number of persons applying for and receiving school bus driver certificates from DOE. For the island of Oahu, the disparity was extreme, indicating a complete collapse of enforcement. Of the more than 300 persons who were driving school buses on Oahu during 1973-74, none was properly certified as a school bus driver. Since that time, there has been some improvement in this situation, but

several months after the beginning of the 1975-76 school year only about half of the persons driving school buses on Oahu had driver certificates.

Table 6.2 points up more specifically the administrative breakdown which has been occurring on the island of Oahu. Even before the collapse which took place in 1973-74, the program was in serious trouble. This is indicated first by the fact that a great many drivers did not file applications for school bus driver certificates. Both they and the companies for which they worked obviously became convinced that compliance was unnecessary. As far as is known, no sanctions were ever imposed for drivers not being certified. Of those who did apply, many failed to submit all of the supplementary material required for certification as a school bus driver. For example, of 167 applications filed in 1971-72, evidence of having passed the physical examination was still missing one month after the filing date in 49 cases. The criminal abstract was missing in 66 cases. When and if the required materials were submitted, often they were only after long stretches of time. In the meantime, the applicants continued driving school buses without restriction or penalty.

Table 6.2 also indicates that an extraordinary amount of time was required to process the applications for school bus driver certificates. In 1971-72, when 164 certificates were issued, only 15 were issued within nine months after the applications were filed. The remaining 149 certificates took a year or more. In effect, the school year was over before the certificates were issued.

However, when we brought this matter to DOE's attention during the course of this audit, DOE's response was to wash its hands of the whole matter—at least on Oahu—by turning the task of certification completely over to DAGS. DOE is still legally fully responsible for seeing that the certification program is properly administered, but it has rendered itself incapable of fulfilling this responsibility on Oahu. DOE neither seeks nor receives information

concerning the program. It has removed itself from monitoring what is happening and from any position to effectuate changes or improvements.

Since assuming a larger role in the certification process, DAGS has achieved considerable improvement in obtaining the certification of school bus drivers on Oahu. However, DAGS continues to view its role primarily as being a contract administrator, not as the agency responsible for safety regulation, and full compliance with the certification requirement is still falling short. Thus, during the 1977-78 school year, 328 school bus driver certificates have been issued to drivers on Oahu. However, with probably 400 or more persons driving school buses on Oahu (including drivers of buses serving private schools), there are still significant numbers of uncertificated drivers operating school buses on this island four months after the start of the school year. No system can be adjudged adequate which allows one out of every five drivers to be uncertificated for one half or more of the school year.

Summary. In light of the conditions described above, we conclude that Hawaii has no effective administrative program for assuring the competency of school bus drivers. Neither DOE nor DAGS shows any real interest in putting life and force into the program. The now-defunct OHSC must also share part of the blame, because it glossed over Hawaii's deficiencies in its reports to the federal government. For example, in the formal evaluation which OHSC submitted to the federal authorities in 1973 on implementation of federal standards, it said that Hawaii had been in full compliance since 1970 with the standard that all school bus drivers meet the special requirements established for such drivers. If this document were the only source of information on Hawaii's school bus driver qualification program, one would never suspect that the program was suffering.

Evaluation and Training of School Bus Drivers

The initial determination of a driver's competency has lasting value only if followed by

a program for maintaining and improving the driver's performance. Such a program entails: (1) a regular means of evaluating drivers to identify areas needing improvement and (2) the provision of appropriate training, counseling, or other services.

The evaluation and training of drivers is required both by federal standards and state statute. The State's statutory provisions are in Act 214 of 1973 (section 286-108.5(g), HRS). This act requires employers to make continuous evaluations of all drivers, with the exception of drivers of light-duty trucks. It also requires employers to provide driver safety courses annually. The wording of this law clearly ties together evaluation and training. It presumably applies to all school bus operators and drivers, with the possible exception of operators and drivers of vehicles which carry ten or fewer passengers.

Lack of evaluation of driver performance.

DOE Rule No. 48 fails to reflect the law's requirement of a combined program of evaluation and training. The rule poses various requirements concerning training to continue driving, but it does not impose on anyone the responsibility for evaluating drivers. Thus, no evaluation occurs. No one really knows how well school bus drivers are performing. Rule No. 48's requirement for driver training is, as noted below, poorly enforced, but even if it were diligently pursued a meaningful training program could hardly be offered without some analysis of driver performance. The driver evaluation process serves as a means of identifying problem areas, a step which is a prerequisite to corrective action.

Had DOE sought to establish an evaluation program, the safety regulations of the U.S. Bureau of Motor Carrier Safety would have been instructive. The federal regulations require employers, at the time of employment, to secure and retain on file detailed information about a driver's qualifications. Employers thereafter must make an annual review of the driving record of the employee. The driver, for

his part, must annually supply a record of his driving violations or provide certification that he has had no violations. The employer's annual review must consider both the driver's accident record and his traffic violations record. The employer file on each driver must include a record of the review, the name of the reviewer, and the date of the review. Physical examination of drivers is required at least every 24 months.

Ineffective administration of driver training. As stated above, DOE Rule No. 48 requires drivers to take ongoing training. The rule requires that every driver complete a course in school bus driving training as provided by DPS or approved by DOE, and it mandates that a refresher course be provided annually. But the training prescribed by the DOE rule has been, for most of the rule's life, nonexistent. The rule's requirement in the first place is vague, and, second, there has been an almost total disinterest on the part of all applicable state agencies to formulate and conduct driver training programs or otherwise to enforce the training requirements of the rule.

1. *Vagueness in Rule No. 48's training requirement.* DOE's training requirement reads in its entirety as follows:

"Driver Training. Every driver of a school bus shall complete a course in school bus driver training as provided by the Department of Personnel Services or approved by the Department. The training shall include first aid, defensive driving techniques, safe operating procedures, accident procedures, student control, and all other topics necessary to insure the safety of student passengers. A refresher course shall be provided annually. A certificate of completion shall be provided to the driver by agency providing the training. The driver shall submit the certificate to the Department of Accounting and General Services transportation officer in August of each year."

As a preliminary statement, this provision might be sufficient. However, as an operating guide, it is seriously deficient. To be effective, this provision needs to be amplified by a definition of the specific skills required by school bus drivers, the training likely to produce such skills, and the means of testing for the development of these skills. Standards and criteria and a tie-in between actual driver performance and desired

level of performance have never been developed. The above statement constitutes the full development of the subject.

2. Lack of development of training program by state agencies. Rule No. 48 charges DPS with the responsibility to train bus drivers. DPS, however, has provided training for bus drivers only once. This was in 1973. The 1973 program was not really a training program for bus drivers. It was a defensive driving course for state employees in which school bus drivers were allowed to participate.

Although Rule No. 48 mentions DPS as having the responsibility to provide school bus driver training, in 1970, DOE assigned the same responsibility to DAGS by a memorandum of understanding. In describing DAGS' role, this memorandum stipulated its responsibilities as follows: "translates (training) needs as expressed by DOE into driver training programs and arranges for training sessions." The result is that DOE, DPS, and DAGS have shared responsibility for training. However, for years, not one of them assumed primary responsibility for it. Thus, a state-sponsored training program has been nonexistent for a long time, and each agency has blamed one or both of the others for the absence of training.

The now-defunct OHSC, which might have been expected to attempt correcting such an obvious breakdown in coordination, was fully aware that no driver training program existed. However, OHSC essentially did nothing, other than to represent to the federal government that the one-time opening of the DPS driver training program for state employees to school bus drivers constituted a school bus driver training program.

There is no good reason why the State has not developed a meaningful school bus driver training program for years. Seventy percent federal matching funds to develop such a program and models upon which to pattern the program have been available to the State for years.²

After many years of neglect, recently, a

start toward providing driver training appears to have been made. A federally funded program was finally developed and, in the summer of 1977, 54 school bus drivers from all islands were given a three-day, basic course in driver training. A similar three-day, advanced course is scheduled for the summer of 1978. This program is being administered by DAGS. Drivers going through this program are supposed to provide similar training to the other 550 or so school bus drivers throughout the State. This effort, however, suffers from several shortcomings. First, it is not a part of a continuing program of driver training. Second, it is not related to an ongoing program of driver evaluation. Third, there is no system set up to make sure that the training is actually extended to all school bus drivers in Hawaii. Fourth, the program has not been extended to drivers of buses serving private schools. Much more, then, needs to be done before it can be said that an adequate school bus driver training program exists.

3. Inadequate enforcement. Under Rule No. 48, the State, rather than developing and running a training program of its own, may require school bus operators to develop and implement DOE-approved driver training programs. However, even here, there has been a general lack of push by the state agencies involved. Enforcement of driver training programs involve primarily DOE and DAGS. Inadequacies in enforcement of driver training programs sponsored by school bus operators fall in two main areas: (a) a general tendency to indulge the school bus operators and absolve them of responsibility for providing proper training for their drivers and (b) a general failure to establish monitoring and surveillance.

²In 1973, about the time of the one-time DPS course, the Teamsters Union developed a comprehensive driver training course for union members who drive for motor carriers. By union contract agreement, this training program is financed through employer contributions. The course requires 200 hours of an individual driver's time, broken up into 40 hours of classroom time, 40 hours of driving on a training and obstacle course, and 120 hours of on-the-job training. An elaborate curriculum has been designed for the course, and instructors have been specially trained to teach it. Although the course is not mandatory, the union strongly urges its members to take the training. The union anticipates a thousand or more drivers will do so over the next several years.

We note elsewhere that DOE has been exceedingly generous in exempting school bus operators from various requirements of Rule No. 48, including the requirement for driver training. DAGS likewise has been overly lenient in enforcing training requirements. In addition to authority granted it under Rule No. 48, DAGS has another powerful tool for enforcing the compliance of operators with safety requirements. This is DAGS' power to administer the school bus contracts between the State and the bus operators. With most operators being under contract to the State, DAGS is in an exceedingly forceful position, since the contracts require that the school bus contractors abide by the safety laws and regulations of the State. However, DAGS has never viewed safety enforcement as one of its primary responsibilities; it has yet to invoke the contract's safety provision, despite widespread acknowledgment that many safety requirements, including the training one, are not being met.

Not only do the state agencies grant exemptions freely, but they also generally fail to monitor whether operators comply with safety standards. DOE does not request or receive information from DAGS on driver qualifications and performance on any consistent and comprehensive basis. Similarly, DAGS has not set up a comprehensive and readily accessible information system on drivers so that it can know if safety requirements are being met. As a result, school bus operators and drivers can and do ignore safety requirements with complete impunity.

An example of what results from such lax administration is provided by DPS' one-time defensive driver training course sponsored in 1973. Supposedly, all school bus drivers took this course, but when we tried to verify this point we found that neither DOE, DAGS, nor OHSC had any information on it. DPS data were still in raw form, but from these data we were able to get some view of the coverage of the training effort. The results of our review are contained in table 6.3. There were 607 drivers at that time. Enrollment in the course totaled

152, although not all were school bus drivers. Only 79 could be identified as persons holding school bus driver certificates from DOE for that year. Another 13 had outdated certificates.

Table 6.3
Summary of Data on School Bus Drivers in Hawaii
Taking the Defensive Driver Training Course Offered
By the State Department of Personnel Services in 1973

County	No. of school bus drivers reported by OHSC to federal govt.	No. of persons enrolled in DPS defensive driver training course	No. of certificated school bus drivers taking DPS course
Honolulu	305	52	13*
Hawaii	138	49	41
Maui	109	32	26
Kauai	55	19	12
Total	<u>607</u>	<u>152</u>	<u>92</u>

*Includes persons certificated in years prior to 1973-74; no certificates were issued on Oahu during 1973-74. In addition, there were six other persons who took the course and who had applied for but had not been issued certificates at the time the course was offered.

Sources: State department of education, student transportation administrator and district staff specialists.

State department of personnel services, project director, defensive driving course.

Office of the Highway Safety Coordinator, *The State Highway Safety Comprehensive Program Plan, 1974-1977.*

In short, the course covered a small fraction of the drivers it was purported to cover. Worse, no one in the state government with responsibility for assuring safety performance had any knowledge of the extent of the failure.

In this connection we note that, even if the state agencies were now to embark on a program of enforcing the requirement for driver training and annual refresher courses, its ability to do so is impaired to the extent that Rule No. 48 fails to list driver training as a requirement for a driver to secure a DOE certificate. That is, as the way Rule No. 48 is

now written, it appears that DOE has no power to deny the issuance of a school bus driver's certificate simply on the ground that the driver has not received driver training.

Recommendations

The improvements that need to be made in the area of driver qualification are obvious. In line with our earlier recommendation that DOT be assigned the primary responsibility for school bus transportation safety, our recommendations here are directed at DOT. The recommendations, however, are equally applicable to whichever agency that is finally vested with the primary responsibility, if not DOT. We recommend that:

1. *The State develop a positive action program for the recruitment, selection, and qualification of school bus drivers. Such an approach should seek out and attract the best*

talent available for this type of work. This probably will require direct state involvement in the recruitment and selection process; it may entail enhancing the attractiveness of bus driver employment through the creation of jobs which are regular and full-time, as opposed to part-time and split-shift jobs.

2. *A comprehensive set of driver's requirements be immediately set up and a program of forceful administration be pursued. An information system on school bus drivers is an essential element of any effective program of implementation and enforcement.*

3. *The relationship between driver evaluation and training be clearly recognized and a program for the training of and improvement in driving performance by drivers be developed. Appropriate courses of instruction for school bus drivers should be developed and made available to all school bus drivers.*

Chapter 7

THE SAFETY PERFORMANCE OF SCHOOL BUSES

Three aspects are basic to any broad regulatory program for promoting safer motor vehicles: (1) vehicle registration and licensing, which provides a means of regulating and accounting for vehicles on the road; (2) standards for constructing and equipping vehicles; and (3) vehicle inspection and maintenance. This chapter centers around these three aspects of motor vehicle safety as they relate to school buses and other vehicles used to transport students in Hawaii.

Summary of Findings

1. Due to a lack of coordination among the many agencies engaged in various vehicle registration procedures, it is impossible to secure and compile complete, accurate information on school buses. Without such information, effectively regulating these vehicles is also impossible.

2. Regulation of the identification, design, construction, equipment, and age of school buses is suffering from the following problems:

a. Requirements governing the identification of school buses are unclear, contrary to federal standards and state laws, and largely meaningless because of inequitable application and inadequate enforcement.

b. Regulation of the design, construction, and equipping of school buses has

been rendered ineffective by inappropriate, inadequate requirements and by the lack of proper enforcement.

c. Many extremely old and generally inadequate vehicles are being used to transport students.

d. Federal and state legal requirements governing seating arrangements for school buses are not being observed.

3. Vehicle safety inspection and maintenance requirements for school buses and other vehicles are grossly deficient, as indicated by the following:

a. Vehicle safety inspection requirements overlap one another and in many cases are ineffectively enforced.

b. With the notable exception of a recently initiated enforcement program on the island of Hawaii, the requirement that drivers conduct daily pretrip inspections of their vehicles goes generally unobserved.

c. Although school bus operators are required to have preventive maintenance programs, enforcement is ineffective.

Inadequate Registration and Licensing Procedures

The registration and licensing of motor vehicles are not traffic safety measures *per se*.

Whether a vehicle is properly registered and licensed does not bear directly on either the operational safety of the vehicle or its driver's competence. However, vehicle registration and licensing provide an important means of controlling and accounting for vehicles using the highways. In this indirect way they are a necessary element in highway traffic safety.¹

Numerous state and county agencies seek to register or license vehicles or otherwise collect and maintain information about them. However, none of these agencies maintains any system by which information on school buses can be readily retrieved. The varying interests of the affected agencies in controlling and accounting for vehicles, the inability of the agencies' systems to generate information on school buses, and the adverse effects of the lack of an information system on school buses are described below.

Agency information systems and their ability to generate information on school buses.

1. Statewide vehicle registration system. For the general purposes of traffic control, highway safety, and raising revenues for the construction and maintenance of public streets and highways, there is a statewide motor vehicle registration and licensing process. It is administered by the four counties but operates under standardized provisions established by the state government. This is the most all-encompassing program for controlling and accounting for motor vehicles in the State. It is designed to cover virtually every motor vehicle which operates over the public streets and highways. In recent years, it has become a highly computerized process. The city and county of Honolulu provides the central computer and data bank for an entire statewide system. At the present time the system provides fairly detailed information instantaneously on any one of the approximately half million motor vehicles being driven within the State of Hawaii. However, the system is not set up to specifically identify and retrieve information on school buses. To obtain information on school buses from the system, other data, such as school bus

license numbers or the names of the registered owners of the school buses, are necessary.

2. County business licenses for vehicles for hire. The counties also have an interest in keeping track of all vehicles for hire, because such vehicles are required to obtain county vehicle-for-hire business licenses. These include all school buses owned by contractors providing service to the State. However, school buses once more are not identified separately from other vehicles for hire. To retrieve data from the county business licensing data, it again is necessary to have other information on school buses, such as vehicle license numbers or names of registered owners.

3. Motor carrier vehicle registration. Traditionally the public utilities agency was (and now DOT is) best positioned to develop comprehensive information on school buses, because all such vehicles were subject to the safety regulation of the motor carrier safety program then being administered by PUC. In addition, vehicles subject to the economic regulation of PUC are supposed to be registered with PUC for purposes of annually paying a gross weight or seating capacity fee. (Although school buses are exempted from PUC's economic regulation, any vehicles used for the commercial or charter transportation of passengers other than students are subject to PUC's economic regulation. In many cases, the same vehicles are used for both purposes.) Unfortunately, PUC's vehicle registration system has been grossly inadequate. The agency tried to maintain a highly cumbersome manual system. As a result its records were incomplete, inaccurate, disorganized, and to a great extent unusable. No attempt was made to identify school buses separately. To the extent data were kept and organized, they were filed according to the registered owners of the vehicles. Therefore, to obtain information on school buses from the files on motor carrier safety, it was necessary first to know who the school bus operators

¹Motor vehicle registration and license fees also generate a significant amount of revenue for the government.

were. Even then, the information was likely to be incomplete, often difficult to locate, and frequently inaccurate.

4. *DOE regulation of school buses.*

Because DOE has the primary administrative responsibility for student transportation safety, one might expect DOE to have an information system on school buses. However, such is not the case. DOE has no detailed information on school buses and only meager summary data on the subject. Information that is available cannot be considered reliable.

5. *DAGS interest in school buses.*

The school bus contracts administered by DAGS require the various contractors to supply DAGS with detailed listings of information on the vehicles covered by the contracts. However, in practice, the school bus contractors frequently fail to provide DAGS with such listings, and DAGS exerts no real effort to achieve compliance with the requirement. Where such listings are provided, DAGS makes no attempt to verify the information. Similarly, DAGS does not attempt to maintain school bus data on a statewide basis, either in detail by vehicle, by contractor, or in summary form. When we asked DAGS to supply information on the vehicles operated by the school bus contractors, DAGS had to ask the contractors for it directly and on an *ad hoc* basis. DAGS does not even have proper information readily available on the score or so state-owned school buses. In response to repeated inquiries, various DAGS personnel reported the number of vehicles as ranging from 15 to 26.

6. *OHSC concern for school bus safety.*

As a coordinating agency overseeing compliance with federal safety standards, the now-defunct OHSC was the one other state agency which might have been expected to have complete and reliable information on school buses operating in Hawaii. However, OHSC reports to the federal government relied on other agencies to provide information. This information was accepted without question or comment despite its apparent shortcomings.

Results of lack of accurate and useful information on school buses. Developing a fairly detailed information system covering all vehicles used for youth transportation should not present a very formidable task. There are probably less than 1000 such vehicles in Hawaii, and certainly less than 2000. At present, the computerized statewide vehicle information system provides detailed information on a half million vehicles on an immediate request basis. Yet, no information system exists on school buses. The net result is that no agency in Hawaii knows how many school buses there are in the State, who is operating them, or how they are being used. The same holds true for vehicles used to transport students on other occasions. As a consequence, the safety regulation of such vehicles is at best uneven.

The nature and extent of the problem created by a lack of an information system on school buses are illustrated below.

1. *Information on school buses under contract to the State of Hawaii.*

Table 7.1 demonstrates more specifically the magnitude of the problem of trying to track down and reconcile various data on school buses. In table 7.1, we have attempted to bring together available data for the school year 1973-74 on vehicles owned and operated by the 51 school bus operators who held state contracts. The data are drawn from several sources, including statewide motor vehicle registrations, county business license records, information reported by DAGS on school bus service contracts, and PUC records on vehicle registration and payment of seating capacity fees. As table 7.1 shows, there were 756 vehicles registered in the names of the 51 contractors, but county business licenses were issued for only 607 of the vehicles. DAGS reported only 540 vehicles as under contract to the State. The public utilities agency showed only 496 vehicles in the names of the bus service contractors, with seating capacity fees having been paid on only 102 vehicles. While some of the 756 vehicles registered in the statewide motor vehicle system may not have been used to transport students or

other passengers during the year, most of them probably were used for such purposes and therefore should have been registered as school buses.

Table 7.1

Summary of Registration and Licensing Data Relating to School Bus Vehicles Owned or Operated by School Bus Operators Under Contract to the State of Hawaii For the School Year 1973-1974

Registration and Licensing data	No. of contractor vehicles reported
Registrations with statewide vehicle licensing system	756
Business licenses issued by the counties	607
Contracts with DAGS	540
Bus accident report of DOE	525
Registrations with PUC	496

Sources: State department of accounting and general services, central services division.

County of Hawaii treasury department and traffic section; county of Maui police department, traffic section; county of Kauai treasury department; city and county of Honolulu, Honolulu police department, motor vehicle control section, and department of finance, business licensing section.

State department of regulatory agencies, public utilities division.

State vehicle registration, city and county of Honolulu, department of data systems.

State Department of Education, *School Bus Accidents in Hawaii, September 1973-June 1974.*

2. *Information on vehicles operated by private schools.* No agency is attempting to identify and keep track of the school buses owned and operated by the various private schools throughout the State, to determine the use made of such vehicles, or to regulate them effectively. However, by digging into individual data on vehicles registered in the names of the private schools, we gleaned some limited information on the subject. The results are shown in table 7.2. Using the list of private

schools licensed by DOE, we found 28 private schools during school year 1973-74 had passenger-carrying vehicles registered under their names in the statewide vehicle registration system. Of the total of 123 such vehicles, 58 were registered as buses. The other 65 included vans, station wagons, and sedans. The same 28 schools had only 46 vehicles registered with PUC, of which 36 were buses. This indicates that at least 22 buses were apparently escaping regulation by PUC.

Table 7.2

Comparison of Private School Passenger Vehicles Registered Under the Statewide Vehicle Registration System and Registered With the Public Utilities Commission (PUC) During the School Year 1973-1974

Registration data	Total vehicles reported	Buses reported	Other vehicles reported
Registration with statewide vehicle licensing system	123	58	65
Registration with PUC	46	36	10

3. *Information on state school-owned vehicles.* Ironically, much the same dismal situation prevails among vehicles registered in the name of the State of Hawaii but operated by individual public schools, usually high schools. Information on the use, number, safety compliance, and performance of these vehicles is extremely difficult to obtain because neither DOE nor any other agency has assumed overall responsibility for the vehicles. These vehicles do not carry students to and from school and therefore fall outside of Rule No. 48's narrow definition of a school bus. For this reason, DOE excludes them from its safety regulation program. This is so even though these vehicles often may be used to transport students under official DOE auspices. Other agencies also have ignored these vehicles.

Table 7.3 summarizes some of the scanty data on them. It is drawn from a 1970 DOE report which DOE, at our request, updated to 1974. We compared the data with the vehicle records which DOE maintains under its motor

vehicle fleet insurance program. Table 7.3 shows the total number of school-owned vehicles reportedly covered by fleet insurance in 1974, which include not only buses but other passenger-carrying vehicles and trucks. This is because in our visits to various schools we found that vehicles other than buses are being used to transport students on a more or less frequent basis. For example, several high schools use trucks to transport their athletic teams.

Table 7.3

Summary of Data on Department of Education, State of Hawaii School-Owned Buses and Other Vehicles as Reported in 1974 And as Contained in the Motor Vehicle Fleet Insurance Records of the Department of Education in 1974

County	No. of school-owned buses reported by DOE in 1974	No. of school-owned vehicles shown in DOE motor vehicle fleet insurance records*			Total
		Buses	Other passenger vehicles	Trucks	
Honolulu	18	20	6	42	68
Hawaii	1	1	0	5	6
Maui	2	2	3	9	14
Kauai	1	1	0	4	5
Total	22	24	9	60	93

*Excludes trailers, jeeps, dump trucks, tractors, and vehicles not licensed to operate over the public highways.

An examination of table 7.3 suggests that a great many school-owned vehicles are escaping adequate safety regulation. In 1974, there were 93 school-owned vehicles, more than two thirds of which were located on Oahu. Considering the potential danger to students, DOE and other affected agencies should be directing priority attention to the safety regulation of these vehicles. This is especially true because most of these vehicles are old (two thirds of these 93 vehicles were more than ten years old in 1974).

4. *Other vehicles on which information is lacking.* Still other vehicles in Hawaii are being used fairly frequently for student or youth

transportation but escaping regulatory action. For example, both the state department of health and the department of social services and housing are reported to own and operate buses which fall into this category. The Honolulu Community Action Program operates a fleet of mini-buses which in 1975 reportedly made 13,000 passenger trips a month, many of them involving children.

Summary. There are many serious informational gaps concerning school buses and other vehicles used to transport students. These gaps in information, in turn, are the cause of numerous gaps in the regulation of vehicles. The results are: (1) safety regulation is incomplete and inadequate and (2) complying operators are being treated unfairly *vis a vis* noncomplying operators. One of the first things which needs to be done is to establish an effective and comprehensive system for registering, licensing, and accounting for all school buses and other vehicles used to transport students or youth on any regular or frequent basis.

Recommendation. *We recommend that DOT take the leadership in developing a comprehensive information system for all school buses and other vehicles used to transport students and youth in Hawaii, so as to provide an adequate means of accounting for and regulating all such vehicles. Such a system should include the vehicle registration, licensing, and accounting functions of the counties, PUC, DOE, and DAGS. It also should be fully integrated with the information system of the safety inspection programs.*

Identification, Design, Construction, Equipment, Age, and Seating Arrangements of School Buses

Safety experts deem it highly important that all school buses be immediately recognizable as such. If buses are readily identifiable, all other motorists in the vicinity of

such vehicles will be alerted to exercise caution. Safety experts also deem it important that all such vehicles be properly designed, constructed, and equipped, both to prevent accidents and to minimize the dangers of death and injury in the event accidents occur. Wear and tear significantly affect the safety of vehicles and vehicle equipment. Hence, regulation of the age of school buses likewise is considered important. Finally, passenger loading is an important factor affecting vehicle safety. While passenger loading is not exclusively affected by vehicle design, it does involve the physical arrangement of seats and designation of the load capacity of each vehicle.

Regulation of school bus identification.

In the area of student transportation, a great deal of regulatory emphasis is placed on the proper identification of vehicles used to transport pupils. Hawaii, however, falls short in meeting the requirements. The shortcomings are both in the legal standards and in the administration of existing standards.

1. *Shortcomings in legal standards.* The federal standards require that: (a) all buses must bear the words "school bus" on both the front and rear of the vehicle in letters at least eight inches high; (b) they must be painted specified shades of yellow and black, yellow predominating; (c) they must be equipped with a system of warning lamps (i.e., flashing red signal lights); and (d) they must be equipped with a system of mirrors that will enable the seated driver to have a view of the roadway on either side of the bus and the area immediately in front of the front bumper. The use of stop arms extending from the side of the bus is left to the option of the states. The standards prohibit vehicles other than school buses from bearing the prescribed forms of identification and equipment.

The federal standards also provide that whenever school buses are being used to transport passengers who are primarily other than school pupils, the school bus signs must be removed or concealed, and the warning lights and stop arms must be rendered inoperable.

Small school buses (i.e., type II as defined in the federal standards, meaning those used to carry 16 pupils or less) may be exempted from the requirements, but, if exempted, a small vehicle cannot use: (a) any sign with the words "school bus," (b) the school bus yellow color, and (c) the prescribed system of warning lights. The decision to exempt small buses from the requirements is an option of the states.

Hawaii statutes only partially conform with federal standards. The pertinent provisions are found under the Statewide Traffic Code (section 291C-95, HRS, as amended by Act 22 of 1975).

Like all federal standards, Hawaii law requires all school buses to bear the words "school bus," to have warning lights, and to conceal the words "school bus" whenever a bus is operated for purposes other than to transport children to and from school. But, unlike federal standards, Hawaii law is silent on the matters of color and the system of mirrors to be used.

Another deficiency in Hawaii law is its failure to make clear that only school buses shall bear the distinctive features of school buses. A step in the right direction was taken in 1976 with the passage of Act 52, which prohibits the display of a "school bus" sign on any vehicle other than a school bus. However, the law does not extend this prohibition to include other features which are distinctive of school buses, such as the use of black and yellow colors. As a result, vehicles operate in Hawaii which bear some or all of the federally prescribed features of school buses but which obviously are not being used to transport students. This seems to be especially true of old school buses which have been converted to some other use. To avoid confusion, the law should make it absolutely clear that only school buses can bear the distinctive markings prescribed by the federal standards.

Not only are the statutes deficient, but DOE Rule No. 48 is also faulty. Rule No. 48 does not even conform to some provisions of

the state law. The matter of warning lights on buses is an example of this.

Act 22 of 1975 (amending section 291C-95) made a significant change in the need for warning lights on school buses in some areas of the State. Prior to this amendment, the actuation of warning lights was restricted to areas outside business and residential districts. On an island such as Oahu, one might have contended that warning lights on school buses were unnecessary, since most areas of the island could be said to be within business and residential districts. However, because the law now allows counties to designate locations by ordinance within business and residential districts where such lights are to be used, all school buses in the State should have warning lights.

Nonetheless, DOE's Rule No. 48 continues to exempt school buses which operate exclusively inside business and residential districts from the federal and state requirements of special warning signals. While there may have been some logic to such an exemption prior to the passage of Act 22 in 1975, the exemption places Rule No. 48 in direct conflict with both federal and state legal requirements.

Rule No. 48's nonconformance with federal standards is illustrated by the following. Rule No. 48 exempts the type II small school buses from the federal requirement of a system of mirrors. This was done despite the federal standards requiring type II school buses to either "comply with all the requirements" for heavy buses or not comply with any of them. The thrust of the federal requirement is, of course, to avoid confusion in the minds of the public as to whether a vehicle is a school bus. The standards therefore are aimed at making a light bus clearly identifiable as a school bus, or not bear any resemblance to a school bus. Once DOE made the decision to identify light school buses as school buses, it then was obligated to conform with all of the federal standards for heavy buses. If there are small vehicles for which the federally prescribed system of mirrors may

not be feasible, this should be determined on a case-by-case basis, rather than by a blanket exemption.

2. *Administrative shortcomings of DOE.*

A great many buses are failing to comply with the identification requirements because of inappropriate administration. As a result, many students riding school buses in Hawaii are being exposed unnecessarily to increased safety hazards. Also, bus operators are being treated inequitably, one against the next.

Most of the problem of nonconformance with the identification and equipment requirements is concentrated on the island of Oahu. Relatively few of the school buses on this island are painted yellow (although some are partially yellow), and almost none is equipped with the required warning lights. Moreover, a great many of the school buses on Oahu are retired transit-type buses, and they cannot be readily recognized as school buses.

Because of the lack of information on school buses, especially on Oahu, it is impossible to know exactly how many buses are not conforming with identification and equipment requirements. At any rate, noncompliance is so widespread on Oahu that the purpose of the federal identification requirements is being negated. Furthermore, bus operators on Oahu have avoided compliance with the federal standards with the full support, concurrence, and approval of DOE officials responsible for protecting student safety.

The power given to the DOE superintendent by Rule No. 48 to waive requirements has been widely used to grant exemptions from the rule's identification and equipment requirements. The rationale for most of the exemptions is that the bus operators should not have to bear the brunt of "cost items" until new contracts are let, under which additional costs can be included in the prices charged to the State. This decision was made without any real analysis of the economic burden which purportedly would have been imposed on the

bus operators. In some cases, buses have been repainted since Rule No. 48 went into effect (an obvious cost item), but still are not in conformity with the federal standards. In the absence of information, the contention that repainting the buses would have been unduly burdensome is difficult to accept. Moreover, similar solicitude has not been extended to the private schools which operate school buses on Oahu. They generally have been required to bring their buses into conformity with established standards in those cases where exemptions were requested.

With all or most of the school bus operators on Oahu being engaged in providing transportation services other than the transportation of students to and from school, the fact that most of the school buses on Oahu continue to resemble other types of buses is probably not coincidental. The contractors want to keep their vehicles as versatile as possible.

3. Administrative shortcomings of DAGS. In drafting school bus contracts, DAGS imposed compliance with identification requirements on some operators but not others. For example, some contracts specify that buses be painted school bus yellow, while other contracts are silent on the matter. In failing to devise uniform contracts, DAGS discriminates among the various bus contractors. It also demonstrates a willingness to ignore or downplay the importance of safety standards which are widely recognized as necessary and reasonable. Recently, DAGS has been moving toward more uniform contracts. This effort should be encouraged so long as adequate attention is given to ensuring compliance with all applicable safety requirements.

DAGS further allows for uneven performance on the part of contractors by failing to establish an effective contract monitoring system. At any given moment, DAGS has no idea whether the buses conform to official requirements. While some of the vehicles are checked by DAGS officers who take it upon

themselves to go into the field, this is not the result of a systematic enforcement program.

Recommendations. To bring Hawaii into full compliance with federal standards governing the proper identification of school buses, we recommend the following:

1. DOE should amend Rule No. 48 to conform fully with federal standards and state statutes on the identification of school buses.

2. Legislation should be adopted to make it unmistakably clear that only school buses are to bear the distinguishing identification prescribed by federal standards. The legal definition of a school bus should be broadened to include all buses used principally to transport students, whether to and from school or for school-related purposes.

3. DOE and DAGS should immediately undertake a survey of all school buses in Hawaii to determine the degree of compliance with the federal school bus identification requirements. Based on the results of the survey, DOE and DAGS should develop an action program to bring all school buses into conformance.

4. As part of a general information system, DOE and DAGS should systematically monitor for compliance with legal requirements, including identification standards.

Regulation of the design, construction, and equipment of school buses. One important means of regulating the safety of vehicles is to set standards for their design, construction, and equipment. Although the federal government has initiated research into this area, the federal standards governing pupil transportation safety currently do not deal with this subject in any comprehensive and detailed way. Rather, attention is focused on a limited number of specific matters, such as minimum requirements for seating aboard school buses. However, the Vehicle Equipment Safety Commission, which

has been set up under the Vehicle Equipment Safety Compact of which Hawaii is a member, has adopted regulations relating to construction and equipment. These regulations set minimum standards covering four main groups of vehicle and equipment elements. These in turn are broken down into many different items. For example, the construction of the body group consists of 33 items ranging from battery carrier and body structure to windshield wipers and washers. Chassis requirements include 19 items ranging from air cleaners and axles to undercoating. The four items in the electrical system requirements are the battery, generator or alternator, lamps and signals, and the wiring. Equipment requirements cover fire extinguishers, first aid kits, warning devices for disabled vehicles, locked compartments, and wheel chocks.

Hawaii has given statutory recognition to the importance of regulating school bus design, construction, and equipment. This is reflected in section 286-181(c)(1), HRS, which specifically vests in DOE the responsibility to adopt rules and regulations governing "school vehicle equipment design, construction and identification." However, DOE has done little to carry out its assignment. Apart from requiring first aid kits to be available on all school buses, the only provision in DOE Rule No. 48 pertaining to equipment safety is section 1.7a, which requires conformance with the old PUC standards for motor carrier safety. They deal with such matters as headlights, tail lights, reflectors, electrical systems, brakes, windows and windshields, fuel systems, exhaust systems, mirrors, wheels, tires, etc. While these matters are important, they are not addressed to the special needs and problems of school buses.

OHSC repeatedly called this fact to the attention of DOE, but to no avail. The matter first came up when Rule No. 48 was being drafted. DOE requested OHSC's comments on the proposed draft of the rule, and OHSC submitted a detailed summary of suggested changes, including a section-by-section analysis

of how PUC requirements could be tailored in Rule No. 48 to meet the special requirements of school buses. In making its recommendations, OHSC relied on the Vehicle Equipment Safety Commission regulations. However, in the ensuing draft of the proposed rules, OHSC's position evidently was ignored. The highway safety coordinator felt constrained to write directly to the superintendent of education, suggesting once again that modifications be made in the proposed rule and particularly stressing the Vehicle Equipment Safety Commission standards for school buses.

Although DOE went through the motions of holding public hearings on the proposed rule, it shortly thereafter officially adopted and promulgated its own draft of the new Rule No. 48.

The proposed revision of Rule No. 48 now pending before the board of education will correct many of the shortcomings noted here, if adopted in its present form. However, heavy reliance is still placed upon PUC's General Order No. 2 which will have to undergo revision by DOT now that the transfer of responsibility for motor carrier safety from PUC to DOT became effective January 1, 1978. Thus, further coordinated review of DOE and DOT vehicle safety requirements will need to be undertaken as soon as possible.

Recommendation. We recommend that Rule No. 48 be amended to reflect the vehicle design, construction, and equipment standards for school buses of the Vehicle Equipment Safety Commission regulations. In this effort, DOE should coordinate its efforts with those of DOT.

Regulation of the age of school buses. Another means of enhancing the safety of school buses is to prevent the use of old, decrepit, unsafe equipment. This can be done by determining a reasonably useful and safe life for vehicles and then prohibiting the use of any

vehicles which exceed this limit. The limit may be expressed in terms of years or mileage or a combination of the two. Another means of achieving the same result is to require school bus operators to adopt and adhere to equipment replacement schedules.

In Hawaii, no formal rules and regulations have been adopted restricting the age of school buses or requiring operators to engage in equipment replacement programs. However, DAGS, in many of its school bus services contracts, has inserted a maximum age limit on vehicles. Moreover, in some of its contracts there are provisions requiring the school bus operators to follow a vehicle replacement program. However, where these contract provisions exist they tend to be quite lenient. For example, under contracts let prior to the 1975-76 school year, the maximum age for buses was 30 years, or twice the limit allowed by the State of California. Under new contracts let on the neighbor islands for 1975-76 and succeeding years, this limit has been reduced only to 20 years. Under new contracts let on Oahu for 1975-76 for the transportation of regular students, vehicle age limit has been removed entirely. In contrast, for the score or so state-owned school buses on the island of Hawaii used for regularly carrying students to and from school, DAGS set a limit of ten years. For smaller vehicles (i.e., station wagons, stretchouts, and vans), limits of seven to ten years have been set under the contracts.

1. *Age of DAGS-contracted buses: 1973-1974.* As a result of either nonexistent or lenient restrictions on the age of school buses in Hawaii, a great many extremely old vehicles are continuing to be used, especially on Oahu. The following paragraphs illustrate this condition.

Table 7.4 summarizes 1973-74 data on DAGS-contracted buses with a passenger seating capacity of 16 or more seats. As shown, well over half of the large school buses

under contract in 1973-74 were over the California standard of 15 years. Of the 429 large school buses reported by DAGS to be in service during that year, 233 buses, or 54 percent, were 16 or more years old. On Oahu, reliance on old vehicles was even more striking. Sixty-seven percent were 16 or more years old. A large proportion of these older buses approached the contract limit of 30 years. Indeed, in clear violation of contract provisions, one vehicle was found to be 33 years old. An Oahu contractor was operating 79 buses which were between 21 and 27 years of age. In the case of one Kauai contractor, all 16 heavy buses ranged in age from 27 to 29 years.

As indicated by table 7.4, only on the island of Hawaii did there not seem to be a severe problem of overaged buses. Only 4 percent would have been retired on the 15-year California standard.

Table 7.4

Summary of Data on the Age of Large School Buses (Those Having a Passenger Seating Capacity in Excess of 16 Seats) Under Contract to the State of Hawaii, Department of Accounting and General Services (DAGS) For the School Year 1973-1974

County	No. of large buses (with seating capacity of 16 or more)	Large buses 15 years old or less		Large buses 16 years old or more	
		No.	% of all large buses	No.	% of all large buses
Honolulu	257	85	33	172	67
Hawaii	70	67	96	3	4
Maui	62	25	40	37	60
Kauai	40	19	48	21	53
Total	429	196	46	233	54

Source: State department of accounting and general services, central services division.

2. *Continuing problem of age of DAGS-contracted buses: 1975-76.* For the year 1975-76, DAGS and the various school bus operators

entered into many new contracts. For the neighbor islands, the new contracts called for an age limit of 20 years for the larger buses. For Oahu the vehicle age limit was removed from the new contracts for the transportation of regular students. The terms of the Oahu contracts, however, were shorter (they were for two years and were nonrenewable, versus three-year contracts renewable for three years on the neighbor islands). For the smaller vehicles used to transport special students, the new contracts uniformly set an age limit of seven years.

The results of our examination of the ages of school buses under contract in the fall of 1975 are shown in table 7.5. In looking at table 7.5, note that in the case of the neighbor island bus contractors many of them have made a commitment in their new contracts to buy new vehicles to replace old vehicles in service. Also, table 7.5 is concerned only with the larger-type vehicles.

Table 7.5 amply demonstrates that the problem of overaged school buses continued to be a problem in 1975-76, especially on Oahu. Of the 390 buses on which information was available, 59 percent statewide were 15 or more years old. On Oahu, 86 percent were 15 or more years old. Moreover, almost half of the buses on Oahu were more than 25 years old. By contrast, DAGS' limited information on the 49 buses on the island of Hawaii indicates none was more than ten years old. On the island of Oahu, where the problem is most acute, very little has been done to take old buses out of service. Only in one contract let in 1977 was a school bus contractor required to put relatively new buses into operation. The affected carrier has several contracts, however, so older buses of this carrier can be shifted to other routes and left in service.

3. *Problem of school-owned buses.* The problem of old vehicles is not confined to DAGS-contracted school buses. It also exists in vehicles under the direct control of

individual public schools. Very few of these vehicles are acquired new by the schools. Most of them seem to be old and fairly worn by the time they come into the possession of the schools. Upkeep and maintenance by the individual schools are quite likely to be varied, sporadic, and generally inadequate. The vehicles are likely to be driven by inexperienced, perhaps unqualified, drivers. Yet both DOE and DAGS have either ignored this problem or helped perpetuate it.

Table 7.5

Summary of Data on Large School Buses (Those Used to Transport Regular Students) Under Contract to the State of Hawaii, Department of Accounting and General Services For the School Year 1975-1976

County	No. of contractors transporting regular students	No. of contractor buses on which information was available	16 years or more		15 years or less	
			No.	% of all buses	No.	% of all buses
Honolulu	9	210*	180	86	30	14
Hawaii	10	49**	—	—	49	100
Maui	17	83	26	31	57	69
Kauai	5	48	20	42	28	58
Total	41	390	226	58	164	42

*Includes 109 buses of one contractor for which information was not available for the school bus services contract; information obtained from Oahu district transportation officer's summary of vehicles inspected during September and October 1975. As only 79 routes are covered by this contract and as the contractor is also a common carrier subject to PUC regulation, all 109 buses may not be used as school buses.

**Does not include vehicles covered by contracts carried over from previous years for which contract vehicle information is not available from DAGS. It is estimated that between 30 and 50 vehicles may be involved under these contracts.

Sources: Student transportation services contracts on file with DAGS, central services division.

Summary of vehicles inspected during September-October 1975 prepared by the Oahu district transportation officer, DAGS.

Some of our clues on the probable condition of these vehicles resulted from visits to individual schools. We also located data on the ages of the vehicles and some information, albeit sketchy, on the acquisition costs of the

vehicles. Of the 22 school-owned buses reported by DOE in 1974, nine were more than 15 years old, and the oldest was 23 years old. Six were between 10 and 15 years old. For those on which cost of acquisition was available, the records indicated most were acquired for less than \$500. Of the 93 school-owned vehicles included under DOE's fleet insurance program, we found that 64 were more than 10 years old, and 29 were more than 15 years old. From all of this, it appears that schools are attempting to use a great many old, generally worn-out vehicles, frequently for transporting students.

Part of the problem is that DOE and DAGS are turning over to the schools the state-owned school buses which are retired from service on the island of Hawaii. DAGS observes a ten-year replacement program for their vehicles. Instead of disposing of the vehicles after ten years, the present practice is to turn them over to schools which have expressed a need for such vehicles. From that point on, the vehicles are the responsibility of the schools, which are ill-equipped to manage any type of vehicle, much less large, old ones which are difficult to operate and subject to frequent mechanical problems.

Recommendations. We recommend that DOE and DAGS eliminate the use of old school buses by contractors and install control procedures which will ensure the continuing and timely replacement of school buses.

We further recommend that DOE and DAGS review the use of vehicles owned by the schools themselves and develop a comprehensive program for providing safe transportation services at the school level. In carrying out this recommendation, careful attention should be given to ensuring the safe operation of vehicles, including proper regulation of the mechanical condition of the vehicles and the qualifications of the drivers.

Unsuitable buses. Closely allied with the problem of old school buses is the use on Oahu of buses which are not designed to transport students. These buses are those which were

originally transit buses. They were retired from transit use after long years of service and were converted to use as school buses. These buses are prone to frequent mechanical problems and are otherwise unsuitable as school buses. They violate, for instance, the federal requirements concerning seating.

This problem was brought specifically to the attention of DOE as early as 1971, when DOE hired a mainland consultant to evaluate the State's school bus program. The consultant recommended that the use of transit-type buses, because of their limited seating capacities, "be discontinued as quickly as it becomes economically feasible for the contractors to do so." The consultant further recommended the buses be replaced with school-type buses "permitting greater seating accommodations and, consequently, a reduction in the number of student standees enroute."

As nearly as can be determined, no followup action was taken on this recommendation. Indeed, since the recommendation was made, several of the school bus operators have acquired additional transit-type buses. With even more old transit buses scheduled to be retired from mass transit service, such a trend will likely continue unless restrained by governmental action.

Recommendation. We recommend that DOE and DAGS eliminate the use of used transit buses by school bus contractors.

Regulation of seating on school buses. One of the worst dangers of a motor vehicle accident is being thrown about. This danger is especially acute for persons standing up. Safety experts rightfully have directed special attention to proper seating for passengers, seat belts and other restraints for riders, and the elimination of standees on school buses. This is also why the federal standards governing pupil transportation safety provide as follows:

"d. Seating. (1) Seating shall be provided that will permit each occupant to sit in a seat in a plan view lateral location, intended by the manufacturers

to provide seating accommodation for a person at least as large as a 5th percentile adult female, as defined in 49 CFR 571.3.

(2) Bus routing and seating plans shall be coordinated so as to eliminate standees when a school vehicle is in motion.

(3) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in school vehicles.

(4) Drivers of school vehicles equipped with lap belts shall be required to wear them whenever the vehicle is in motion.

(5) Passengers in Type II school vehicles equipped with lap belts shall be required to wear them whenever the vehicle is in motion."

To date, the State of Hawaii has made no more than a gesture toward compliance. This was done by DOE adopting section 1.9b of Rule No. 48, which reads as follows:

"Seating of Passengers. Each pupil transported in a school bus shall be provided with a safe seating space, as determined by respective county police departments. No standees shall be permitted.

A safe seating space shall mean adequate seat depth, width, and seat back height according to the physical size of the passengers being transported. Portable seats shall not be utilized."

One can see DOE has largely delegated to the counties the responsibility of determining what is adequate and safe seating for passengers on school buses. No reference is made to the federal standards governing the minimum size of a seat or seat belts. However, the provision does prohibit standees and portable seats. As previously noted, Rule No. 48 also adopts by reference the construction and equipment requirements contained in the motor carrier safety standards, although these contain no specific construction and equipment requirements for school buses.

1. *Determination of seating standards.*

Any policy on seating must first determine the size, shape, and safety features of a seat. Once this is done, the seating capacity of any vehicle can be determined and posted on the vehicle. Rule No. 48 is silent in this area. It fails to comply with the federal standards and is an inadequate guide for enhancing the safety of student riders.

In April 1974, the student transportation administrator of DOE completed a draft of a seating policy and, in a memorandum to the members of the school bus committee, asked for their reactions. In this memorandum, he discussed developing a method for determining the number of standees to be allowed on school buses. In other words, he openly proposed formulating a policy for standees despite the fact that both the federal standards and Rule No. 48 prohibited standees. In justifying the inclusion of this subject, he noted that the State's financial condition did not allow the full implementation of a no-standee policy, even though the legislature had appropriated the funds to achieve this objective.

In response to the DOE administrator's request for comments, OHSC sent a lengthy and apparently well-thought-out memorandum recommending the following:

(1) that the school vehicle seating capacity be that stated by the manufacturer provided that in no case should there be less than 13 inches of seat width for each passenger;

(2) if there is no seating capacity stated by the manufacturer, that the seating capacity of a school vehicle be determined by allowing 15 inches of seat width for each passenger (this condition would principally apply to vehicles converted or modified for use as school vehicles);

(3) that only plan view lateral (forward or rearward facing) seating be permitted;

(4) that only those seats meeting the other dimensional requirements previously stated be allowed for use in school vehicles; and

(5) that regardless of stated maximum capacity, every passenger carried be required to be provided with a seating space which allows the passenger to sit full depth in the seat without discomfort.

Concerning the continuing practice of allowing standees on school buses, OHSC made the following comments:

"...it is recommended that this practice be terminated. From a safety standpoint, standing passengers represent a very hazardous situation. The forces involved in abrupt braking and starting are quite frequently sufficient to cause one or more standees to be unable to maintain their position. They are propelled against other standees who in turn also are unable to maintain their position. This situation is progressive to the point that in the most severe cases injury can result from the standees being thrown to the floor or against the interior of the bus and/or seats where they are subject to being crushed by the additional force of other dislodged standees. In an accident the situation is the same but the forces are more severe and the results can be disastrous."

OHSC opposed seating passengers in seats running the length of the bus (longitudinal seating)² for much the same reason:

"The most likely initial force in an accident situation is a longitudinal force; this force will tend to cause longitudinally seated passengers to impact against each other. This force can be great enough that even one passenger can inflict serious injury and perhaps cause the death of another."

If standees absolutely cannot be eliminated, OHSC offered the following criteria on a "calculated risk" basis:

(1) minimum aisle width for standees – 20 inches (50.8 cm);

(2) minimum headroom for standees – 74 inches (188.0 cm); and

(3) minimum longitudinal distance allowed for each standee measured along a line from the rear of the driver's seat to the front of the rearmost passenger seat – 24 inches (61.0 cm).

The memorandum concluded with the following recommendation regarding a system of certifying the seating capacity (and, if necessary, the standee capacity) of school buses:

"After school vehicle passenger capacity criteria are developed by the DOE, it is suggested that the assistance of police departments be requested to establish the pupil capacity of each such vehicle. The DOE should then issue a certificate for each vehicle stating the limiting capacity together with instructions as to where and how such capacity shall be indicated in or upon the vehicle."

The comments and recommendations of OHSC make eminently good sense and should be

given the most careful consideration in modifying Rule No. 48. However, more than four years have elapsed since OHSC's comments were made, yet no substantive action has been taken to include a seating policy in Rule No. 48.

2. *Overcrowding on buses.* Standees long have been prohibited on the island of Hawaii, and standees reportedly have been eliminated in Maui and Kauai counties. However, overcrowding and the transportation of many standees on school buses continue to be a serious problem on Oahu. These practices are the source of numerous complaints from parents whose children ride buses. Overcrowding is a serious safety problem. It also results in discriminatory treatment of Oahu bus riders.

DOE has gone through the motions of trying to eliminate this problem. In November 1972 it made a plea to the department of budget and finance to include sufficient funding in DAGS' operating budget for 1973–75 to seat all bus riders on Oahu. As noted above, the legislature appropriated the funds, but the money was never released because of the financial limitations which the State was reported to have been facing at the time. For the 1975–77 biennium, the additional funds required to eliminate all standees were eliminated from the executive budget before its submission to the legislature. As a result, the extra funds were not included in the appropriations act.

Action, therefore, is still lagging with respect to solving the problem of standees aboard state-contracted school buses. DAGS has been unable to provide any concrete plan for the phasing-out of standees. DOE seems to be content to prohibit the practice formally, but to allow it to continue in actuality. While one might question a system of priorities in which the safety of school bus riders is sacrificed to conserve state funds, one can also question whether significant additional

²This exists on the many retired transit buses which are being used as school buses in Hawaii, especially on Oahu. The same is true of school-owned trucks which have been converted for the use of transporting high school athletic teams.

funds are actually required to implement a no-standee policy. Possibly through more effective and efficient administration of the State's school bus contracts, the State might alleviate much, if not all, of the standee problem within existing levels of funding. As is indicated elsewhere in this report, the way in which the school bus contracts are implemented impacts the utilization of resources. Elsewhere in this report we note how poorly DAGS has managed such matters as the planning of school bus stops, routes, and schedules, all of which can have an important impact on resources. Similarly, DAGS has been sorely lacking in adequate and reliable information concerning such basic matters as the numbers of buses actually being used, the capacities of buses being used, the lengths of routes and runs (either in miles or in time), the locations of routes, and time schedules for various routes, not to mention the actual numbers of students being transported relative to those properly authorized to receive subsidization for this purpose. Until DAGS can gain control over these various factors, it will not be able to manage effectively and economically the resources available to it. Gaining such control will require DOE cooperation because it is essentially at the school level that monitoring and control must take place.

As in so many areas of pupil transportation safety, the failure of DOE and DAGS to deal effectively with the matter of seating students safely aboard school buses reflects serious shortcomings on the part of the now-defunct OHSC, in addition to the two departments most directly involved. If DOT, in its expanded role, is to lead Hawaii's highway traffic safety efforts and bring Hawaii into compliance with the relevant federal standards, the department will have to push actively for eliminating standees aboard school buses and for adopting meaningful requirements governing seating.

***Recommendation.** We recommend that DOE, DAGS, and DOT establish clear and complete formal requirements governing seating arrangements aboard all school buses in Hawaii and eliminate standees. This recommendation*

includes establishing basic criteria for determining and enforcing proper seating arrangements for all buses and gaining sufficient management control over all publicly supported school bus operations to make maximum use of state resources.

Inspection and Maintenance of School Buses

Because school buses are subjected to continuous and heavy use, wear and tear are bound to take their toll. This is especially the case where vehicles are over 20 and 30 years old. Some means of maintaining such vehicles in safe operating condition is essential. Regulatory devices for doing this include: (1) periodic safety inspection, (2) daily pretrip inspection, and (3) preventive maintenance. The following sections discuss each of these regulatory approaches as currently practiced in Hawaii.

Periodic safety inspections of school buses.

Two factors detract from the adequate performance of safety inspection. One is the fact that the formal requirements are inadequate. Determining what specific requirements should apply is difficult. Responsibility for enforcing compliance is unclear. The result is uneven administration throughout the State. The second factor is enforcement machinery. It is for the most part inadequate.

1. ***Inadequate formal requirements.*** At present, federal, state, and county requirements govern the periodic safety inspection of school buses, but these requirements succeed only in fracturing responsibility for this crucial function.

Section 296-46, HRS, assigns responsibility for the safety inspection of school buses to the counties. However, DOE Rule No. 48 brings the state government back into this arena by requiring that all school buses be inspected in accordance with motor carrier safety requirements. These are the requirements which PUC established while it had the motor carrier safety functions, now assigned to DOT.

These requirements were applicable not only to school buses used for carrying students to and from school but also to buses used for excursions. As we indicated in volume III of our management audit of the public utilities program, the State's motor carrier safety inspection system under PUC suffered from so many serious deficiencies that it was virtually meaningless.

On an entirely separate track, the counties have set up their own widely varying programs for the inspection of school buses. The frequency of inspection varies from a monthly requirement on the island of Hawaii to quarterly inspections in Maui county and semiannual inspections on Oahu and Kauai, the minimum set by federal standards and Rule No. 48. Some counties rely on their own stations or PUC inspection stations, while others apparently utilize police department personnel to conduct inspections.

The counties generally have not established formal criteria or procedures which are especially superior in any way to those of the state motor carrier program. The net effect is that despite many inspection requirements operative in the State, there is no meaningful statewide program for the safety inspection of school buses. Generally no one set of inspection standards can be deemed adequate.

2. *Inadequate enforcement machinery.* Little administrative attention is devoted to school bus safety inspections on the part of DOE, DAGS, PUC, DOT, or the counties. The exception occurs in the county of Hawaii. Its monthly inspections during the school year are conducted at the State's designated motor carrier inspection stations. The county police department reinforces compliance through its own field inspections of buses. In a three-day period in February 1974, a police department team inspected 23 school buses serving five schools. A total of 47 defects were detected, and two buses were immediately withdrawn from service because of excessive and dangerous defects. Two other buses were found to be

overloaded. They were required to unload passengers on the spot. Moreover, the police department saw to it that the drivers were made aware of the defects in their vehicles and that the vehicles were repaired. The police department has developed its own vehicle inspection forms. The police also report that its testing program for qualifying new school bus drivers gives special emphasis to drivers conducting pretrip equipment checks.

Even with this aggressive program, the Hawaii county police department has difficulty achieving full compliance with safety requirements. This is attested to by the results of the field inspections in February 1974. Another indication is provided in a report which the county police department submitted to the Hawaii district office of DOE concerning school bus inspections during school year 1971-72. In this report, the police said that 25 percent of the required monthly inspections for the year were not actually made. While one operator missed only one inspection during a particular month, another operator accumulated a total of 116 missed inspections.

The other three counties appear to have relied primarily on the state motor carrier inspection system. Although police conduct some inspections, these are not done on a systematic basis. We have been told that recently the aggressive methods employed in Hawaii county have been used elsewhere at least on a limited basis. It is too soon to know how sustained and how effective these actions will be. Some bus companies have strongly resisted having their buses taken out of service for failure to meet inspection requirements.

We have noted the motor carrier program was inadequately administered by the public utilities agency. Consider but a few details: Probably less than half of the school buses in service in Hawaii were registered with the public utilities agency. If the agency did not officially know what vehicles existed, the agency was in no position to exercise effective control over the vehicles. Secondly, the agency established no

criteria for conducting vehicle inspections or for determining when a vehicle was in safe operating condition.³ Hence, the entire inspection program rested on the individual inspectors at the private inspection stations, varying in accordance with the quality of the private inspectors. The agency did not even have a rational or consistent means of qualifying the inspectors. Still another shortcoming was the agency's complete lack of a usable recordkeeping and monitoring system. It had no way of knowing which vehicles had been inspected and which had not. Failure in this area kept the counties from using the annual re-registration procedure as a means of screening out uninspected vehicles. By virtue of the 1977 amendments to the law, these problems have been passed from PUC to DOT.

DOE for its part has taken the position that it only sets policy for inspections; enforcement rests with the county policy departments and DAGS. DAGS does not visualize school bus safety as being one of its prime responsibilities. It has allowed to go unheeded the suggestion of the Hawaii district office of DOE that contract payments be withheld from contractors who fail to comply with the inspection requirements. While some of DAGS district transportation officers check to see if buses under contract to the State bear the required carrier inspection stickers, this is not treated as a means of ensuring compliance with the inspection requirements. In the fall of 1975, the Oahu transportation office of DAGS found that 52 of 387 buses checked did not have the required stickers, but this information has not resulted in any action to bring the offending vehicles into compliance. Although Hawaii county has demonstrated the type of enforcement action that is necessary to achieve even a moderately successful school bus inspection program, state agencies have made no attempt to build on this model.

Recommendation. *We recommend that DOT exercise leadership to bring DOE, DAGS, and the counties together to develop and implement an effective system for the safety*

inspection of vehicles used to transport students on a regular or frequent basis. Such a system should include the adoption of appropriate formal requirements and the establishment of adequate administrative machinery.

Daily pretrip inspections of school buses.

Highway safety experts agree that, in addition to thorough periodic safety inspections, school buses should undergo daily pretrip inspections by their drivers. Pretrip inspections are among the requirements imposed by the federal standards and also by the rules and regulations of DOE and the motor carrier safety program.

The federal standards require that, after their daily pretrip inspections, drivers are to submit written reports promptly on any deficiencies which might affect the safety of a vehicle's operation or result in its mechanical breakdown. Similarly, DOE's Rule No. 48 requires that daily pretrip inspections be made by school bus drivers on a driver's vehicle condition report, and that deficiencies be promptly reported. The motor carrier pretrip program developed by PUC also appeared to require that motor carrier drivers make daily inspections before taking their vehicles on the road. Any item on the driver's vehicle condition report form not approved by a driver was supposed to be checked, corrected, and approved by a mechanic before the vehicle was allowed to continue in operation.

As in the case of the requirements governing the periodic inspection of school buses, during the time that PUC was still responsible for administering the Motor Carrier Law there was no real meshing of PUC and DOE efforts to produce instructions and procedures covering pretrip inspections.

Under existing circumstances, confusion in pretrip requirements probably makes little

³At the time Rule No. 48 was being adopted by DOE, the highway safety coordinator observed PUC had not established what equipment was to be inspected, nor had it specified any criteria for the inspection. OHSC recommended various detailed inspection requirements.

difference because so little attention is given to enforcement. Except for the island of Hawaii, there is little evidence to suggest that enforcement of pretrip inspections is being taken seriously or that many drivers are actually conducting daily pretrip inspections and preparing written reports on them.

At present, the bus operators argue that the requirement of daily written reports by all drivers would be overly time-consuming. They give assurances that their drivers will actually make pretrip inspections if written reports are not required except in case of deficiencies. However, as a practical matter there is no way of knowing that such pretrip inspections will be carried out. While a written report will provide no guarantee that a driver has made such an inspection, drivers who can be held accountable for the reports they file have a stronger incentive to comply. A requirement of daily reports should be complemented with a proper program of instruction on how to make the inspections. Again, this is generally lacking.

While DOE, PUC, DAGS, the now-defunct OHSC, and the counties generally have done little to develop an effective program for daily pretrip inspections, the Hawaii district office of DOE and the Hawaii county police department inaugurated a program during the 1975-76 school year which seems to give real meaning to the requirement. Drawing on information from school bus manufacturers and other sources, they have developed a daily pretrip inspection routine, along with daily and weekly driver's report forms. They also have provided indoctrination in the new program for school bus operators and drivers. An enforcement program includes the field checking by police of drivers' pretrip inspection reports, along with field checks of the drivers' buses. Despite some initial resistance from the school bus operators and drivers, DOE and the police department are reasonably confident that a high degree of compliance is now being achieved. However, they believe that continuing close surveillance on the part of the regulatory authorities is

necessary to ensure the continued success of the program.

Since the beginning of the 1977-78 school year, an effort has been made to inaugurate a statewide system of pretrip inspections based upon the Hawaii island experience. However, this has been done on an uncoordinated and piecemeal basis. DOE simply took the form developed by the Hawaii district business staff specialist and distributed it to all the school bus contractors and told them to start using it. There has been no program of indoctrination for bus companies and drivers to train and encourage them to utilize the pretrip inspection as a valuable safety measure. Similarly, no joint program of surveillance and enforcement has been worked out with DAGS and the county police departments. As a result, many forms are flowing into DAGS and DOE district offices, but little attention seems to be given to the forms. A half-hearted effort of this sort may be more harmful than no effort at all if it ends up generating disrespect and resentment against regulation. This can happen where regulation becomes merely meaningless paper-pushing.

Recommendation. We recommend that under DOT leadership the responsible agencies develop and implement a meaningful program of daily pretrip inspections of school buses and that detected deficiencies be corrected before the vehicles are allowed to return to service.

Preventive maintenance. The third element in a comprehensive approach to bus maintenance is preventive maintenance. Basically, this means preventing or lessening wear and tear and correcting problems before they result in mechanical failures. This requires (1) placing vehicles on regular schedules for maintenance checks, lubrication, and mechanical inspections and (2) maintaining an adequate system of records (encompassing such information as mileage, inspection dates, repair and replacement parts, and due dates for future inspection and maintenance operations).

Both the federal and state governments require preventive maintenance programs for

school buses. The federal standards specify that "vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance program." DOE Rule No. 48 requires that buses follow the motor carrier standards, which were based on elaborate federal motor carrier safety requirements. Although the formal requirements are not entirely clear or up-to-date, they do outline the essential elements for carrying out a preventive maintenance program.

In practice, there is a wide divergence between what is required and what is followed by school bus operators. Enforcement is almost nonexistent. PUC was the only agency that recognized any responsibility for preventive maintenance, but the attention paid to preventive maintenance by the public utilities agency was scant. For example, in 1972 the agency's three investigators reported inspecting only 17 carriers for the purpose of reviewing their preventive maintenance programs, out of several thousand carriers subject to regulation.

Of those inspected, only four were found to be in compliance. The staff of the public utilities agency admitted that most carriers were generally ignoring the requirement. Considering that even less attention was given to school bus operators by the agency than to other carriers, there was no reason to believe that compliance among the school bus operators was high either.

In summary, steps to comply with the federal standards regarding preventive maintenance for school buses have been totally inadequate. There is no assurance that the requirements are being observed. Indeed, the evidence is to the contrary.

Recommendation. *We recommend that DOT take the initiative in establishing appropriate formal requirements governing preventive maintenance for all motor carrier vehicles, including those used to transport students, and that the necessary administrative machinery and resources be made available.*

Chapter 8

TRAINING AND DISCIPLINING STUDENT BUS RIDERS

A student transportation safety program also must concern itself with the behavior of the students while they are going to and from bus stops, boarding, riding, and leaving the bus. A good safety program should instill in students a concern for safety. It should impart knowledge of basic rules and standards of safe behavior.

Summary of Findings

Despite federal and state requirements of passenger safety training for student bus riders, Hawaii has no comprehensive program of training, indoctrination, and discipline. The major shortcomings are as follows:

1. The governing requirements apply too narrowly, fail to assign roles, and fail to prescribe procedures.
2. DOE is not properly organized to provide such training, nor are responsibilities of the various levels of the department clearly and appropriately assigned.
3. Insufficient resources are being devoted to student training.
4. Responsible officials apparently have failed to place a real priority on student training and bring about a meaningful program.

Deficiencies in the Formal Requirements Governing the Training of Student Bus Riders

The formal requirements. The federal standards for student safety training are brief and direct:

“Pupil instruction. At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices, and participate in emergency evacuation drills.”

DOE Rule No. 48 similarly provides:

“Emergency Exit Instructions and Drills. At least twice during each school year, the school vehicle driver shall cooperate with school officials to provide emergency evacuation drills for passengers from the school vehicle.

“Passenger Instruction on Conduct and Safety. At least twice during each school year each school shall provide safety instructions for school bus riders.”

In addition to these two sections, Rule No. 48 contains the so-called “School Vehicle Passenger Code.” It appears as section 1.10c of Rule No. 48 and contains a long list of instructions to be observed before boarding, while riding, and after leaving a school bus. Under section 1.10c, students are directed to “abide” by the stated rules of conduct. Parents and guardians of the students are called upon to “subscribe” to the rules.

Finally, sections 1.10a and 1.9q of Rule No. 48 relate to enforcement. The first of these sections places school bus passengers under the authority of the drivers operating the buses. It makes the drivers responsible for the orderly conduct of the students. A student's continued disorderly conduct or refusal to submit to the authority of the driver is grounds for a driver to refuse transportation to the student. Drivers are also empowered to assign students to specific seats and to refuse rides to students not specifically assigned to the driver's bus. The section further requires drivers to report cases of serious misconduct to the student's school principal and to inform the school whenever transportation is refused to a student.

Section 1.9q prohibits drivers from ejecting disorderly riders unless the riders are endangering others on the bus, contrary to section 1.10a, which apparently permits drivers to evict disorderly students. If riders are ejected, the driver is required to inform the school immediately on completion of the run and to submit a followup report on forms provided for this purpose.

The limitations and deficiencies. Rule No. 48 covers the essential minimum requirements of the federal standards on pupil transportation safety. Despite this, Rule No. 48 fails to provide an adequate base for the development and implementation of an effective program of safety training. The reasons are as follows:

1. *By referring only to student transportation to and from school, the rule applies too narrowly.* The need for safety training and discipline does not vary significantly between excursions and transportation to and from school. Students traveling on excursions need to observe established safety rules and practices just as much as students going to and from school. However, this is not reflected in the rules and regulations of DOE. Neither is it in the motor carrier safety rules. Because there are few regularly established and subsidized bus routes in

the Honolulu school district, schools in the largest district in the State generally have been exempted altogether from providing passenger safety training to their students. This is so even though thousands of these students ride buses under school auspices. As in the other school districts, students who do not ride to and from school are not obligated to observe the requirements of Rule No. 48, although they may frequently ride buses on school-sponsored trips. Moreover, in recent years a few subsidized bus routes have been inaugurated in this district.

2. *Rule No. 48 fails to define functions adequately, to fix responsibilities clearly, and to provide meaningful guidelines for action.* Simply requiring that safety training be provided to students at least twice a year is not sufficient to ensure that adequate training will be offered to students. Effective training requires, *first*, the development of an appropriate training program and, *second*, an adequate system of monitoring to ensure compliance. The formal rules should define the functions involved, fix the responsibilities for carrying them out, and provide adequate guidelines to direct action. Unfortunately, Rule No. 48 does none of these things.

At present, no one can say how much time should be devoted to student passenger training, what the curriculum is, what the instructional materials are, instructor qualifications, how much classroom instruction there should be as against practical training and experience, or what sort of variations there should be, if any, relative to the age, grade level, physical capacity, or mental ability of the students. Even for the drills and instruction in the use of emergency exits specifically referred to in Rule No. 48, no clear training programs exist.

DOE's *Student Transportation Handbook* attempts to deal with these matters, but its effect is severely limited by the fact that: (1) it is not an officially adopted departmental rule, (2) it is designed for the internal use of DOE and therefore has limited applicability to private schools which operate school buses, (3) it is

stated in fairly generalized terms, and (4) the use of its recommendations is discretionary at the school level.

School personnel need merely to conduct a few minutes of discussion on school bus safety twice a year, then have student bus riders practice evacuation by getting on and off a school bus. Such technical compliance will do little to enhance student transportation safety. Schools often leave this instruction to the individual teachers, even though teachers generally have no training in safety instruction.

3. *Rule No. 48 fails to provide procedures to ensure compliance with training requirements.* Where an activity must be highly decentralized, as in the case of the safety training of school bus riders, reporting procedures to ensure compliance are essential. However, no enforcement provision is made in Rule No. 48. Likewise, the *Student Transportation Handbook* is silent on this subject. Even if there were a desire on the part of DOE authorities to monitor safety training of student riders, there currently is no formal means for doing so.

4. *Rule No. 48 creates ambiguity regarding disciplinary actions.* In its present form, Rule No. 48 also creates ambiguity regarding the application and enforcement of disciplinary measures against disorderly school bus riders. So long as they are passengers, students are placed by the rule under the authority and responsibility of the drivers of the buses which they are riding. Yet, the rule also requires that the schools become involved in the handling of disciplinary cases. In addition, the rule is not entirely clear regarding the circumstances under which unruly riders may be ejected from a bus by a driver or refused transportation by a driver. From the students' point of view, hearing and appeal procedures are not clear. As a result, uncertainty surrounds as to when, where, by whom, and under what authority disciplinary actions can be taken and what rights should be afforded the affected students and their families when disciplinary action is initiated. Such ambiguity not only undermines the

effectiveness of disciplinary measures but also permits capricious and inequitable actions to be taken against students.

In the proposed revision of Rule No. 48 now pending before the board of education, DOE recognizes these shortcomings in the rule and attempts to provide corrections for them. However, considerable care needs to be taken to ensure that an adequate solution is found to this problem. Maintaining proper discipline while also observing the legitimate rights of students would appear to require joint and closely cooperative efforts between the schools and the bus companies and their drivers. Complicating such a relationship, however, is the fact that DAGS is the contracting agency and the schools do not have control over or a direct tie with the bus operations. While informal relationships do develop, the DAGS transportation officers must act as the formal intermediaries between the schools and the bus companies and their drivers. This tends to create distance and dilute authority and responsibility at the operational level where discipline must be applied and enforced. Thus, instead of being close allies and strong supporters of one another, the schools and the bus companies may choose to go in separate directions or even become antagonists. There seems to be a need, therefore, to establish clearly that the bus companies and their drivers serve as agents of the schools and that a joint responsibility exists between the schools and the bus companies to maintain proper discipline on and around school buses.

Inadequate Organization and Management

In a great many public schools, no real attention is being paid to the requirements of student training. No one seems to know who should be doing what. This is especially true at the intermediate and high school grade levels. Yet, with rare exceptions, officials at the departmental and district levels within DOE do not involve themselves in such matters. Furthermore, no one knows what the situation

is in the private schools which operate school buses.

Activity at the departmental level. At the departmental level, DOE publishes the *Student Transportation Handbook* and periodically issues reminders to district superintendents and school principals of the federal requirements regarding twice-yearly safety training and instruction on emergency exits. The department also has distributed copies of a teacher's guide for school passenger safety developed by the Iowa Department of Public Instruction, along with written guidelines for conducting emergency exit drills. The *Student Transportation Handbook* lists several suggested instructional materials for student passenger safety training. These are primarily suitable for use in the lower elementary grades.

Considered *in toto*, the department's activities fall far short of providing effective leadership and forceful direction in student passenger safety training and discipline. In the *first* place, DOE makes no systematic effort to distribute any of its materials to the private schools, although these schools are subject to Rule No. 48. *Second*, the materials are offered as suggested lessons rather than as explicit instructions which require compliance. For example, in a 1972 memorandum to district superintendents and school principals, the deputy superintendent of education indicated that their cooperation would be "greatly appreciated." Similarly, the use of the *Student Transportation Handbook* and compliance with its provisions are left to the discretion of school-level personnel. A second memorandum by the deputy superintendent of education in 1973 said: "It is suggested that these training activities be completed in September and January and records be kept of these activities so that in case an accident occurs, records will show that the school did provide safety instruction for school bus riders." The DOE administration is explicitly only "suggesting." Furthermore, the wording betrays more concern for the appearance of the record as a way of fending off criticism than for effective training.

The deputy superintendent's memorandum on this subject did not include the Honolulu district but was sent to all other districts. While most students in the Honolulu district do not ride state-subsidized school buses to and from school, this does not justify a blanket exemption of the district. For one thing, a modest number of buses serve schools in the district, including unsubsidized buses providing transportation for students from Manoa Valley to Stevenson Intermediate School and Roosevelt High School. There also are subsidized buses for a limited number of regular students in the Hawaii Kai area and for special students attending special education schools and classes in the Honolulu district. In addition, thousands of students in the district ride municipal buses to and from school and ride charter buses on school excursions. For all such students, bus safety training would be beneficial.

The department also is failing to evaluate systematically its instructional materials and develop new materials. Were DOE to evaluate its materials, some deficiencies would be highly apparent. The student transportation handbook itself indicates that most of the materials are for use in the elementary grades, leaving an obvious gap for intermediate and high schools. In addition, school-level personnel expressed numerous complaints in interviews about the adequacy of most of the suggested training materials. As a result of this view, in many cases no instruction is provided, especially in the intermediate and high schools.

Yet another problem at the departmental level of DOE is a lack of administrative machinery to monitor for compliance with the student passenger safety training requirement. Since DOE transmits instructions primarily in the form of suggestions, and since DOE does not determine whether the suggestions are followed, there is little incentive at the school level to fulfill the safety training requirement. Probably more than anything else, this explains why so little safety instruction is provided at the school level.

Activity at the district level. According to the *Student Transportation Handbook*, DOE district offices are responsible for implementing and monitoring transportation policy. Although no specific reference is made to safety training, we must assume this responsibility also lies with the district office. However, each district is left to determine how it should provide safety training to its students.

The net result is that the districts are virtually uninvolved in safety training. Once more the exception is the district office on Hawaii. It instructs schools to provide safety training and emergency exit drills. It requires the schools to submit reports indicating compliance with this directive. However, even in this district, not much attention seems to have been focused on the extent and quality of the training. Consequently, variation in the amount and type of safety training imparted to school bus riders is probably still considerable.

Activity at the school level. In describing the role of the schools in the student transportation program, the *Student Transportation Handbook* makes two points. *First*, the schools are supposed to assist bus companies "in handling disciplinary cases referred to the school by bus drivers." *Second*, the schools are supposed to provide instruction to student riders "on proper conduct and safety." With regard to the first of these functions, the handbook provides no further guidelines except to refer to and include a copy of Form No. C. S. 101 issued by DAGS. It is entitled "Driver's Report of Student Conduct." The form provides spaces for the driver to report an incident and make recommendations. The form also has a space for the school principal to record the action taken on the report. The form indicates the completed forms are to be retained and filed by the schools.

With regard to safety training, the handbook suggests that each school appoint a school transportation coordinator and include among the coordinator's responsibilities: (1) "developing a monitoring system," and (2)

"developing and implementing a school bus safety program." The handbook's concern for monitoring relates primarily to checking bus ridership against the list of qualified riders, but the handbook also suggests that the coordinator conduct periodic interviews with drivers and students. As for the suggested school bus safety program, the handbook indicates that instruction should include emergency procedures and a review of the safety rules set forth in the passenger code contained in Rule No. 48. The suggested instructional materials, designed primarily for the lower elementary grades, include the Iowa teacher's manual on safe bus riding, two film strips, and a movie. The handbook further suggests the use of field trips to bus companies, bus company demonstrations of safe practices, poster or essay contests, plays on safety, and handouts on bus safety rules.

Our examination of what goes on at the school level, based on numerous visits to schools and interviews with school personnel, indicates that while some schools are actually paying serious attention to these matters, for the most part efforts at the school level are weak and ineffectual. At none of the schools did we find a thorough and effective student transportation safety program. None expressed satisfaction with what was being accomplished. Neither did any of the schools express enthusiasm for or commitment to an effective safety education program for their students. Some schools betrayed an almost total lack of awareness of or involvement in the area of student transportation safety. They obviously were not doing much, because they did not seem to know that they should be doing anything.

Inadequate Resources for Student Passenger Safety Training

Inadequate organization and management of student passenger safety training are closely related to the fact that DOE resources devoted to training are grossly inadequate. Deficiencies in this regard include the following:

Untrained personnel. Many of the school personnel responsible for providing safety training lack training and experience in this field. Moreover, the opportunities for acquiring training and experience appear to be meager; DOE has no in-service program to develop expertise in safety training.

Insufficient personnel. Many of the schools, especially the smaller schools, complain they do not have enough personnel to provide passenger safety training to students. This problem appears to have become accentuated since the advent of collective bargaining and the resultant union contract prohibition against assigning teachers to such duties.

Inadequate instructional materials. Virtually all of the schools we visited expressed dissatisfaction with the available instructional materials. One school has resorted to preparing its own materials, including films of the school's students.

Lack of contractor cooperation. In some schools, bus contractors apparently are not making buses available for the required twice-yearly emergency evacuation drills. The companies reportedly are reluctant to make their buses available for drills unless they are paid extra. Schools lacking buses report they have been unable to carry out the drills required by Rule No. 48. Although officials at the state and district levels have attempted to resolve this problem with the bus contractors, the problem apparently has not been completely solved. Also, where drills are being conducted, some of the school bus drivers appear not to be properly trained in how to oversee a safe evacuation. Therefore, regular drills are probably desirable for the drivers as well as for the students.

The proposed revision of Rule No. 48 now pending before the board of education attempts to overcome this problem by shifting to the bus companies the full burden of conducting evacuation drills. The bus companies are supposed to certify to the schools and DOE district offices that such drills have been

held. They are also directed to "coordinate with school officials" in providing instruction to students in opening emergency exits and making orderly exits from buses. Under the revision of Rule No. 48, the training responsibility will be split between the schools and the bus companies. Further, there is no one assigned the responsibility for developing and implementing appropriate training standards.

General Lack of Priority to Student Transportation Safety

Many of DOE's shortcomings in the area of safety training for school bus riders can be traced to the basic fact that safety generally does not rank high among the department's priorities. Although over one fourth of Hawaii's population converges on schools on a school day, the resources which DOE devotes to safety are miniscule compared to the resources devoted to safety by almost any industrial or commercial organization. Such organizations give careful attention to safety because: (1) the high costs of accidents make preventive programs economically attractive, (2) safety programs are frequently necessary to obtain adequate insurance coverage, and (3) recently enacted federal and state occupational safety and health laws have required employers to increase substantially their efforts in the area of safety protection and accident prevention. To a great extent, these factors are also applicable to the field of education.

The need for emphasizing safety has been brought to the attention of DOE by others. For example, the deputy attorney general responsible for defending the State in litigation arising from school-related accidents addressed a memorandum on this subject to the superintendent of education on December 5, 1973. In this memorandum, the deputy attorney general pointed out that safety-related litigation was increasing. He suggested major steps be taken to improve the situation, commenting as follows:

"Perhaps a study should be made of the existing procedures for the safety and supervision of children and the necessity or advisability of upgrading those procedures. Included within any new procedures may be an identification of hazardous areas on campus; peculiarly dangerous activities and recreational equipment; educational seminars to make teachers and instructors more sensitive to potential hazards and to encourage them to report these hazards; and the adoption and/or stricter application of rules or regulations. I will be available to assist your department in this area."

The attorney went on to propose that DOE appoint persons to formulate a broad safety program.

Newspapers and parent groups also have drawn attention to the seriousness of the problem of student transportation safety. In the *Honolulu Star-Bulletin and Advertiser* of March 31, 1974, an article appeared entitled: "There's Lots Less Fuss on the Bus When Mom's Along for the Ride." This article told of a situation in suburban Oahu where a group of mothers became upset about two school-bus-related accidents in their community. They decided to band together to monitor school buses serving their area, aiming to keep the student riders more orderly and more aware of safety precautions. The monitors reportedly had a favorable effect on student observance of bus safety rules. Shortly thereafter another article appeared in the *Honolulu Star-Bulletin* of April 17, 1974, entitled: "Pity the Poor Driver." This article reported that school bus drivers face serious problems of student misbehavior, especially among intermediate and high school students. One driver was quoted as having great difficulty because he was trying to control up to 80 students singlehandedly while also driving. The driver said that parent monitors would be welcome. "We have to make parents understand what we go through five days a week," the driver was quoted as saying. The article indicated drivers would like to impress their problems on the schools and have school officials supervise students boarding buses as one means of dampening "what is now a bedlam scene."

The DOE's response to these expressions of concern was to create a special position assigned

to safety and security. However, the implications for bus safety were slight even at the time the position was created because (1) only this one position was provided to grapple with a large, diverse, and complex range of problems, (2) student violence and school vandalism were given priority, and (3) the person appointed to fill this position had no special expertise in the field of public safety or transportation safety. Moreover, this position, after being attached to the superintendent's office at first, was later submerged deep in the DOE hierarchy.

Recommendations

1. *Student passenger safety training and discipline should be recognized as essential elements of school safety, and comprehensive policies and requirements on training and discipline should be established.*

2. *DOT should replace DOE as the agency responsible for setting regulatory standards for student passenger safety training and discipline. Standards should provide for the review and approval of passenger training programs, judging the qualification of instructors, the participation of school bus operators and drivers, the supervision of school bus riders, standards of conduct, enforcement procedures, and the establishment of reporting and monitoring machinery to ensure compliance.*

3. *DOE should be charged with implementing DOT standards on student passenger safety training. Implementation should include the development of training courses, curricula, and instructional materials; the training of qualified instructors; the provision of adequate supervision for bus riders; the integration of student transportation safety with other aspects of student safety; and the installation of a meaningful reporting and monitoring system. To this end, we further recommend that DOE properly define and clearly assign duties relating to student passenger safety training. It must devote increased resources to the task.*

Chapter 9

SCHOOL BUS ROUTES, STOPS, AND SCHEDULES

School bus routes, stops, and schedules are yet another important aspect of school bus safety. Accident rates can be significantly influenced by such factors as: (1) driving and traffic conditions on the routes used by school buses, (2) the location of school bus stops, (3) whether students have to cross the highway to get on a bus or after getting off a bus, (4) the schedule-related problem of visibility and light conditions during travel hours, (5) the time pressure of schedules on drivers, and (6) the length of time students are required to wait unsupervised at either the schools or at bus stops. Also, long travel times can make for excessively long school days, have an exhausting effect on students, and detract from their classroom functioning.

Summary of Findings

1. School bus routes, stops, and schedules all have significant safety ramifications, but the responsible government agencies generally fail to recognize this fact. Agencies likewise fail to deal effectively with the competing, often conflicting, demands of economics versus safety in setting school bus routes, stops, and schedules.

2. The State's formal requirements governing routes, stops, and schedules do not fully meet the applicable federal standards, are not completely consistent with state statutory

provisions, and are otherwise seriously inadequate.

3. The State does not adequately utilize its bus contracts as a means of exercising appropriate control over routes, stops, and schedules.

4. Management attention to, and administrative machinery for, regulating routes, stops, and schedules are generally lacking. As a result, information on these matters is scant. The State's ability to ensure adequate safety measures is nowhere near what it should be.

Economics Versus Safety in Bus Routes, Stops, and Schedules

Those responsible for administering and supervising school bus routes, stops, and schedules are subject to two often opposing demands—namely, (1) the urge to achieve maximum efficiency and economy in the operation of school buses, to reduce costs, enhance bus operator profits, and lessen the burden on taxpayers and those paying bus fares; versus (2) a desire to maximize the safety, comfort, and convenience of the passengers. Where choices between economics and safety have to be made, safety considerations should be given priority. In fact, as a general rule, safety should dictate decisions, except where costs become completely unreasonable.

As the most preliminary of steps, administrators need to become more consciously aware that economics versus safety is a fundamental issue. Administrators also must learn to recognize that where bus operators stand to benefit financially from cost reductions, they are quite likely to favor economy, even at the expense of safety. Administrators alone can give safety the proper weight, since they alone represent the public.

However, at present the administrators of the student transportation safety program do not evidence any strong recognition of this conflict or of the need to guard against economy taking precedence. As evidence for our contention we would cite the lack of any systematic program to focus attention on the safety factors involved in school bus routes, stops, and schedules. There is no program to assess regularly the adequacy of existing routes, stops, and schedules from a safety viewpoint, and to improve safety performance in these areas.

To a great extent, routes, stops, and schedules are left entirely to the school bus operators. No public viewpoint is expressed. In the case of private schools operating their own buses, no one in an official government capacity has any knowledge about the routes, stops, and schedules for the buses involved, much less has made any assessment of their safety. For the public schools, the formal designation of routes, stops, and schedules is sketchy. Even where documentation exists, frequently no effective way exists to ensure the reliability of the information in the documents. Responsibility for regulating routes, stops, and schedules is widely dispersed among various agencies, including DOE, DAGS, individual schools, state and county road agencies, and the county police departments. No one is directly in charge of coordinating these efforts.

The first step toward rectifying this situation is clear recognition of the importance of establishing and observing routes, stops, and schedules. Recognition of this safety area must

then be coupled to adequate organization and administration.

Inadequate Formal Requirements Governing Routes, Stops, and Schedules

A variety of formal rules apply to school bus routes, stops, and schedules, including federal highway safety standards, state statutes, and DOE Rule No. 48. However, formal requirements are lacking in some areas and overly vague in others. The different formal requirements are also inconsistent and confusing.

Federal standards. The federal standards governing pupil transportation safety recognize the importance of regulating school bus routes and stops, but make no direct reference to school bus scheduling. The standards read as follows:

"3. Vehicle operation. a. Each State shall develop plans for minimizing highway use hazards to school vehicle occupants, other highway users, pedestrians, and property, including but not limited to:

(1) Careful planning and annual review of routes for safety hazards;

(2) Planning routes to assure maximum use of buses, and avoid standees;

(3) Providing loading and unloading zones off the main traveled part of highways, wherever it is practicable to do so;

(4) Establishing restricted loading and unloading areas for schoolbuses at, or near schools;

(5) Requiring the driver of a vehicle meeting or overtaking a schoolbus that is stopped on a highway to take on or discharge pupils, and on which the red warning signals specified in IV.B.1.d are in operation, to stop his vehicle before it reaches the schoolbus and not proceed until the warning signals are deactivated; and

(6) Prohibiting, by legislation or regulation, operation of any vehicle displaying the words, "School Bus," unless it meets the equipment and identification requirements of this standard.

b. Use of flashing warning signal lamps while loading or unloading pupils shall be at the option of the State. Use of red warning signal lamps for any other purpose, and at any time other than when the school vehicle is stopped to load or discharge passengers shall be prohibited.

c. When vehicles are equipped with stop arms, such devices shall be operated only in conjunction with red signal lamps."

The federal standards are based heavily on preventing other vehicles from passing stopped school buses when student passengers are being loaded and unloaded. Much of the wording is devoted to the proper identification of school buses and the actuation of special warning signals when school buses are loading and unloading student passengers along the highway. The provisions also focus on: (1) conducting periodic reviews of bus routes to detect and correct safety problems, (2) planning routes to make maximum use of buses and to avoid standees aboard buses, and (3) establishing out-of-traffic loading and unloading zones, both along the bus routes and at school locations. No specific mention is made of the desirability of minimizing highway crossings through planning of bus routes and stops, nor is anything said about bus schedules, despite the close relationship between scheduling and route planning.

Hawaii statutory provisions. Hawaii's laws, like the federal standards, require traffic to stop for school buses to load and unload student passengers, at least in areas outside of business and residential districts. Section 291C-95, HRS, reads as follows:

"Overtaking and passing school bus. (a) Whenever a school bus is stopped on a highway with its visual signals as described in subsection (f) of this section actuated, the driver of any motor vehicle on the same highway shall stop his vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the visual signals are turned off.

(b) Subsection (a) shall not apply to a vehicle when the school bus and the vehicle are on different roadways.

(c) The driver of the school bus shall actuate the visual signals described in subsection (f) only when the school bus is stopped for the purpose of receiving or discharging school children:

- (1) On a highway outside of a business or residence district; and
- (2) At any other location where the use of such visual signals is required by county ordinance."

The law goes on to specify:

"(f) The visual signals required under subsection (c) to be actuated shall consist of four red signal lamps meeting the following requirements:

- (1) Two lamps shall face forward and two shall face the rear;
- (2) The two forward lamps shall flash alternately and shall be mounted at the same level, but as high and as widely spaced as practical;
- (3) The two rear lamps shall flash alternately and shall be mounted at the same level but as high and as widely spaced as practical;
- (4) Each of the lamps shall be of sufficient intensity as to be plainly visible at a distance of five hundred feet in normal sunlight and shall be capable of being actuated from the driver's seat by a single switch."

Prior to Act 22 of 1975, this section only allowed the use of warning signals outside of business and residential districts. This was on the theory that other traffic safety features in urbanized areas such as sidewalks, curbs, crosswalks, signs, and traffic lights, afforded adequate protection to student passengers. However, the counties now may designate areas by ordinance within business and residential districts where the special signals are to be used and traffic stopped while buses load and unload.

The only other Hawaii statute referring to school bus routes, stops, and schedules is in section 286-181, HRS. This is the section of the Hawaii Highway Safety Act that gives DOE primary administrative responsibility for regulating student transportation safety. Subsection (c) directs DOE to adopt rules and regulations governing "school vehicle passenger loading and unloading area safety."

The non-conformity of Rule No. 48. DOE Rule No. 48 takes up bus routes, stops, and schedules in sections 1.4 a(4), 1.9 l, and 1.9 m. The first concerns the proper identification of school buses. Despite the emphasis in federal standards and section 291C-95, HRS, on special signal lamps for loading and unloading on the highway, section 1.4 a(4) of Rule No. 48 requires special signal lamps only on school

buses "which will load or unload passengers outside of residential or business districts." As a result of this provision, Rule No. 48 does not conform with the federal standards nor with section 291C-95, HRS, which now allows the counties to designate the use of such warning systems in business and residential districts.

The other sections, 1.9 l and 1.9 m of Rule No. 48, read in their entirety as follows:

- "l. School Bus Routes. The following criteria shall be considered in establishing school bus routes:
 - (1) Avoid U turns or backing of school vehicles.
 - (2) When crossing highways, utilize intersections where protection is offered by traffic signs or signals.

- m. School Bus Stops. School bus drivers operating school buses shall stop only at school bus stops designated by respective counties. The following criteria shall be considered in establishing school bus stops:
 - (1) Provide sight distance of 350 feet in both directions.
 - (2) Avoid establishing school vehicle stops on high-speed thoroughfares.
 - (3) Avoid establishing school vehicle stops in high-traffic volume areas.
 - (4) Utilize off-street stops.
 - (5) Select stops where children need not cross highways after alighting from buses.
 - (6) In residential areas with blocks, locate bus stops on far side of block to avoid pedestrians crossing in front of bus."

The shortcomings of these provisions include the following:

1. The criteria for determining routes and stops are too limited and general to provide useful guides for those deciding where routes will run and where stops will be made. The criteria allow excessive discretion. For determining school bus schedules, there are no criteria at all.

2. The rule is silent on who is responsible for determining bus routes.

3. Responsibility for determining bus stops is not clearly assigned. Although the counties apparently should be designating the location of bus stops, separating the determination of bus stops from the determination of bus routes is a highly unrealistic, if not impossible, approach to take. Moreover, other questions are left unanswered under Rule No. 48. How should the counties go about designating bus stops? By county ordinance? Rule and regulation? Do county decisions require approval by the State? How should the fixing of stops be coordinated with the fixing of routes?

4. The rule fails entirely to deal with school bus schedules. The questions listed in the preceding paragraph regarding routes and stops apply equally to schedules.

5. The rule does not provide for the periodic review of routes, stops, and schedules, as called for in the federal standards.

In summary, the formal requirements fail to provide a comprehensive framework for safety regulation of routes, stops, and schedules. The rule needs a major overhaul.

Inadequate Use of Bus Contracts to Set and Control Routes, Stops, and Schedules

The state contracts administered by DAGS could be a powerful tool for controlling routes, stops, and schedules. Unfortunately, contracts have not been extensively used as such, although recent contracts are decidedly better in this regard than past ones.

Traditionally, DAGS contracts have treated routes, stops, and schedules in widely varying ways. While all of the contracts have indicated in one form or another the routes covered, the differences in the specificity and usefulness of the route descriptions have been vast. Some contracts simply have stated that school bus service was to be provided from a generally described residential area to a particular school.

Others have provided detailed route descriptions. In rare instances maps have been included, but the maps generally have been imprecise and incomplete.

Routes. Recent contracts are more uniform. They provide more complete route descriptions. Many of these include routes taken over from the military services on Oahu, where DAGS has used the detailed information developed by the military services. The new contracts represent a commendable step forward toward adequate route descriptions. They should set the pattern for future contracts. The inclusion of maps represents another significant improvement which perhaps should be a standard feature of future contracts. However, mileage information, previously included, has been dropped. It should be reinserted.

The biggest unknown in all contracts is the extent to which safety has been considered in the establishment of bus routes. In some cases, there are few if any alternative routes which buses can follow, due to the few roads serving an area. A review based on safety considerations would have little effect, therefore, on route locations, but might indicate changes which could be made in stop locations and in scheduling. However, in other cases there may be several alternatives so a careful focus on safety factors could significantly change a route. Such a safety review would require detailed knowledge of road conditions, passenger load factors, locations of students' residences, locations of bus stops, etc., most of which is not now available, at least, in a usable form. Additionally, although federal standards require an annual review of routes for safety hazards, the contracts have no such provision.

Stops. Most of the contracts are silent on the designation of school bus stops. For some of the old contracts on the island of Hawaii negotiated by DOE, the Hawaii district office of DOE prepared maps of the routes which showed stops. However, these maps were not officially part of a contract. Otherwise, no attempt has been made in contracts to designate the specific

location of bus stops. Such an effort would be complicated by the fact that Rule No. 48 appears to vest the responsibility to designate school bus stops in the counties, rather than in DOE or DAGS. Nevertheless, the relationship between routes and stops is inextricable. A coordinated approach is essential.

Schedules. The contracts also fail to deal with the matter of bus schedules. Most of the older contracts completely omitted this subject. Recent contracts contain some information on starting times and school arrival times, but no provision is made for precisely determining and strictly enforcing school bus schedules. Along with an annual review of school bus routes and stops, annual reviews of schedules appear highly desirable. Such reviews could result in bus contracts which take an integrated approach to these closely related subjects.

Inadequate Management and Administration

The regulation of school bus routes, stops, and schedules also suffers from insufficient management attention and inadequate administrative machinery. The major shortcomings in this safety area are detailed below.

Lack of data. Many agencies would benefit from comprehensive, readily available information on routes, stops, and schedules. These include contract administrators in DAGS, DOE personnel concerned with determining school service areas, the schools, parents, riders, school bus contractors, county police, state and county traffic safety officials, and governmental personnel concerned with general planning and the development of mass transit. However, data on routes, stops, and schedules are for the most part sorely lacking. Where data exist, they are neither readily accessible nor overly reliable.

The importance of maps is recognized, but administrators of the student transportation and safety programs have not taken the initiative to set up and maintain accurate maps, showing

routes, stops, and schedules. The DOE's student transportation handbook suggests that each school designate a school transportation coordinator and that the coordinators develop and maintain school bus routing and scheduling information. The handbook suggests that the coordinators: "(1) Obtain map of school attendance area (2) Shade off area within a mile of school (3) Trace bus route on map (4) Identify bus stops (5) Place time schedules on stops." However, visits by the audit team to numerous schools revealed that many schools have not designated transportation coordinators, and almost none have followed the handbook's suggested program. The lack of information is not entirely the fault of the schools. Considering the fact that the important decisions are made outside the schools, the schools should be primarily recipients and users of information, rather than originators of information.

The most extensive information on routes, stops, and schedules is in the school bus service contracts administered by DAGS. However, as previously noted, the data are not complete nor consistently maintained nor fully reliable. Few copies of the contracts exist; they are not organized for easy reference; and no attempt is made to digest or summarize the information.

Some of the school bus contractors prepare informational material for distribution to the schools and students they serve, but this is not done consistently. Information on the routes, stops, and schedules of private school buses is altogether lacking.

Failure to establish or control school bus stops. The establishment of school bus stops and school bus routes can hardly be kept separate, since each significantly affects the other. Both routes and stops must be considered in minimizing students' crossing the highway or street before or after using the school bus. Similarly, both routes and stops bear directly on avoiding high-speed and heavily-used thoroughfares, and on utilizing off-street stops.

Despite this direct relationship, the DOE's Rule No. 48 has the effect of divorcing routes

and stops. The rule appears to give the counties the responsibility to designate school bus stops. At the same time, the rule is silent on who is responsible for determining school bus routes. As a result, DAGS and the school bus contractors jointly make most of the decisions affecting the location of routes. They do not usually consult with either county officials or DOE personnel. Of course, this leaves the counties in a quandary as to when and how they should go about designating school bus stops, or how to influence bus routes in the interest of safer stops. Conversely, it is not clear what authority, if any, state officials may have to change school bus stops in the event they disagree with county decisions on this subject. The net result is confusion.

As so often happens where jurisdictional ambiguity exists, there is a decision-making void with regard to establishing school bus stops. No one at either the state or county levels is consistently taking the initiative to determine the location of school bus stops. As a result, only a limited number of bus stops have been officially designated in Hawaii. Only on Kauai have the stops been designated by county ordinance. The counties of Hawaii and Maui are reported to be in the process of designating school bus stops within their jurisdictions. No action seems to be under consideration on Oahu.

In reality, therefore, the bus companies often decide where stops will be made, and they simply inform the bus riders and their parents. Sometimes individual drivers independently decide where to pick up and drop off passengers. Sometimes even students determine where the bus will stop by congregating at one point rather than at another.

Obviously the safety criteria for school bus stops set forth in Rule No. 48 are being given little, if any, consideration. Once again, no information is available as to how routes and stops are determined by private schools. As a result of this lack of controls, there likely are a great many unsafe school bus stops throughout the State which could be eliminated or made safer with proper attention.

The present situation also makes possible and encourages the transportation of unauthorized bus riders. This occurs in known instances where school bus stops are improperly located less than one mile from school, with the apparent result that bus operators are deriving extra fares or extra subsidy payments which are improper, if not illegal. If bus stops were officially designated and properly monitored, such a problem would not exist.

Inadequate control of bus stops at school locations. The most important bus stop is at the school. All bus riders are unloaded and loaded here every day. Safety problems also are most likely to occur here because of congestion, confusion, and general excitement among students. This stop also happens to be the most susceptible to control, because it is on or adjacent to campus.

The safety of campus bus stops should be a matter of primary concern to DOE, but unfortunately is not. Rule No. 48 makes no distinction between campus bus stops and other school bus stops. Although the *Student Transportation Handbook* gives some recognition to the special nature of campus bus stops, its provisions on the subject are generally weak. The handbook only suggests, but does not require, that schools establish regulations governing loading and unloading procedures on campus. The handbook provides no guidelines on what these procedures should be. It neglects altogether the important subject of physical facilities, which can have a significant impact on bus rider safety.

In a survey of numerous schools on the islands of Oahu and Hawaii, we found wide variations in the attention paid to loading and unloading school buses on campus. At a few schools, a definite safety program and clear system of control exist for loading and unloading riders. Bus parking spaces are clearly marked. Students are required to wait in orderly lines and to get on and off buses one at a time. School personnel supervise the loading and unloading. However, at most schools controls

were found to be weak and at some schools all but nonexistent. In many instances, bus loading and unloading zones were not clearly marked. Frequently, pedestrian, bicycle, private automobile, and school bus traffic on campus intermingled chaotically. Students often surged toward buses in groups, and several students tried to board at once. Orderly procedures and rules were not observed. School personnel generally did not supervise the loading and unloading of students on any regular or continuing basis. At one school, the person who was supposed to be in charge of student transportation had only a vague notion of where the school buses loaded and unloaded. The person admitted having never observed the process. At several schools served by noncontract school buses, school personnel expressed the view that they had no real responsibility for or control over such buses. For the most part, school bus safety even on the school campus is not a matter of priority concern.

There are two aspects of school campus bus stop and traffic safety. One is the day-to-day supervision of students and other personnel and of traffic movement on and around school campuses. The other is the proper design and maintenance of physical facilities (roads, sidewalks, parking lots, bus stops, and traffic control signals and markings) to ensure an adequately safe school environment. The two are, of course, interrelated. Under the existing allocation of responsibilities between DOE and DAGS, the first is primarily the responsibility of DOE while the second falls largely within the jurisdiction of DAGS. However, DOE should be vitally concerned with both aspects of campus safety if it is to fulfill properly its broad role in this field. Despite this, DOE generally has not devoted much attention to either aspect of campus bus stop and traffic safety.

For its part, DAGS recently initiated action aimed at eliminating physical conditions contributing to bus stop and traffic safety problems on or around those school campuses which seem to be the most heavily served by subsidized buses for regular students. In October 1977, it

received the results of a consultant's safety evaluation of bus loading areas on 33 school campuses. The consultant made a number of recommendations for improvement in both management and supervision activities on school campuses and the alteration of physical facilities at the schools. At virtually every campus some changes were indicated as being necessary or desirable. Estimated costs of required physical changes varied considerably among the different schools, but, overall, the estimated total came to about \$750,000, not including minor changes which could be made through the use of maintenance funds and projects which might be included in master plan changes being considered at a few of the schools.

This survey by DAGS is only a beginning. Much more followup effort must be made before the State will have a reasonable program of school campus traffic safety. First, the improvements now identified as being needed must still be funded and constructed. Second, a vast majority of the schools in Hawaii has not yet been surveyed for possible traffic and bus stop safety hazards, including more than 85 percent of the public schools and all of the private schools. For example, no schools in the Honolulu district were included in the initial survey. Yet, various types of buses (including mass transit, special education, and private buses) serve these other schools and there are other conditions which may pose serious traffic safety problems at these school campuses. Third, more adequate concern and allowance for campus traffic safety need to be incorporated into the planning for new and redeveloped educational facilities throughout the State. Deficiency in this area is evidenced by the fact that some of the newest of the schools included in the initial study of 33 schools were among those with the most serious safety hazards and those which will require the most costly physical improvements.

In addition to the adoption by DAGS of an ongoing program to survey school campuses for traffic safety hazards and to give more adequate consideration to traffic safety in the

planning of new school facilities, DOE needs to take followup action in this area. This is because the safety of the school environment also depends heavily upon daily supervision and management which can only be provided by school personnel. Yet, DOE has no program to indoctrinate school personnel in this area of responsibility or to monitor their performance with respect to it. DOE will have to inaugurate such a program before it will be able to claim that it is fulfilling its duties in the area of school bus and campus traffic safety.

Conflicting approaches to the halting of traffic at school bus stops. As we have noted, both the federal standards and state statutes emphasize using standardized warning signals to halt traffic while a bus is loading and unloading passengers. However, in contrast with the State of California, the safety program of Hawaii places much less emphasis on this approach, especially on Oahu.

The department has freely granted exemptions from the warning light requirement to bus operators. As a result, no school bus on Oahu is required to have the special signal lights. Not surprisingly, very few of them do. On the other hand, signal lights appear to be fairly standard equipment on neighbor island buses.

Hawaii's practice contrasts sharply with the program of the State of California. At a meeting of the State School Bus Safety Committee and the School Bus Contractors Association in January 1974, a speaker from the California Department of Education said that California flatly requires the use of flashing red lights. If children must cross the roadway, the driver is required to stop the bus, put on the brakes, turn off the motor, get off the bus, and escort the children across the street. Not a single fatality has been recorded for such highway crossings in the entire State of California since this procedure was inaugurated, according to the California official. He attributed part of the success of the program to the fact that it had greatly reduced the number of children crossing roadways to use school buses. This is because

the bus operators have a strong incentive to plan bus routes which avoid crossings.

It would appear incumbent upon all authorities in Hawaii to try to give the measure full force and effect through uniform application, widespread public indoctrination, and strict enforcement. California's action in this area seems to provide a worthwhile model to follow.

Lack of effective control over school bus scheduling. The scheduling of school buses is important to safety for several reasons: (1) tight schedules may place drivers under pressure to take unnecessary risks, (2) long waiting periods for bus riders may result in restlessness and rowdiness, (3) very early morning pick-ups and late afternoon drop-offs can unreasonably burden students by greatly extending their in-school day, and (4) the failure of school buses to be parked on the school campus before school is out can result in the unsafe intermingling of moving buses and students who are on foot.

In devising schedules, multiple factors come into play. These include: (1) the needs of the students and the degree to which they can adjust to meet schedules, (2) the needs of the schools and the degree to which they can adjust schedules, and (3) the desire for bus operators to make maximum use of their equipment and drivers.

Up to now, making maximum use of the equipment and drivers seems to have been the primary consideration. This approach accepts school hours as the same for all schools and classes. But because buses are used in relays, departure and arrival times of the students vary widely, thereby reducing the number of buses and drivers needed to transport the students. This relay approach places the greatest burden on riders, because it results in the longest waiting periods and the longest school days.

The current practice seems to result not from a conscious decision but simply a lack of

attention and thought by DOE and DAGS. At least two other alternatives seem obvious but have not been seriously considered. One is varying the schedules of schools or, within schools, varying class schedules. This is a transportation tactic for students comparable to staggered work hours for the general population. It would allow buses to run in relays without putting the main burden on students. The second alternative is simply to contract for enough bus service to transport simultaneously all students.

Under the current approach, (1) large numbers of students are being treated inequitably, (2) opportunities for student misbehavior resulting in accidents are increased, and (3) the State's burden of liability for safety is made heavier.

A few examples will illustrate the seriousness and pervasiveness of these problems. In November 1973, the Hawaii district of DOE, the one district actively concerned with this problem, surveyed all schools in the district to determine the times at which school buses were delivering students to the schools in the morning and departing from the schools in the afternoon. The results of the survey are summarized in table 9.1. It shows that some students were being delivered to the schools as early as 6:55 a.m., and some were not departing from the schools until after 3:00 p.m. Assuming travel times of up to an hour or more, this means that some students were probably leaving their homes as early as 6:00 a.m. and were not returning home until late afternoon. In fact, the district staff specialist wrote DAGS that some students were not arriving home until after 5:00 p.m. Table 9.1 shows that almost half the students were arriving at the schools from 40 minutes to an hour prior to the start of class. Ten percent had to wait more than an hour. The situation was somewhat better in the afternoon, but almost 25 percent of the students were waiting at the schools a half hour or more after the dismissal of classes.

In his March 1973 letter to DAGS, the Hawaii district business staff specialist of DOE

requested that action be taken to alleviate the long waiting times. He suggested both routes and schedules should be reappraised when contracts were re-let. However, there is no assurance that the most recent contracts adequately meet the problems noted in 1973, because coordination between DOE and DAGS in the letting and administering of school bus contracts is loose at best, and because concerted attention is still not being given to routes, stops, and schedules.

Table 9.1
Summary of Hawaii District
Bus Arrival and Departure Times at Schools
For the School Year 1973-74

	No. of students	% of total
<i>Arrival time:</i>		
6:55 - 7:10	671	9%
7:11 - 7:30	2,618	35
After 7:30	4,279	56
Total	<u>7,568</u>	<u>100%</u>
<i>Departure time:</i>		
1:25 - 2:40	5,766	76%
2:41 - 3:00	1,351	18
After 3:00	430	6
Total	<u>7,547</u>	<u>100%</u>

Source: Department of Education, Hawaii District Business Specialist, *Status of School Bus Arrivals and Departures*, November 5, 1973.

Another example of an inordinately long day for students was a contract on the island of Kauai. It specified that on one route pick-ups should start at 6:15 a.m., or almost two hours prior to the start of classes.

At one Oahu school, we were informed by the principal that special students were being delivered between 7:10 and 7:30 a.m., or from 40 minutes to an hour before the start of classes. During this waiting time, the special students remained on the campus virtually unsupervised.

In November 1977, there was a newspaper account concerning safety problems affecting buses used to transport special students. Among complaints voiced by parents of such students were pickup times as early as 5:30 a.m. and extraordinarily long travel times of up to two hours per bus ride.

Finally, an example of the problem of buses driving on campus to park after classes let out, thereby creating a very dangerous mixing of moving vehicles and milling students, is the following. At one Oahu school, a student was running to catch the bus, and the bus ran over the student's foot. The student was not seriously injured, but a suit was filed against the State. The accident could probably have been avoided altogether through adherence to proper scheduling.

DAGS' survey of bus-loading areas at 33 schools completed in late 1977 indicates numerous occasions when buses arrived on school campuses after school closing time. Although buses are supposed to be on campus and parked before school closing time, there appears to be widespread disregard of this requirement.

No program for updating routes, stops, and schedules. Probably the single greatest administrative deficiency affecting routes, stops, and schedules is the lack of a system for reviewing and updating them. Student transportation is a constantly changing proposition. Populations shift. New subdivisions open. Older areas change character. School enrollments rise and fall. Driving and traffic conditions change. New equipment becomes available. New approaches to traffic safety are developed. Economic conditions vary, and social patterns continuously change. It is therefore essential that school bus routes, stops, and schedules be subjected to a continuing, vigorous review, so that they can be kept abreast of changing conditions.

Such formal routes, stops, and schedules as exist were in many instances established years

ago. Most of them have been allowed to develop haphazardly, without analysis or evaluation. Many of the stops and schedules have never been firmly fixed by the State but left to the discretion of the bus companies and their drivers. Some of the routes are only vaguely described. If a review procedure were instituted, in many instances it would result in a systematic and rational assessment of routes, stops, and schedules for the first time.

Recommendations

The responsible state agencies should clearly recognize the relationships among school bus routes, stops, and schedules and take immediate steps to develop proper rules and standards for them; to designate official routes, stops, and schedules; and to design a continuing system for reviewing and updating the rules and stand-

ards and the routes, stops, and schedules. The State's program should aim for an optimum balance of the factors of safety, economics, and equitable treatment of students. It should treat school hours, class hours, school bus routes, stops, and schedules, location of school facilities, and the number of available buses and drivers as variables which are subject to manipulation and control.

We further recommend that DOE ensure that schools provide proper control of bus stops at school locations; that DAGS complete for all schools an examination of the schools' traffic safety problems, such as the one it conducted for 33 schools in 1977; that DAGS include campus traffic safety in its planning for new and redeveloped school facilities; that DOE reexamine its exemptions to the requirement that school buses be equipped with flashing red warning lights.

Chapter 10

FOLLOWUP ON ACCIDENTS

A system for gathering and analyzing accident information and otherwise following up on accidents is essential to preventing further accidents and also to achieving compliance with safety programs. Information should include the causes, severity, and frequency of various categories of accidents. It should be readily available in a usable form. It also should be comprehensive and accurate. The current effort meets none of these specifications.

Summary of Findings

1. Formal requirements governing reporting, investigation, analysis, and other followup by the State on student-transportation-related accidents are vague, incomplete, and generally inadequate.

2. Supplemental guidelines and instructional materials provided to school bus drivers and school personnel are incomplete, inconsistent, and lacking in essential details.

3. No clear system exists for collecting, acting on, or disseminating information on transportation-related accidents involving students.

4. The annual school bus accident statistics reported by DOE are incomplete and inaccurate. They are not internally consistent nor are they consistent with data from other sources. They do not otherwise appear to serve a

useful purpose, since no effective action is ever taken on the findings, conclusions, and recommendations of the accident reports.

Insufficient Requirements

Inadequate formal requirements. Section 1.5 of Rule No. 48 requires school bus drivers to submit a written report on a DOE form for every accident resulting in injury, death, or property damage. Reports are to be submitted to district offices no later than ten calendar days after the accident.

This provision suffers from several shortcomings. For one, it lacks clear definitions. Although throughout Rule No. 48 the term "school bus" is used, the section on accident reports introduces the term "school vehicle," creating a question of whether the two terms are synonymous. The section also provides that reportable accidents shall include all accidents in which school vehicles are "involved." However, in its annual reports on accidents, DOE confuses the definition by excluding accidents involving properly parked vehicles.

Section 1.5 also fails to cover adequately such important matters as: (1) the extent to which bus operators, as distinct from drivers, are obligated to see that accidents are properly reported and reviewed for possible corrective actions; (2) what role, if any, the schools are supposed to play; (3) what action, if any, DOE

district offices are supposed to take on the accident reports submitted to them; (4) what action, if any, the state office of DOE is supposed to take on school bus accidents; and (5) what action, if any, the county police departments, PUC (now DOT) [the agency responsible for the motor carrier safety program], DAGS, or any other agency should take regarding the reporting, investigation, and analysis of accidents. In short, the formal procedures and requirements set forth in Rule No. 48 are skimpy and imprecise. They provide little meaningful guidance.

By contrast, the federal highway traffic safety standards require the states to develop information systems in accordance with Safety Program Standard No. 10, on traffic records. This approach emphasizes integrating data on vehicles, drivers, physical and environmental conditions, and accidents. This system is supposed to provide for immediate access to data in analyzed form. The data are to include: (1) place and time of accidents; (2) identification of the drivers and vehicles involved; (3) types of accidents; (4) description of injuries and property damage; (5) description of environmental conditions; and (6) causes and contributing factors, including the absence of, or failure to use, available safety equipment.

Inadequate supplemental materials. DOE issues supplemental materials on student transportation safety. The two main ones are the *Student Transportation Handbook* and the *School Bus Driver's Manual*. Unfortunately, these supplemental guidelines and instructional materials are not only incomplete but lacking in many essential details. They are neither fully consistent with each other nor with Rule No. 48.

The 1974 edition of the handbook eliminated the requirement that schools submit accident reports. It also provides for bus companies and drivers to report accidents to both the schools and DOE district offices. This is inconsistent with Rule No. 48, which only requires reporting accidents to DOE district offices.

Generally, the handbook seems to relieve DOE personnel at all levels of any responsibility for dealing with accidents, other than to receive accident reports from the school bus companies or drivers. No explanation is made of what results are expected of following up on accidents. No one is charged with reviewing and analyzing accident reports or initiating corrective actions.

The *School Bus Drivers Manual* is not much more enlightening. Its main emphasis is on procedures to be followed at the scene of the accident. Its only instruction on filing accident reports is this: "Complete accident reports as required by the respective counties." This fails to cover the necessary information. It is also inconsistent with Rule No. 48's requirement that accidents be reported to DOE district offices. In addition, it is inconsistent with the *Student Transportation Handbook's* requirement that accidents be reported to the schools. Neither is a copy of the form for accident reports included in the manual.

Lack of a Followup System

No comprehensive system exists for administering followup of accidents. The main problems are: (1) an almost total lack of coordination among the agencies engaged in accident followup, (2) an unclear and overly narrow definition of the term "accident" as it is used in the field of student transportation, and (3) the virtual absence of effective administrative machinery for translating accident information into corrective action. These shortcomings are discussed more fully below.

Lack of interagency coordination. DOE, DAGS, DOT, and the county police departments—all are involved in followup of student-transportation-related accidents. However, there is virtually no coordination or communication among these various agencies on student-transportation-related accidents. There are a number of entirely separate accident

reporting systems. The agencies use different systems and they have differing criteria for determining reportable accidents.

As we have noted, the DOE system, using a DOE form, requires reporting all accidents involving death, injury, or property damage to the appropriate DOE district office. DOE conducts no investigation of accidents, but data from the accident reports are transmitted to the DOE's student transportation administrator, who prepares an annual report. The annual reports include some analysis of these data, and makes recommendations for improving safety performance. The reporting system only covers the transportation of public school students to and from school from September to June. It does not cover students riding during the summertime, nor does it cover charter buses on school outings, buses operated by private schools, or regular transit buses. It likewise does not include accidents involving properly parked buses, nor does it include mishaps at school bus stops in the absence of buses, or accidents involving students going to catch a bus, or after disembarking from a bus.¹

A second entirely separate system is the statewide highway traffic accident reporting system administered through the county police departments and DOT. This system is aimed at highway safety generally. It makes no attempt to identify and treat separately those accidents involving student transportation. Rather, it covers all accidents involving death, injury, or property damage amounting to \$300 or more. It includes motor vehicle, pedestrian, and bicycle accidents, but does not include motor vehicle accidents occurring off the public highways. Under this system, the county police departments conduct accident investigations for law enforcement and accident prevention purposes. Standardized accident report forms are used to transmit appropriate data to DOT, which prepares annual analyses of traffic accidents in Hawaii.

Yet a third reporting system has functioned as part of the PUC's program for regulating

motor carrier safety. Since this system recently was transferred to DOT by the 1977 highway safety amendment, presumably it will be merged with DOT's system. It has used its own separate forms, requiring reports in case of death, injury, or damage amounting to \$2000 or more.

In addition, DAGS, through its interdepartmental agreement with DOE on student transportation, is charged with providing accident reports to DOE, including reports on the causes of accidents, preventive measures, and "if necessary, follow up." However, DAGS does not carry out this part of its agreement. If it were to do so, it could develop yet a fourth entirely separate accident reporting system.

In this multiplicity of reporting systems, there is no way of cross-checking or reconciling information in one system with information in another system. Indeed, data are often inconsistent, not only from one system to the next, but within the same system. Where vital information may be available in one system, it is inaccessible for use in another system. Only the statewide system is computerized. The other two are manually operated. There is no way to bring all of the relevant information together for comprehensive analysis. Even such relatively simple matters as the number of drivers and the number of buses cannot be pinpointed with any reasonable degree of accuracy, much less the causes of accidents related to student transportation.

Lack of Followup Machinery

The State's main compilation of information on school bus accidents is the annual report prepared by the DOE's student transportation administrator. This information is in many instances inaccurate. Data are derived

¹The reports are not consistent regarding pedestrian-type accidents involving school bus riders. Some have excluded such accidents, but the latest one (for 1976-77) includes data on three such accidents.

from dubious sources, are inconsistent internally and also are inconsistent with the data of other reports.

The annual accident reports now appear to be an end in themselves. Neither the administrator of student transportation safety nor anyone else seems to regard the reports as an instrument for corrective action. We could find no evidence that anything is done with the reports once they are printed and distributed.

The seriousness of the problem again can best be illustrated by several examples.

Example 1: The issue of driver training. The 1972-73 report claimed that accidents caused by driver error had decreased a third from the preceding year, although the same report contained a table showing the number of driver-related accidents for both years as 17. The report nonetheless proceeded to ascribe a decline in accidents to (1) more applicants for driving jobs, permitting more thorough screening, and (2) increased driver training. There was no data base for the first claim. As for the second, no driver training was conducted during the time period covered by the report.

In the process of confusing the issue, the report failed to focus on the seriousness of the large number of accidents caused by driver error, and to outline effective remedies.

Example 2: Inadequate attention to the behavior of student bus riders. In the accident report for 1971-72, the following recommendation was made regarding the need for better training and supervision of student school bus riders:

"Since 3 students were injured in non-collision accidents such as rushing to get on or off the bus and playing on the bus, the Department's school bus rider rules and regulations should be stressed by the schools. Supervision of school bus loading areas on campuses may lessen the possibility of accidents by providing more orderly loading and unloading. Drivers should try to get the students to observe good safety rules by cautioning students and reporting cases of misbehavior to the school."

In the accident report for 1972-73, a more lengthy and detailed version of this recommendation was included as follows:

"Four students could have avoided injury if they had observed safety rules. Examples: a) If the student did not attempt to grab the arm of a passenger after getting off the bus, he would not have fallen, b) if the student did not dart across the road, he would not have run into the rear fender of the passing car, c) if the student walked on the shoulder away from the road he would not have been struck, since the report indicates that the bus that struck him did not leave the road, d) if the student did not run on the side of the road, he would not have run into the side of the moving bus.

"Safety rules are usually based on a history of an accident and are developed to prevent similar accidents from happening.

"School administrators, teachers, bus drivers, and parents should see that all school bus passengers know the safety rules and assist in their enforcement."

A briefer recommendation was included in the accident report for 1973-74, but the message was essentially the same. Finally, in the 1974-75 report, the same recommendation was worded to read as follows:

"School bus rider safety rules should be stressed especially on boarding buses. This is the third consecutive year that students were injured while rushing to board a bus."

The latest available accident report, for 1976-77, continues the repetition of an old theme as evidenced by the following statement: "Drivers and school staff responsible for providing school bus safety instructions for students should stress safe boarding and unloading practices. Each year pupils are injured in this process."

In other words, the same recommendation was made for five years. However, as we have noted, with the exception of the island of Hawaii, we have found no evidence of concerted effort in this area of student transportation safety.

Obviously, the frequent repetition of a recommendation in the accident reports is not enough to ignite action. If anything, constant repetition seems to be a substitute for action.

Example 3: Inadequate attention to planning routes and stops. The accident summary for 1972–73 observed that roads and loading zones appeared “unsuitable for buses in many locations.” It said that state and city traffic engineers should be consulted “to alleviate the problem.”

The accident report for 1973–74 proposed reviewing roads and road markings in terms of accident histories, then likewise proposed consultation with state and city engineers.

As with most of the recommendations in the annual reports, to whom these two successive recommendations were directed was by no means clear. In these recommendations, the circle of obfuscation was completed, since the rules and regulations governing routes and stops likewise fail to make clear who is responsible.

Recommendations

With respect to reporting and followup on

accidents relating to student transportation safety, we recommend as follows:

1. *Followup should be expanded from the currently narrow coverage of accidents involving school buses transporting students to and from school to encompass the total process of student transportation to and from school and during the course of the school day.*

2. *Adequate formal requirements should be developed to provide for a comprehensive, integrated system of following up on accidents relating to student transportation.*

3. *Appropriate explanatory and instructional materials should be formulated and made widely accessible to school personnel and bus operators.*

4. *A comprehensive administrative system should be developed to collect and examine accident information, to identify safety problems and possible solutions, and to ensure that appropriate followup or enforcement action is taken.*

PART III

**OPERATIONAL AND ECONOMIC ASPECTS
OF STUDENT TRANSPORTATION**

Chapter 11

INTRODUCTION

This third part of the audit covers the operational and economic dimensions of student transportation, as distinct from safety. Unlike safety regulation, which is a fairly simple governmental function, the economics and management of school bus service have far-reaching political, educational, and economic effects. They bear heavily on several aspects of public policy. Because student transportation involves the regular mass movement of a sizable part of the population, it is closely linked to general transportation policy. Because student transportation affects a wide gamut of educational programs, it must be approached in a broad context of education policy. Because it involves dozens of contractors, hundreds of employees, and many millions in publicly awarded service contracts, it also has significant economic implications.

This particular chapter introduces part III, summarizing our findings on economics and management in broad terms. Chapter 12 examines the legal and policy issues underlying the economics and management of school bus service. Chapter 13 is on how the need for bus service is determined, and how the service is delivered. Chapter 14 examines the state process for determining the need for bus service, along with accountability for its delivery. Chapter 15, the last chapter, is on fiscal management and contract administration.

Summary of Findings

In broad outline, our findings in this part of the audit are as follows:

1. Legal provisions and formal policy on the provision of student transportation are vague and fragmented. They fail to provide a framework suitable for decision-making and action. The State's approach to providing and financing student transportation also is both legally and constitutionally questionable.

2. Faulty organization and operation prevent efficient, coordinated service.

3. The State's approach to determining the need for student transportation is faulty. So is the way students are deemed qualified to receive transportation benefits once needs are determined. Reliable accounting for the numbers and categories of students using government-supported transportation services is almost totally lacking.

4. Business management of student transportation services in Hawaii is weak and ineffective, as evidenced by the following:

a. There is a lack of effective control over millions of dollars of school bus service contracts.

b. No management attention is paid to the acquisition and control of bus services for school excursions.

c. Both the number and capability of personnel assigned to the management of student transportation are inadequate.

d. The State generally fails to assess alternative methods of providing student transportation services to determine which

method or combination of methods might best serve public needs.

Chapter II

INTRODUCTION

1. Local providers and formal policy on the provision of student transportation are vague and fragmented. They fail to provide a framework suitable for decision-making and action. The state's approach to providing and financing student transportation also is both legally and constitutionally questionable.

2. Family organization and operation prevent efficient coordinated service.

3. The state's approach to determining the need for student transportation is faulty. So is the way students are treated qualified to receive transportation benefits once needs are determined. Methods accounting for the numbers and categories of students using government-subsidized transportation services is almost totally lacking.

4. Business management of student transportation services in Illinois is weak and ineffective, as evidenced by the following:

a. There is a lack of effective control over millions of dollars of school bus services provided by contractors.

b. No management attention is paid to the acquisition and control of bus services for school districts.

c. Both the number and quality of personnel assigned to the management of student transportation are inadequate.

The third part of the audit covers the operational and economic dimensions of student transportation in distinct parts. Unlike safety, accident prevention which is a fairly simple governmental function, the economics and management of school bus services have the history of political, educational, and economic events that have resulted in several aspects of public policy, because student transportation involves the regular mass movement of a major part of the population. It is closely linked to general transportation policy. Because student transportation affects a wide range of educational programs, it must be considered in a broad context of education policy because it involves dozens of contractors, hundreds of employees, and many millions in public and private sector activities. It also has significant economic implications.

The remaining chapters introduce part III, summarizing our findings on economics and management in three parts. Chapter 12 examines the legal and policy issues underlying the economic and management of school bus services. Chapter 13 is on how the need for bus services is determined, and how the services are contracted. Chapter 14 examines the management for determining the need for bus services, along with responsibility for its delivery. Chapter 15, the last chapter, is on fiscal management and contract administration.

Summary of Findings

In broad outline, our findings in this part of the audit are as follows:

Chapter 12

LEGAL AND POLICY ISSUES

This chapter examines the legal and policy framework in which agencies concerned with providing student transportation operate.

Summary of Findings

As a result of vague, fragmented legal provisions and policy statements, the State has an inadequate framework for providing student transportation. The more specific problem areas are as follows:

1. Considerable ambiguity surrounds the mission of DOE regarding provision of student transportation services.
2. The important educational implications of student transportation services are not sufficiently recognized.
3. Serious problems result from the arbitrary distinction drawn between transportation and community design.
4. Virtually no attention is given to implications of student transportation for communitywide transportation and community design.
5. The diffuse and unclear assignment of powers in this field makes the exercise of leadership and the formulation of a coherent program difficult, if not impossible.

Framework: The Constitution, Law, Rules and Regulations

The framework for providing student transportation has several major elements which are discussed in this section. They are: (1) constitutional provisions; (2) statutory provisions, including county ordinances; (3) an interdepartmental agreement between DOE and DAGS; and (4) departmental rules and regulations. An additional element of this framework, the administration of contracts, is discussed elsewhere in the report.

Constitutional provisions. Neither the U.S. Constitution nor the Constitution of the State of Hawaii deals directly with the subject of student transportation services. However, by judicial interpretation, both constitutions have had a significant impact on governmental provision of student transportation services. Nationally, interpretation of the U.S. Constitution's 14th Amendment has resulted in busing students to achieve racial balance in schools. In Hawaii, judicial interpretation of the State Constitution, instead of expanding government's role, has limited government action in the field of student transportation services. The state constitutional provision involved is Section 1 of Article IX of the Constitution relating to public education. It reads as follows:

"Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from

sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution."

In a decision handed down in December 1968,¹ the state supreme court held that this provision of the Constitution precludes the use of public funds to provide transportation services for students attending nonpublic schools. In its decision, the court said that the framers of the Constitution, in determining the nature of appropriations constituting "support or benefit" to sectarian and private schools, had specifically rejected the child benefit theory as applied to bus transportation and similar welfare programs for nonpublic school students. This decision was rendered in a case arising from Act 97 of 1965 and Act 233 of 1967, under which DOE had inherited the student transportation program from the counties and embarked on a program of providing service for both public and private school students. The court decision unanimously held that both of these acts and also Rule No. 1 were unconstitutional to the extent they authorized appropriations to sectarian and private schools. The ruling seems unequivocal.

Statutory provisions. Apart from safety matters, the Hawaii Revised Statutes contain three separate sections which deal specifically with the subject of student transportation or school buses: (1) section 296-45, (2) section 271-5, and (3) section 51-1.

1. **Section 296-45.** Section 296-45, HRS, entrusts to DOE the responsibility for developing and implementing a student transportation program for primary and secondary schools. This section includes Act 97 of 1965 and Act 233 of 1967, which transferred from the counties to the State the function of providing student transportation services. The section was further amended by Act 14Q of 1971 to make DOE responsible for educational field trips along with transportation to and from

school. In its present form, the section reads as follows:

"Section 296-45 Transportation of school children. The department of education may provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes. The department shall adopt such policy, procedure, and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicap, or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area.

"The department shall, in the manner provided in chapter 91, promulgate rules and regulations governing the supervision and administration of the transportation of school children under sections 296-45 and 296-46."

2. **Section 271-5.** Section 271-5 is part of the Hawaii Motor Carrier Law originally enacted in 1961. It exempts school buses from the economic regulation of the public utilities commission.

3. **Section 51-1.** This section authorizes the counties to engage in mass transit operations. It was enacted in 1967 and amended in 1973 (by Act 166) to include a definition of the terms "mass transit" and "mass transportation." This definition excluded school buses, along with charter or sightseeing service, from the meaning of these terms. The relevant part of section 51-1 reads as follows:

"Every county shall have power to provide mass transportation service

"The terms 'mass transit' and 'mass transportation' mean transportation by bus, or rail or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis."

4. **County ordinances.** Hawaii's counties also have enacted legislation on student transportation. The three neighbor island counties all have relieved student bus riders of paying the 10-cent fare not covered by state subsidies. The

¹*Spears v. Honda*, 51 H. 1.

city and county of Honolulu also pays the 10-cent fare for students who can demonstrate an economic need. Only a small number of Oahu students participate in this supplemental program.

However, the sheer size of the city and county of Honolulu's mass transportation program has a significant impact on student transportation services on Oahu. The islandwide fare on Oahu is 25 cents for adults and 10 cents for children, although the actual cost is substantially higher. Because many students of both public and private schools ride city and county buses to and from school, the provision and subsidization of mass transit has a significant influence on the entire field of student transportation. Thus, while the city and county has not embarked on a deliberate policy of deep involvement in student transportation, it nonetheless is deeply involved. The annual subsidy of students riding to and from school probably exceeds \$2 million. With the neighbor island counties now entering the field of mass transit, county involvement in student transportation matters is likely to become even more important.

DOE-DAGS interdepartmental agreement. Although DOE is responsible for providing transportation for students to and from school, day-to-day administration is provided by DAGS. This is so even though no statute makes DAGS a party to the subject. The basis for DAGS' involvement is an interdepartmental memorandum of understanding dated July 1970. It was signed by DOE and DAGS and approved by the governor. The agreement concerns both student transportation safety and student transportation services.

Under the agreement, DOE retains responsibility for: (1) the development and interpretation of DOE Rule No. 1 governing student transportation services, (2) determining student eligibility for transportation subsidies and relaying the resulting transportation needs to DAGS, (3) apprising DAGS of transportation service concerns, (4) handling most aspects of

military subsidy claims (a function which has been rendered obsolete by the State's taking over student transportation services for military dependents), (5) authorizing services not specifically provided for under DOE Rule No. 1 or to meet emergency situations, (6) evaluating and overseeing the student transportation program, and (7) preparing reports on student transportation policy.

The agreement assigned to DAGS the functions of: (1) developing policies and regulations on implementing service; (2) preparing budgets and expenditure plans; (3) preparing, executing, and administering contracts with private school bus operators; (4) assigning students to buses; (5) providing schools with service information; (6) responding to service complaints received from schools and parents; (7) preparing statistical reports on the provision of student transportation services; and (8) determining the rates at which subsidies are to be paid to the armed services (now inapplicable). The agreement also provides for DAGS to share responsibility with DOE for: (1) authorizing special services allowed under Rule No. 1, or to meet emergency situations; (2) supervising the 20 or so state employees in West Hawaii who serve both as school bus drivers and school custodians; and (3) evaluating and overseeing the student transportation program.

In short, the agreement creates a situation where close and continuing cooperation and coordination between DOE and DAGS are essential to providing good service.

Departmental rules and regulations. Of the several agencies involved in providing student transportation, only DOE has adopted rules and regulations on the subject. Even though DAGS administers most aspects of the State's student transportation program, it has avoided adopting rules or regulations. The motor carrier safety rules and regulations originally adopted by PUC are generally silent on the subject of school buses. Likewise, the counties generally have relied on ordinances, rather than administrative rules and regulations, for establishing policy in the field of student transportation.

1. *DOE Rule No. 1.* DOE Rule No. 1 in its present form deals only with the subject of transportation subsidies. It is basically confined to subsidies to and from school, although the term "educational field trip" is included in the rule's section on definitions, and the rule also requires departmental approval of transportation for field trips.

Rule No. 1 consists of eight sections. These sections (a) state the rule's purpose, (b) define its terms, (c) set limits on the subsidies provided, (d) define eligibility for subsidies, (e) specify that subsidies must be requested to be granted, (f) specify a grievance procedure, (g) describe how exemptions to the rule may be granted, and (h) describe how to apply for exemptions.

Rule No. 1 states the purpose of the student transportation program as follows:

"The purpose of providing transportation to students is to facilitate compliance with the State compulsory attendance law and to provide access to equal educational opportunity without undue transportation hardships."

The rule categorizes students according to their need for subsidies. Students who are able to walk or to use public transportation without serious difficulty are eligible for a partial transportation subsidy (the costs in excess of the 10-cent fare), but only if they live a mile or more from school and in areas not adequately served by regular public transportation. For a minority of students, full subsidies are provided. These include students with physical or mental handicaps which prevent them from walking or using public transportation. Economic hardship cases as defined by DOE Rule No. 1 are likewise included. So are students who are required by the department to attend schools outside of the school attendance areas in which they are residing.

For the most part, the transportation subsidies apply to transportation by bus. However, students who live in remote areas not served by school buses or regular public transportation are provided mileage subsidies, which are paid

directly to the families of the students. At DOE's discretion, subsidies may be in lieu of, or in addition to, other subsidies.

Rule No. 1 gives the superintendent of education broad discretionary authority to grant and withdraw exceptions to the general subsidy policy (inexplicably referred to as "exemptions" in the rule). Exceptions may be granted which "will result in savings to the state and will not cause substantial hardship to the student(s) concerned," or when it "is necessary to reduce risk to the safety of the student(s) concerned."

2. *A nonrule: the "Student Transportation Handbook."* Although the subsidies provided by Rule No. 1 are costly and administratively complex, the rule is generally silent on the entire problem of implementation. To the extent that written guidelines and procedures are followed in implementing the program, both DOE and DAGS rely on DOE's *Student Transportation Handbook*, the latest version of which is dated August 1974. This handbook deals both with transportation services and safety, supplementing not only Rule No. 1 but also Rule No. 48. The handbook, however, does not have the status of a departmental rule inasmuch as it is not adopted or revised by DOE in accordance with APA requirements.

The student transportation handbook describes departmental roles and relationships. It also includes samples of various forms. It describes such procedures as how to determine if a student is eligible for subsidies. Only here does DOE reveal that the transportation program for special students includes door-to-door service. The 1972 edition of the handbook included a section instructing the schools on chartering buses for educational field trips, but this was omitted from the 1974 edition.

Vague, Fragmented Legal Policy

Generally, the legal and policy provisions outlined above are vague and fragmented. They

fail to provide an adequate framework to carry out a program of student transportation. Specific shortcomings discussed below indicate more clearly why this is so.

DOE role: ambiguous. DOE has broad discretion over what it will and will not do in the field of providing student transportation. The department has exercised this latitude to the point where it is difficult to pinpoint the department's responsibilities and hold it accountable.

For example, section 296-45, HRS, merely directs DOE to "provide suitable transportation." Although suggesting factors which DOE should consider when formulating policies, the section does not enunciate any clear purposes to be served by a transportation program.

Neither existing law nor DOE Rule No. 1: (1) sets clear objectives for bus service, (2) provides meaningful criteria for determining the adequacy of service, or (3) precisely prescribes the department's responsibilities for carrying out a comprehensive student transportation program.

Implications for educational facility planning are underrated. The implications of transportation in school facility planning are not adequately recognized in the legal and policy framework for student transportation. Variations in transportation can have a major effect on both the accessibility and quality of educational services. They impact the locations, sizes and service areas of schools. Hence, there is a direct relationship between student transportation services and school facilities. For this reason, the planning and control of student transportation should be closely linked to overall educational facility planning. In actual fact, student transportation is not now a conscious element in such planning.

Implications for educational curriculum are not considered. Not only does transportation affect facility planning, but it also has a role to

play in the school curriculum. A strong excursion program could have a major impact on curriculum. Yet, virtually the entire student transportation budget is devoted to busing to and from school and next to nothing is given to field trips. This near-total absence of formal policies and procedures on educational field trips is contrary to sound management. It also appears to be contrary to legislative intent. Although section 296-45, HRS, is far from being a clear and complete statement on educational field trips, nevertheless, it indicates the legislature expects DOE to formulate and implement a field trip program. This is further indicated in the committee reports on the legislation. The senate standing committee report said the purpose of the bill was "to allow the Department of Education to promulgate rules governing buses contracted for educational field trips." The house standing committee report described the bill as "inserting educational field trips in the types of suitable transportation that the Department of Education may offer to children in grades kindergarten to twelve and in special education classes." However, DOE to date has ignored the subject of student transportation as it relates to educational field trips.

Virtually all of the transportation budget continues to be spent on the 20 percent of public school students whose trips to and from school are subsidized. School excursions continue to be financed by directly charging the students making trips or by ad hoc fund-raising efforts.

Implications for community transportation are ignored. With more than 210,000 students attending public and private schools, and with approximately 20,000 persons employed by these schools, nearly a third of Hawaii's population converges daily on the 350 or so school locations for about 180 days a year, if other persons transporting students and staff members to school are included.

Four fifths of this movement occurs on Oahu. Obviously such a massive, regular movement of people has an enormous impact

on communitywide transportation. Yet one will search in vain to find any recognition of this fact in the legal provisions or policy documents relating to student transportation services. As a result, student transportation planning is in no way coordinated with overall community transportation or community design work.

Inadequate administrative base. In much the same way as the administrative base for safety regulation of school buses is inadequate, so is the administrative apparatus for providing bus service. The governing statutes make no particular attempt to knit working relationships among the responsible agencies, and DAGS is not mentioned in the statutes at all. DOE Rule No. 1, as we have noted, fails to describe an administrative setup for implementing the transportation program. The DOE-DAGS agreement, which comes closest to spelling out a detailed approach to administration, appears to affect not only the government but the public and, as such, should have been adopted in accordance with the Administrative Procedure Act, chapter 91, HRS. Because it was not, the agreement appears to be in violation of the law.

The resulting administrative apparatus breaks down in numerous ways. For example, neither Rule No. 1, the DOE-DAGS agreement, nor the student transportation handbook makes it clear how much responsibility DOE district offices have for granting and monitoring bus subsidies. In the absence of policy, one of the districts exercises extensive supervision in this area, while the others simply summarize and transmit data. In like manner, the schools, the special service staffs of DOE district offices, and DAGS district transportation officers share overlapping responsibilities for the provision of transportation services for special students.

Recommendations

We recommend that adequate recognition be given to the broad policy implications of student transportation services and that its

formal legal and policy framework be reshaped to promote a coherent, integrated approach to this function. More specifically, we recommend that:

1. The planning of student transportation should be integrated with education policy-making curriculum management, community-wide transportation planning, and community design.

2. DOE be clearly charged with, and adequately equipped to carry out, formulation of policy, implementation of administrative action, and exercise of full management control over the provision of student transportation services. DOE's responsibilities should include:

a. setting standards and guidelines within legislatively established goals and objectives;

b. preparing and executing budgets for providing student transportation services;

c. establishing appropriate administrative machinery, including the machinery to coordinate with other concerned governmental agencies; and

d. contracting with other governmental agencies or with private organizations for transportation services.

3. DOE formulate, adopt, and implement a comprehensive policy on transportation of students to and from school which will:

a. assure fair and reasonable treatment of all students attending public schools in Hawaii with regard to alleviating or removing transportation disadvantages;

b. provide for clear, consistent objectives; and

c. give adequate attention to community-wide transportation needs, facilities, and services.

4. The transportation of students on school-related excursions be clearly recognized as a governmental responsibility. DOE should develop and submit for legislative consideration a proposed program for action in this field which will include:

- a. recommended goals and objectives; and
- b. a plan for implementation encompassing organizational arrangements, administrative procedures, timetables, and estimated costs.

Chapter 13

ORGANIZATIONAL ISSUES ON PROVIDING STUDENT TRANSPORTATION SERVICES

Appropriate organization is important to providing student transportation services. Under current statutes, DOE has primary responsibility for providing student transportation services, although it is not now carrying out this responsibility fully. In the preceding chapter, we recommended that DOE continue to have this primary responsibility. Thus, in this chapter, we review principally the organization of DOE to discharge its responsibility for providing student transportation services. We also explore alternatives to the current organization.

Summary of Findings

The current DOE organization is inappropriate. It prevents or seriously impedes efficient, coordinated administrative action in providing student transportation services. Administrative responsibility is widely spread among organizational entities within DOE at the state, district, and school levels. No one, not even the state office, is clearly in charge of all aspects of student transportation services or in a position to provide adequate administration.

Organizational Deficiencies

There currently is no administrative entity within DOE which clearly is in charge of directing and coordinating the provision of transportation services. On

the contrary, existing organizational arrangements are a patchwork. The various agencies within DOE which implement various components of the student transportation program have a strong tendency to operate in isolation from one another. Informal contacts and cooperation are relatively infrequent and undeveloped. The exchange of information is sporadic. No single entity assumes responsibility for pulling together the efforts of the various agencies. The tendency is to slough off responsibility to others.

In the paragraphs which follow, we illustrate this situation.

State office level. Administration at the state office level is centered in the single position of the administrator of student transportation, traffic safety, and teacher housing. In chapter 4 we note that this position, in being responsible for transportation, traffic safety, and housing, is required to divide its attention among widely disparate functions. We also note that the position is buried five layers down in the DOE decision-making structure; it is also organizationally remote from curriculum development and facility planning personnel.

The position of administrator of student transportation, traffic safety, and teacher housing is or can be a position which coordinates and provides leadership in the planning and delivery of student transportation services. However, such is not presently the case. As

reflected in Rule No. 1 and in DOE's *Student Transportation Handbook* and as reflected in practice, numerous functions concerning student transportation services have been delegated to the district and school levels, with no provision for feedback to and direction and control by the administrator.

Even more crucial, by that agreement entered into between DOE and DAGS in 1970, DOE has sloughed off responsibility for pivotal aspects of student transportation services to an agency outside DOE. Under that agreement, DAGS not only contracts with private bus contractors but it also handles almost all aspects of student transportation services. DAGS, and not DOE, prepares and executes the budget for student transportation services, and it determines school bus routes and schedules and controls most of such information as exists on the program. DOE has virtually no involvement in any of these functions, although, statutorily, it is responsible for this large and expensive program for subsidizing student transportation. Indeed, on a day-to-day basis, there is relatively little contact between DAGS and the DOE state office. Whatever contact there is between DAGS and DOE occurs at the district level, and not at the state office.

By its agreement with DAGS, the DOE state office has abdicated its responsibility for administering this program. Moreover, the agreement enables the DOE state office to be irresponsible in this area. Recent events which have been reported in the news media highlight this.

DOE, drawing on a ruling by the attorney general,¹ informed the parents of numerous special students that previously provided special transportation services would no longer be provided so long as the students attended private specialized schools for handicapped students. This peremptory announcement brought forth a storm of protest from the affected parents. It resulted in litigation which prevented the intended action from being carried out—at least temporarily. More relevantly, it triggered

complaints by parents and others concerned with the education of special students about the scheduling of transportation services for special students, the safety of the vehicles used in the transportation of special students, and the need to have aides as well as drivers on the buses used to transport these students to provide adequate care and protection for the students. In response to these complaints, DOE expressed an intent to amend its Rule No. 48 to require aides on buses transporting special students, despite DAGS' protests that no funds are currently available to implement such a requirement.

To comply fully with a requirement that aides be placed on all buses transporting special students will necessitate the contracting of additional buses as well as the hiring of several hundred aides. These actions, in turn, will cost a half million dollars or more per year to carry out. Therefore, a decision to move in this direction cannot be taken lightly and without consideration of various alternatives for meeting the educational and safety needs of special students. Yet, DOE appears to be proceeding to insist on requiring aides on buses transporting special students.

It is easy for DOE to proceed in this fashion because, under its agreement with DAGS, it is not DOE's responsibility to worry about finances for student transportation. In other words, the DOE-DAGS agreement breeds irresponsibility in DOE, which still has authority to set policy in this area of student transportation.

DOE district offices. Generally the district offices are responsible for: (1) subsidized transportation for regular students going to and from

¹The ruling of the attorney general was that subsidization of transportation of students attending private schools, including specialized schools for the handicapped, violated the provisions of the Hawaii State Constitution. DOE also based its actions on the claim that it had set up suitable classes within the public schools to handle the affected students so that it was no longer necessary for the students to attend private specialized schools to receive appropriate training and education.

school; (2) subsidized transportation for special students going to and from school; and (3) educational field trips and other school-sponsored outings, which are unsubsidized. However, these three segments of student transportation are carried out by different personnel in the district offices, with minimal cooperation and communication among them.

The district business staff specialists are responsible for subsidized transportation of regular students to and from school. These responsibilities include: (a) maintaining liaison with the DOE student transportation administrator and DAGS district transportation officers, (b) implementing and monitoring transportation policies and procedures, (c) giving others advance notice of events which will have an impact on transportation service requirements, and (d) preparing twice-yearly district summaries of school bus rider counts and subsidy classifications. These latter reports are made to DOE student transportation administrator and DAGS district transportation officers. The business staff specialists also are members of the state school bus safety committee.

The business staff specialists generally do not become involved in the transportation of special students. This function falls on the special services curriculum staff specialists. Their role in the field of student transportation is not clearly defined and appears to vary from district to district, but for the most part these specialists seem to concern themselves primarily with determining the eligibility of students to receive specialized transportation services.

Student transportation for educational field trips and school-sponsored outings is not publicly subsidized, and it receives little administrative attention in DOE. To the extent it receives any consideration, it is treated as a concern of general curriculum staff specialists attached to the various district offices. The districts now require trips scheduled at the school level to be approved at the district level. The general curriculum staff specialists usually process the trip requests received from the

schools. However, this seems to be more of a reporting process. Requests are almost always approved, sometimes after the fact. No formal criteria exist for providing transportation for trips. Wide variations occur in the numbers and types of trips taken.

School level. The schools are expected to play a major role in the management of student transportation services. Indeed, much of DOE's *Student Transportation Handbook* is devoted to defining and explaining the role of the schools. Responsibilities assigned to the schools by the handbook include the following: (a) qualifying students to receive transportation subsidies, (b) reporting the numbers of qualified school bus riders by subsidy classification to DOE district offices, (c) reporting complaints about school bus service to DAGS district transportation officers, (d) informing DOE district offices of changes affecting student transportation requirements and school bus schedules, (e) advising parents on the availability of student transportation services and subsidies, and (f) assisting in the handling of disciplinary cases referred to the schools by bus drivers. For special students, the schools are charged with: (a) initiating the request to DAGS for special transportation, (b) making the necessary arrangements for the proper handling of special students in transit, and (c) carrying out informational activities.

The *Student Transportation Handbook* also suggests schools do the following: (a) appoint a school transportation coordinator; (b) establish school recordkeeping systems; (c) develop information on the school service area, the transportation subsidy area, school bus routes, and school bus schedules; and (e) develop a monitoring system for ensuring compliance with service standards and subsidy requirements.

The *Student Transportation Handbook* and the general practices followed in DOE leave the schools pretty much to themselves. There is little, if any, leadership and direction coming from the top. As a consequence, transportation programs of the schools vary widely.

In on-site visits and interviews with personnel at more than 30 schools in five of the seven school districts, we found that only a few schools are doing a fairly creditable job of fulfilling their responsibilities in this field. Not one was complying fully with all the legal requirements and the suggestions set forth in the *Student Transportation Handbook*. In only a few instances had a school transportation coordinator been formally designated. In no case were we able to find written school procedures relating to student transportation. Record-keeping was primitive at best, and often non-existent. Some schools could not even locate copies of DOE rules on student transportation or the *Student Transportation Handbook*. In only rare situations did we find any effort being made to monitor compliance with eligibility requirements or the adequacy of service. Only a few school principals had set policies on field trips for their schools and were exercising some control over reviewing and approving them. Otherwise field trips were being left almost entirely to teachers.

The only activity relating to student transportation services that schools seemed to be performing almost universally was the processing of requests for transportation subsidies. This consists of two basic steps: (1) circulating the forms² which parents or guardians must fill out to apply for transportation subsidies and (2) summarizing the results and reporting them to DOE district offices. Although the schools are supposed to review each such application form and make a determination concerning eligibility to receive subsidization, in many instances we found that such a review was at best perfunctory. In some cases, the distribution of forms was being left to be handled by the bus companies, and the schools were simply confirming the results given to them by the bus companies. In one instance, the forms from two schools were mixed together and inadvertently given to one of the schools to process. Nevertheless, the principal of the school signed them all and turned them over to DAGS without noticing that many of the forms were for students not attending his school.

Need for a New Organizational Arrangement

Obviously, there is a need to restructure the organization for the planning and delivery of student transportation services. In considering any such restructuring, we believe there are three criteria which need to be met. They are:

1. Student transportation should be treated as a single problem. Government action in this area should be carefully integrated. Concern for safety should permeate all aspects of the effort. Also, the program should be framed within the perspectives of educational policy and overall community planning.

2. Once a program has been defined, responsibility for carrying it out should be clearly designated, although by no means all of its functions need be concentrated in a single organization.

3. The agency assigned primary responsibility for carrying out a program should be adequately organized and staffed. This does not necessarily militate in favor of a highly centralized unit, but the central unit of the implementing organization must have the authority and means to monitor, evaluate, and review the activities of all agencies sharing in the responsibility.

The primary agency: DOE. Considering the strong educational focus of the program, DOE is, as the statute suggests, the most logical agency to be assigned the lead role in providing student transportation. To carry out this suggestion, DOE will have to assume a much larger role in program planning and implementation.

DOE should be held accountable for program performance. This means that DOE must consider the financing of student transportation in the context of financing other educational programs. It also means that DOE, not DAGS,

²No. ST-1/4.

should directly establish the performance standards to be met by school bus contractors, monitor such performance, and enforce compliance with contract requirements. DOE should assess whether contracting school bus services or directly performing these services is more desirable. DOE should handle complaints concerning school bus services and effectuate remedies. DOE also must recognize that school-owned and -controlled vehicles are a departmental responsibility.

There appears to be no really good reason to involve DAGS in any way in the administration of student transportation. The functions now handled by DAGS do not form part of any larger transportation services program. DAGS personnel bring no special skills or qualifications to their jobs which could not as easily be provided through DOE. DAGS' extensive role serves only to complicate lines of authority, diminish communication, and generally fragment what should be a unified government operation.

We have recommended earlier in this report that safety regulation be transferred to DOT and the county police departments. However, DOE should retain responsibility for ensuring that school bus operators fully comply with whatever safety standards and requirements might be established by the safety regulatory agencies. DOE should be aware of and participate in rule-making proceedings when safety standards and requirements are being adopted or amended.

DOE should establish a close working liaison with other agencies involved in transportation. It should develop the expertise necessary to understand and work with the broader aspects of communitywide transportation planning. To the extent that other levels of government are willing to contribute to the financing of student transportation, DOE should assume a coordinating role to ensure fair and maximum use of these additional resources.

Strengthening DOE. If DOE is to perform its role as the primary agency, then significant

program management changes will have to be made within DOE. We make no attempt here to delineate the structure that DOE should adopt or to outline suggested roles to be played within DOE. We believe, however, that any changes in the organization within DOE for the planning and delivery of student transportation services should follow the following criteria:

1. Organization should recognize the importance of student transportation needs by placing state-level management much closer to the superintendent and to those charged with educational planning and programming.

2. DOE managers of student transportation should closely coordinate their planning and program efforts with the efforts of educational planners and developers and of those charged with community transportation and general planning.

3. Reorganization should result in an effective and efficient information and control system. The districts and schools need to know what is required of them and to be aware of the administrative limits in which they will operate. Those in the upper levels of authority should be able to set policies and standards with a reasonable assurance they will be implemented, monitor performance at the operating level for quality and uniformity, and assess alternative approaches to delivering services.

Recommendations

We recommend that the organizational and management approach suggested above be adopted and implemented. In brief, this means that the following steps need to be taken:

1. *The widely diffused functions of student transportation services should be reshaped into a single program.*

2. *DOE should assume in practice its statutory role of the agency primarily re-*

sponsor for student transportation services. DAGS should be removed from this field.

3. Organizational and administrative

changes should be made within DOE so that a much higher priority is placed on student transportation, and effective management and control are exercised over it.

Chapter 14

ASSESSMENT OF NEED FOR TRANSPORTATION, ACCOUNTABILITY FOR SERVICE

Effective management of student transportation requires systematic identification of the need for transportation service, along with a determination of what needs are most pressing. Once needs are determined and priorities are set, performance must be monitored to ensure that desired ends are being attained. No such system of accountability exists in Hawaii. This chapter tells why, as well as what can be done to institute one.

Summary of Findings

1. The State's criteria for determining the need for bus service is inadequate.
2. No assessment whatsoever is made of the possible need for supplemental service in areas served by mass transit, even though transit lines sometimes fail to serve students adequately.
3. No overall assessment is made of the need for excursion services. All decision-making occurs at the school level.
4. Procedures for qualifying students for subsidies are deficient.
5. Reliable accounting for the numbers, types, and eligibility of students who use student transportation services is almost totally lacking.

Shortcomings in Determining the Need for Bus Service

Although the State of Hawaii has made considerable progress toward providing equal access to education, wide disparities still exist among students relative to the transportation burden placed on their going to and from school. For some students, travel is still vastly more difficult and taxing than for others. Even wider disparities exist with respect to the opportunities to go on school-sponsored excursions and field trips. So long as these wide disparities persist, the State will fall short of its goal of providing equal educational opportunities.

Inadequate criteria for need. One of the reasons for continued inequities in student transportation to and from school is a lack of adequate definitions of who qualifies for service. Definitions of need tend to be subjective, varying with one's attitudes. Without adequate definitions of need, or criteria, service will vary widely, as indeed it now does. As Rule No. 1 reads, only two criteria exist. They are:

1. Does a student live a mile or more from school? or
2. Is a student so handicapped that he or she cannot walk to a mile or use the bus?

If the answer to one or both these questions is yes, the student qualifies for bus subsidy. Otherwise, the student is disqualified. Furthermore, all students except the handicapped are disqualified if they reside in areas deemed by DOE to be served adequately by mass transit. The rule does not include a great many other variables which should be considered as criteria. These include: (1) terrain; (2) prevailing neighborhood or regional weather conditions; (3) walking conditions (for example, traffic, street crossings, availability of sidewalks, condition of sidewalks); and (4) the general safety of the route which must be traversed. No doubt there are others.

Rule No. 1 also fails to define the levels of service or the amount of subsidy available to different categories of students. For example, one will search Rule No. 1 in vain to find that door-to-door service is to be provided to special students, but it is for some special students.

Rule No. 1 reserves to DOE the responsibility to determine whether a public transportation system is adequate to meet the student transportation needs in the areas served. In actual fact, this provision is meaningless. DOE has neither criteria nor an administrative mechanism for evaluating the adequacy of public transportation services. Indeed, it has devoted virtually no attention to the subject. Rather, DOE seems to have assumed that mass transit is entirely adequate in highly urbanized areas of Honolulu where public transportation long has been in operation. Where city transit recently has expanded into areas traditionally served by state-supported buses, DOE likewise has failed to make evaluations. It continues service where service logically might be cancelled.

As a result, there have been two opposite effects. In some of the highly urbanized areas of Honolulu, students going to and from school contend with mass transit service which is crowded, inconvenient, and time-consuming. At the same time, there now are suburban areas on Oahu where mass transit

buses and state-supported school buses essentially duplicate service. Students have a choice of utilizing one or the other for a fare of 10 cents. If DOE were to make an evaluation of need for service, it would readily find cases where service is inadequate and students are treated inequitably.

The case of Manoa students' paying 15 cents to ride an unsubsidized bus to Stevenson Intermediate and Roosevelt High schools is one such example. By contrast, during the school year 1975-76, the Honolulu district of DOE provided more than 60 students bus service from the Hawaii Kai area to Kaiser High School and Niu Intermediate School. This was the first contracted bus service for regular students in the Honolulu district. DOE determined that these students lived in areas which were more than a mile from the bus stop. Inauguration of this service was in response to student and parental agitation rather than the outcome of any overall evaluation.

Such erratic performance makes it apparent DOE should work with the county and state agencies involved in mass transit to evaluate the effectiveness of mass transit services. Such an evaluation well might lead to revamping the current mix of mass transit service and school bus service.

No assessment of the need for excursion service. Although thousands of students go on various types of excursion trips under school auspices, no statewide assessment is made of the need for excursion transportation. No real program exists for directing this activity, and virtually no public funds are expended to support it. As a result, tremendous variations occur in the kinds and amount of school-sponsored trips. This is true even for students in similar circumstances and pursuing similar courses of study. Since these trips are generally regarded as integral to the educational process, disparities of this magnitude again can only indicate that Hawaii is falling short of its goal of providing equal educational opportunities.

No one at the state office level in DOE seems to bear any responsibility for providing administrative direction for educational field trips and excursions. DOE's student transportation administrator disclaims any involvement except to meet occasional requests for information. The last time such a request required an extensive effort was in 1970, when a survey of excursion costs was made and a brief report was prepared. The only action taken on this report was to transmit it to the districts and schools for their information and consideration.

DOE makes no attempt to carry out an ongoing analysis of field trips and excursions for purposes of planning and policy formulation. Many of the forms used to request approval for trips are incomplete. A lack of consistency and uniformity among the seven districts in reporting procedures adds to the problem. Filing practices in some districts are disorganized. The condition of the information base prevented the audit team from making detailed analyses. But spot-checking of raw data did reveal that various problems and inequities exist in the provision of excursion-type transportation.

Although the 1970 survey was not a comprehensive report,¹ it provided enough information to suggest that the program's inequities are extreme. Of a total \$211,000 reportedly spent for charter bus services in 1968-69, students paid about \$179,000, while the remaining \$32,000 came from other sources, such as local PTA's and service clubs. The average amount charged per student per trip ranged from a low of ten cents at one school in the Honolulu district (in a low-income area where substantial outside funds were made available to subsidize trips) to a high of \$4.80 at a school on Maui. The report expressed concern over this disparity, but offered little in the way of concrete recommendations.

While some students make many trips, including trips to other islands and out of state, other students have virtually no opportunity for

school-sponsored outings. DOE's 1970 report pointed out there appeared to be little correlation between the amounts spent on field trips at schools and the size of schools, but went on to note that the high cost of transportation seemed to inhibit field trips for students attending rural schools. The report might also have indicated that significant numbers of students apparently had no opportunity whatsoever to make field trips. Our review of available data for school year 1968-69 (the period covered by DOE's 1970 report) indicates that no field trips were reported for 20 schools having a combined enrollment of almost 14,000 students, or more than 8 percent of the total state enrollment in public schools. Furthermore, data for more recent periods show that numerous schools throughout the State still are not taking field trips. Many are schools in isolated areas.

Table 14.1 summarizes enrollment and field trip data for school year 1968-69. Besides showing the schools which reportedly did not take trips, the table breaks down by district the average number of trips taken per student. This ranges from a high of about two and a half trips per student in the Honolulu district to a low of less than one trip per student in the Kauai district. An even greater disparity exists between schools within the same district. For example, table 14.1 shows in the Honolulu district one school reported only .05 trips per student while another school reported almost 7 trips per student.

Actually, wide disparities in field trip opportunities exist within the same school. In interviews with school personnel and by reviewing field trip requests for recent years, we have found that wide variations exist not only between grades but also within the same grade. Some teachers take their students on numerous trips. Others take few or no trips. The types of trips also vary. Some teachers restrict their trips to short distances and brief

¹For further information, see our discussion later in this chapter on deficiencies in accounting for field trips.

time periods. Others lead trips which last several days and involve extensive travel off-island. The costs of trips also vary considerably. Trips from one island to another range from \$50 to \$100 per student, while out-of-state trips run up to several hundreds of dollars per student. Except where governmental funds are available to help schools with significant numbers of economically and socially disadvantaged students, all of these costs are paid by the students and their families or covered through school and community fund raising.

The nub of the present situation is that almost all policy and decision-making on field trips and outings are made at the school level, usually by the classroom teacher. To eliminate the many existing inequities, a meaningful statewide determination of need for excursion-type service is essential. Obviously DOE must first identify the extent to which educational field trips and school-sponsored outings can and should contribute to the attainment of its educational objectives. Then, it must develop departmentwide plans, programs, and policies.

Table 14.1
District and Statewide Summary of Educational Field Trips Taken by Public School Students
During the School Year 1968-1969

Description	Statewide total	District						
		Honolulu	Central	Leeward	Windward	Hawaii	Maui	Kauai
Number of schools	207	53	34	25	26	32	23	14
School Enrollment	172,375	51,908	30,758	27,514	26,844	16,800	11,020	7,531
Schools with no trips								
Number of schools	20	0	5	1	3	6	4	1
Enrollment	13,887	0	3,502	840	5,011	1,565	2,883	86
% of enrollment in district/statewide	8.06%	0	11.39%	3.05%	18.67%	9.32%	26.16%	1.14%
Schools with trips								
Number of schools	187	53	29	24	23	26	19	13
Enrollment	158,488	51,908	27,256	26,674	21,833	15,235	8,137	7,445
Average number of trips per student	2.10	2.45	2.30	2.12	2.49	1.08	1.01	0.91
School with lowest number of trips per student								
School		Roosevelt	Waialua Elementary	Waipahu High	Hauula	Kohala	Hana	Kauai High
Number of trips . . . . .		.05	1.14	.58	.96	.28	.27	.35
School with highest number of trips per student								
School		Kaewai	Kipapa	Waipahu Elementary	Pope	Keaukaha	Kihei	Kilauea
Number of trips		6.83	5.18	3.63	5.04	3.67	2.52	2.71

Sources: State Department of Education report, "Bus Transportation for Field Trips which are Considered Part of the Education Program, 1968-69."

Deficiencies in How Students Are Chosen to Receive Transportation Benefits

As we have noted, state-subsidized buses serve about 20 percent of the school population. How these 20 percent are chosen, and whether all of them are actually served, is a major concern. If not all 20 percent are being served, then a related issue arises immediately: Are bus contractors being overpaid?

We have divided the discussion into qualifying regular students and qualifying special students, since the problems differ. First comes the discussion of regular students.

Qualifying regular students for transportation services. There is unevenness, with resulting unfairness, in the way determination is made as to which students qualify and which students don't qualify for student transportation services. The problems arise from the inadequacies at the school level to make this determination and from the lack of coordination between DOE and DAGS.

1. *School-level problems.* As we have noted, the schools are primarily responsible for determining who qualifies for regular bus service. Yet, most schools are so ill-equipped for this assignment that they fail at, or handle poorly, even the simplest tasks. One such task is determining which students live more than a mile from school and are thereby eligible for bus service. We found many schools where either no maps or highly inadequate maps were available for identifying school bus service areas. The schools can hardly be blamed for this since they lack the resources and expertise to do the job adequately. For example, one school principal told us that she and the school secretary, using street maps secured from a service station, drove around the school neighborhood in their own cars trying to measure off one mile distances in different directions from the school. Even the state DOE office has only limited cartographic information on school service areas, and this is not widely disseminated. There seems

to be only one compilation of maps of school attendance areas within the department. At the time we examined the maps, they were neither complete nor presented in a consistent manner. No attempt was made to indicate a one-mile zone around each school on these maps. Therefore, one of the first things DOE needs to do is prepare and distribute adequate maps upon which to base students' eligibility for transportation assistance.

Another task that schools must perform is to make a determination of economic need based on criteria contained in Rule No. 1 for students seeking full transportation subsidies. The school bus application form issued to students provides for the reporting of the necessary information to make this determination, but no guidelines exist for verifying the information reported. As a result, the forms as submitted are generally accepted without question. No real determination of eligibility is made by the schools. At some schools, the effort seems to be confined to counting up the forms by various subsidy categories and reporting the results to the district office.

An experience encountered in the DOE windward district on Oahu provides an example of what can happen under the situations described above. During the course of this audit, we discovered that subsidized school bus service was being provided at two separate schools even though the riders lived less than one mile from the schools they were attending. When school, district, and DAGS personnel were queried about the reasons for this apparent violation of Rule No. 1, no satisfactory explanations were provided. The practice had been going on for several years, although shortly after our inquiry, service inside the one-mile zones was terminated.

2. *Problems of DOE-DAGS coordination.* Although DOE is responsible for determining the eligibility of students to receive subsidies, currently only DAGS can monitor the bus contract system. However, virtually no administrative machinery exists for meshing the related activities of the two departments in this

area. To a great extent, DOE's function of determining eligibility and DAGS' administration of school bus service contracts are handled as two separate and virtually unrelated activities. For example, the reporting procedures of DOE are geared almost entirely for internal departmental purposes. They fail to give adequate recognition to the needs of DAGS. All of DOE's forms and procedures are designed to develop eligibility information on a school-by-school and DOE district basis. However, some schools are served by more than one DAGS-contracted carrier; each of the carriers usually serve more than one school; and some of the carriers conduct operations in several different DOE districts. This is particularly true on Oahu. For DAGS to carry out its job effectively, it must be able to sort out eligibility data according to carriers but, under the present system, this is difficult, if not impossible.

Control procedures are woefully inadequate, opening the way for overpayment of contractors. In past years DAGS had no standard format for contractors to submit requests for payment. As a result, many invoices were received and paid even though they provided no adequate documentary basis for determining whether service had been provided. Only recently has DAGS required invoices detailing information on the numbers of students transported daily. This information in turn provides a basis for determining the average daily rider count each month for each route and for calculating the amount due the carrier. However, a regular procedure for making sure the claimed numbers of passengers fall within the limits of those determined to be eligible is still lacking.

A further indication of deficiency in this area is the almost total abandonment of procedures which were designed to (1) prevent ineligible students from receiving subsidized transportation services and (2) avoid excess payments to the bus operators. Pursuant to the 1972 edition of the *Student Transportation Handbook*, the school bus operators were required to assign students to specific buses

or runs by school, and the school principal was required to certify the correctness of the assignments. However, the forms and procedures for implementing these requirements gradually fell into disuse. Finally, when the 1974 edition of the handbook was issued, all references to such requirements were omitted. As a result, no formal procedures exist for verifying the eligibility of riders or the accuracy of the daily rider counts claimed by the carriers, except in the Hawaii district. In that district, DOE's business staff specialist took the initiative to establish procedures in which school principals and bus operators jointly certify the numbers and subsidy categories of student bus riders. The certifying report was set up on a monthly basis. However, because of resistance on the part of the bus operators and a lack of interest on the part of other agencies (such as DAGS and the county), the report now is only made once at the beginning of each school year.

Lacking real control procedures, DOE is incapable of determining whether serious abuses are occurring on the part of students, bus operators, or both. First, there is a dearth of relevant data on the matter. Second, such information as exists is inconsistent. Nevertheless, on the basis of evidence which can be gleaned from available information, there are ample grounds for being concerned about the present state of affairs. Either serious abuses have been occurring, or the inadequacies of the existing procedures make it seem that way. At the very minimum, the looseness of administration creates a great potential for abuse.

3. *Violations reported.* DAGS personnel have advised us that numerous violations have been reported or observed where students living within the distance of one mile of the school they were attending received subsidized transportation. However, they claim that, with their limited personnel resources and a lack of cooperation from school personnel, they are powerless to mount any effective attack to eliminate ineligible bus riders.

Qualifying special students for transportation services. If special students are

incapable of walking to school or using a bus, then DOE provides not only full subsidies but special service. As we have noted, usually this means door-to-door transportation to and from school. Special consideration for the transportation needs of special education students is understandable. However, this does not mean that an entirely separate system for determining who needs special transportation services is either necessary or desirable. In fact, the administrative isolation of this aspect of the student transportation program may be having seriously negative effects. The criteria are overly vague. Organizational control is widely diffused and uncoordinated. As a result, the determination of who qualifies is uneven, inconsistent, and inequitable.

1. *Lack of guidelines.* Once a DOE diagnostic team classifies a student as being a special student, the affected school requests special transportation services from the DAGS transportation officer. A copy of the request goes to the DOE district office. The district office, by DOE procedure, is then supposed to evaluate "the capability of students to ride buses."² However, official criteria for making this determination do not exist. Neither Rule No. 1 nor the *Student Transportation Handbook* provides criteria for determining when special students should receive special transportation services.

The only criteria that exist are informal, vague, meager, and misleading. They are contained in DOE Form ST 11 for requesting special transportation. The form, first of all, directs schools not to request special transportation for particular classifications of special students who live within the schools' attendance areas, on the ground that Rule No. 1 states that such students are to be transported as regular students. However, no such statement is made in Rule No. 1. Second, the form advises schools not to request door-to-door service for any students who they feel are capable of riding buses to and from school, particularly learning disability (LD) or mentally retarded educable (MRE) students living in the Honolulu district.

No instructions are given as to how one is to determine, except by feel, whether a student is capable of riding buses to and from school.

2. *Decision-making.* In the absence of proper standards, the decision as to whether special transportation services are to be provided is made in a variety of ways by a variety of organizational entities. The school, the DOE district office, and DAGS—all become involved. In some cases, school personnel take no active part in making such decisions, but rather appear to let the DOE district office and DAGS handle everything. In other instances, most of the interaction seems to take place between the schools and DAGS transportation officers, with little or no involvement on the part of DOE district offices. On some occasions, DAGS alone seems to make the determination. At any rate, none is particularly well qualified to assess whether students are capable of walking up to a mile to school or using regular means of transportation. Thus, when decisions are made, they are made regardless of whether the directions on Form ST 11 fit the case.

3. *Example of difficulty in decision-making.* An example of the difficulty in understanding decision-making in the area is illustrated by the following. This involved a student with severe visual and hearing handicaps who was classified by DOE as a learning disability, or LD, student. When attending intermediate school, this student was found eligible for and received door-to-door special transportation. However, when transferred to high school, which meant traveling an even greater distance, the student was denied this special transportation assistance. Seeking restoration of this service, the student's parents consulted the school, the DOE district office, and the DAGS transportation officer, all to no avail. The high school did not seem to be aware that such service could be made available and indicated it could do nothing.

²In passing, we should note the schools are not required to notify parents of their child's eligibility for service, as in the case of regular students.

The DOE district office indicated the service would have to be requested by the school and approved by the DAGS transportation officer. The DAGS transportation officer said LD students were ineligible for such transportation. At this point, the parents gave up in frustration and made arrangements with another student to accompany their child to and from school each day. The records indicate that in the meantime large numbers of students falling under the LD and MRE categories were receiving special transportation services.

4. *Consequences.* The lack of criteria and the involvement of various entities—the school, the DOE district office, and DAGS—militate against fixing responsibility and accountability for determining the transportation eligibility of special students. It does not ensure adequate services for eligible students without also allowing ineligible students to obtain such benefits. It is virtually impossible to determine reliably such vital data as: (a) the numbers and types of special students authorized to receive special transportation assistance; (b) the numbers and types of special students actually enjoying special transportation benefits; (c) overall and unit costs involved in providing special transportation services; and (d) the transportation patterns of special students going to and from school (i.e., routes, distances, travel times, means of travel, etc.). Also unexplainable are the wide variations among districts and schools in the numbers and proportions of special students receiving special transportation services. For example, on an overall basis, Oahu accounts for about 78 percent of all public school students in Hawaii, but well over 90 percent of the special education students receiving special transportation services are located on this island.

5. *Suggested reforms.* There are ways to improve the present approach to deciding which special students qualify for which special transportation services. These are discussed briefly below.

First, the evaluation of whether a student needs special transportation probably can best be made by the diagnostic teams who make the basic assessment of whether a student is a special student. On the basis of the diagnostic team's decision, each student should be assigned a transportation classification (e.g., those requiring door-to-door service, those who should be treated as regular students, and those who should receive transportation assistance when having to attend special education programs outside their regular school attendance areas). This evaluation should be based on established criteria. It should also give consideration to when aides, as well as drivers, should be provided on buses transporting special students. Also, the process should allow the parents of special students to request a given category of service and to have this request evaluated and acted upon on the basis of established criteria.

Second, an adequate information and control system needs to be established. It should make the following information readily accessible: (a) the numbers, types, residence locations, and transportation needs of all special students; (b) the locations, capacities, and enrollments of the various special education classes, centers, and schools; and (c) the capacities, utilization, and distribution patterns of the transportation services available for special students.

Third, those responsible for special education and those responsible for special transportation should collaborate on determining the location of special education programs and services, the establishment and alignment of special transportation services and routes, and the assignment of students to particular buses and routes. Only by these means can various alternatives be weighed and due consideration given to the factors of cost, resource availability, resource utilization, and the needs of the special students and their families. In passing, we might note that the need for such coordination provides added support for the argument that transportation should be placed completely

under DOE, rather than split between DOE and DAGS.

Deficiencies in Accounting for Student Bus Riders

In the course of this chapter, we have noted various deficiencies in information management which are in turn hampering the overall management of the student transportation program. Because of the pervasive nature of the problem, we focus on it specifically in this section. Briefly stated, accounting for the numbers, types, and eligibility of students using subsidized transportation is almost nonexistent; and without an accounting system no one can exercise effective management control over the transportation program.

Incomplete, inconsistent school bus rider counts. Rather than there being a single, comprehensive system for collecting and disseminating information, school bus rider data are gathered and reported in several different ways for several different purposes.

DAGS is perhaps most deficient in the area of school bus rider accountability. Although it is responsible for most of the operational aspects, DAGS is unable to supply meaningful data on such basic matters as the numbers of students authorized to ride buses, the number actually riding buses, the mileage traveled daily by school buses, the number of school bus routes and runs, the number of school buses under contract and their passenger capacities, or the unit costs of student transportation per student, per mile, or per route, run, or bus. Progress is being made to improve data at the district or island level, especially on Oahu. However, DAGS still lacks any effective and efficient information system on a statewide basis.

DOE, for its part, generates various reports and statistics relating to the numbers of school bus riders, but the resulting data are incomplete and contain serious discrepancies. At present,

there are two major sources of information on school bus riders within DOE. One is the annual summary of bus accidents occurring during a school year. This includes data on the number of students transported daily, by island and by bus operator. The second is the report³ submitted each October by DOE district offices to the DOE state office summarizing the numbers of students eligible for transportation subsidies, by school and by subsidy classification. In chapter 10 we analyzed the accident report in detail. Here we should only note that, in compiling the annual accident report, DOE relies on the school bus operators to supply the data. DOE neither provides guidelines for preparation of the data nor makes an effort to verify the results. Hence, the reported figures may represent several possibilities: (1) the number of individual students transported regardless of whether the student travels one way or both ways to and from school, (2) the total of student trips to school and from school, or (3) the monthly average number of students transported roundtrip each day (which is the way most bus operators report statistics to DAGS).

The October reports by DOE district offices on eligible riders are likewise limited. For one thing, they do not include data for students eligible for special transportation assistance. For another, no effort seems to be made to determine the accuracy and reasonableness of the data reported.

In table 14.2 we have made a comparison of the data from these two reports for the school years 1973-74, 1974-75, and 1975-76. Strangely enough, table 14.2 indicates the number of student riders was consistently and significantly *higher* than the number eligible. In the statewide data the largest discrepancy,

³Form ST 5a.

Table 14.2

Comparison of School Bus Rider Data Maintained by the Department of Education
For the School Years 1973-1974, 1974-1975, and 1975-1976

	Statewide	City and County of Honolulu	Kauai County	Maui County ¹	Hawaii County
1973-74					
Riders (regular students) reported in DOE school bus accident summary ²	38,227	21,568	3,813	4,842	8,004
Eligible riders (regular students) reported to DOE by districts ³	<u>31,470</u>	<u>15,634</u>	<u>3,402</u>	<u>4,872</u>	<u>7,562</u>
Difference	6,757	5,934	411	[30]	442
1974-75					
Riders (regular students) reported in DOE school bus accident summary ²	36,107	19,428	3,953	4,053	8,673
Eligible riders (regular students) reported to DOE by districts ³	<u>31,874</u>	<u>14,662</u>	<u>3,729</u>	<u>5,204</u>	<u>8,279</u>
Difference	4,233	4,766	224	[1,151]	394
1975-76					
Riders (regular students) reported in DOE school bus accident summary ²	33,730	16,071	4,010	5,094	8,555
Eligible riders (regular students) reported to DOE by districts ³	<u>32,747</u>	<u>15,491</u>	<u>4,020</u>	<u>5,106</u>	<u>8,130</u>
Difference	983	580	[10]	[12]	425

¹Includes islands of Maui, Molokai, and Lanai.

²DOE includes average daily rider data in its annual summaries of school bus accidents. Such data are supplied to DOE by the bus operators.

³Each of the seven DOE district offices submits annually to the DOE state office the ST-5a form which summarizes by school for the district the number of students who are determined eligible to receive subsidized school bus transportation. However, these forms include only regular students and do not include special students who are eligible to receive special transportation assistance.

6700 riders, occurred in the year 1973-74,⁴ but serious discrepancies recurred: in 1974-75 the difference was over 4200, and in 1975-76 the difference was about 1000. One of several things might have happened: (1) many unauthorized students rode school buses, (2) the school bus operators inflated their reports on the numbers of student riders, (3) the schools and DOE districts significantly underreported the numbers of students eligible for transportation assistance, or (4) some combination of the foregoing might have occurred.

Dearth of data on field trips. No effort whatsoever is made to count the numbers of students going on DOE-sponsored field trips. Although schools are supposed to secure DOE district approval for trips, using standard district

⁴Oddly, DOE submitted a one-time report to OHSC for this year in which the number of riders was roughly comparable to the authorized number. The basis for the statistics in the DOE special report could not be determined. At any rate, the special report was wildly at odds with the annual report.

forms, neither the districts nor the DOE state office views these forms as a basis for an ongoing information system. No one attempts to compile and report statistics. Reporting procedures among the several DOE districts are inconsistent. There also is a widespread failure to require schools to supply all the information requested on the forms. As a result, these forms do not provide a reliable data base. For example, some districts treat athletic trips as they do all other trips, while others treat athletic trips on a special basis with separate forms and procedures. Still others seem to exempt athletic trips from all approval and reporting requirements.

The most extensive information on excursions was DOE's one-time report of 1970, although the report was far from being comprehensive. The data were restricted to field trips by chartered bus, which were considered part of the education program. Thus, the report did not include: (1) trips where buses were not chartered to provide transportation and (2) trips which were considered non-educational in nature, such as picnics and football games. Furthermore, the data were of doubtful accuracy. For example, the report showed only 100 students taking field trips at Roosevelt High School, but over 5000 at Farrington High School. The average number of riders per chartered bus at McKinley was 172, compared to 45 for Farrington. Obviously these data are in error.

In short, no reliable information, current or past, exists in Hawaii on student riders. In the absence of such information, formulating meaningful policy or exercising effective administrative control is exceedingly difficult, if not impossible.

Recommendations

We recommend as follows:

1. *DOE should develop comprehensive criteria for determining who qualifies for bus service, taking into account not only distance*

but a variety of other factors which affect ease and safety of movement. The criteria should be developed in a fashion to ensure that all students similarly situated are treated alike.

2. *DOE should make an overall determination of its need for excursion services and implement a statewide program of excursion transportation, with the goal of truly equalizing educational opportunity.*

3. *Administration of the process of determining who is eligible for service needs to be extensively revised and strengthened.*

For regular students:

a. *The schools should be adequately equipped with qualified personnel, maps, etc., to screen effectively students for eligibility.*

b. *The district and state offices of DOE should monitor performance at the school level.*

c. *Effective coordination must be instituted between DOE's process of determining eligibility and DAGS' transportation and control activities, so long as these two functions are split between the two departments.*

For special students:

a. *The same DOE diagnostic teams which determine whether students are special students should also determine students' eligibility for special transportation services.*

b. *Comprehensive criteria for making the determination should be developed. The process should allow for the participation of parents.*

c. *An adequate information and monitoring system should be established.*

4. *DOE should develop a system of accountability to ensure that contracted services are delivered and that the State is not being overcharged.*

Chapter 15

FISCAL MANAGEMENT AND CONTRACT ADMINISTRATION

Transportation services for Hawaii's public school students are a multimillion-dollar industry. Government appropriations in this area have grown steadily, so that for 1978-79 the State alone has appropriated more than \$8.8 million. In addition, the counties and individual families spend several million dollars each year on bus transportation. Because of the large dollar volume involved, business operations were carefully examined in our audit. Our findings and recommendations are reported in this chapter.

Summary of Findings

1. The business management of school bus services suffers from piecemeal, uncoordinated action and a general lack of planning and systematic supervision. The unsatisfactory state of affairs in this area is indicated by the following:

a. Formal rules and regulations to govern business management of the student transportation program are totally lacking. So are written policies and procedures.

b. Administrative machinery for monitoring and enforcing compliance with school bus service contracts is usually nonexistent.

c. Existing bidding procedures for school bus service contracts and the manner in which

they are administered suffer from severe inadequacies which greatly hinder, if not actually prevent, real competitive bidding from taking place. As a result, there is no assurance that contract awards are either (1) made fairly and impartially or (2) based upon prices established by normal economic forces of the marketplace.

d. No real effort has been made to conduct performance or financial analyses of school bus services. No real control is exercised over steadily mounting budgets and appropriations.

e. Wide disparities occur in unit costs of student transportation (either per student, per mile, or per bus). Apparently excessive payments are made to at least some school bus contractors.

2. Inadequate personnel resources, in terms of both quality and quantity, appear to be a major contributor to administrative deficiencies in the business management of school bus services.

a. The backgrounds, training, and experience of the program managers are inadequate to overseeing business operations so large, complex, and costly.

b. A heavily disproportionate administrative load falls on the Oahu DAGS transportation officer. This one of five officers handles approximately 50 percent of all school bus services in the State.

3. Virtually no management attention is given to the business aspects of excursion-type transportation.

4. No thorough analysis has been made of the relative costs, advantages, and disadvantages of alternative methods of providing student transportation.

State Management: Inept and Inequitable

In the past ten years, while student transportation has expanded rapidly, operational responsibility has been in a state of flux, passing from the counties to DOE, then from DOE to DAGS. A review of this ten-year history reveals that management problems often have merely been passed from one agency to the next. We have noted that the current manager, DAGS, has no rules and regulations governing its extensive responsibilities in student transportation, in apparent violation of the Administrative Procedure Act. Policies and procedures are often nonexistent or confusing. Affected parties are treated inconsistently and inequitably. Sometimes, it appears, they are treated illegally. This section discusses the specific deficiencies.

Vendor payments. Although DAGS deals with numerous school bus contractors, it has not developed standardized procedures and forms for processing bus vendor invoices. Because of the variety of school bus service contracts which it inherited from DOE and the counties, a lack of uniformity may have been justifiable initially. However, DAGS assumed operational control in 1970. It long since has had time to standardize vendor payments and, in the process, generate uniform information from the contractors.

Even in new contracts, DAGS has been lax in establishing clear, effective procedures for processing school bus vendor invoices. DAGS continues to allow contractors to use DOE forms which make reference to other forms which have been discontinued or to

practices which have been discontinued. On Oahu, the DAGS transportation officer has been attempting to move off the old DOE forms. He has developed a new form for vendors to use to request payment for services rendered, but he has not been successful yet in getting all of the bus contractors to use the form.

Inconsistencies in the handling of extra payments. On several occasions DAGS has been required by bus contractors to make extra payments to offset losses or special costs. One such occasion was a ten-day teachers' strike in the spring of 1973. The schools remained officially open. The school buses were expected to operate, but most children stayed home. As a result, the bus companies lost most of the ten cents per ride fares they usually receive.

Bus companies also have sought extra compensation to cover costs or losses which they said were the result of having to change their schedules to accommodate early release times set by the schools. One such occasion was when students were let out early so that parent-teacher conferences could be held during the school day.

For neither of the above kinds of situations does DAGS have an established policy or procedure for dealing with the claims submitted by the bus operators. Not surprisingly, DAGS' response has been inconsistent and inequitable.

In the strike situation, school bus operators were affected differently because of variations in their contracts. Some operators were not affected at all, because their contracts provided them with guaranteed payments. The State simply made up the difference between the fares received and the guaranteed amount. Other operators were hurt financially because their contracts only guaranteed a minimum amount. For these operators, a dropoff in fares had a definitely adverse effect. Although DAGS seemingly was not obliged to do so contractually, it decided to satisfy the contractors' claims. The affected private operators simply submitted their claims, and these were processed and paid.

Contractor claims for extra compensation for early release times were based on two grounds: (1) extra costs were incurred when extra drivers had to be hired to replace regular drivers not available at an earlier hour and (2) mid-day charter bus business was lost. Those carriers who demanded extra compensation were granted it, but for the others no action was taken. In general, this meant that the contractors on Oahu received additional payments for early release times while those on the neighbor islands did not.

Although DAGS readily agreed to pay private claims in both cases, it sought to reduce the amounts due to the three military services providing bus service at the time of the strike. In fact, each service was treated differently, in an extraordinarily confusing process. Suffice it to say DAGS' treatment of the military was completely opposite its treatment of local contractors.

Apparent circumvention of competitive bidding. When DAGS took over the business management of school bus services, most of the school bus service contracts then in effect had been negotiated by the counties or DOE, rather than having been let through competitive bidding. In 1970, the legislature passed a special bill to validate these contracts because under state law they should have been let through the competitive bidding process. However, since that time, numerous school bus routes have been assigned to contractors on a negotiated basis rather than through competitive bidding. This has been done by amending existing contracts to add routes to those already covered by the contracts. In fact, negotiation appears to be a standard practice, even though the law requires the use of competitive bidding.

This bias in favor of negotiation is understandable in cases where new routes are added to a contractor's service area to meet increases in student population. However, the practice is highly questionable in other instances, such as when a contractor goes out of business or when the State changes from direct provision

of service on a route to provision of service through a private contractor. Both of the latter have occurred, and each time the State has opted to negotiate an amendment to an existing contract rather than invite competitive bidding on a new contract.

To meet the intent and spirit of the law governing competitive bidding, DAGS should (1) utilize competitive bidding to the fullest extent possible in the letting of school bus service contracts and (2) clearly establish criteria for determining when and how exceptions might be made to competitive bidding of these contracts.

Inadequacies in the bidding process for school bus service contracts. Competitive bidding in the letting of public contracts is a well established and widely accepted requirement. The purpose of this requirement is two-fold: (1) to ensure fairness and impartiality in the awarding of contracts and (2) to allow the normal economic forces of the marketplace to establish the prices government has to pay for the goods and services being acquired. However, the handling of bids is by no means a simple and automatic process. Unless carefully managed, the process can be distorted or rendered ineffective, and its objectives can be totally frustrated.

One danger, of course, is that bidders may engage in improper and illegal activities to rig the bidding so as to keep prices abnormally high and to allocate business among themselves. Devices for doing this include: (1) submitting identical bids, (2) refusing to bid against each other, and (3) predetermining the winning bidder by having all but one bid high. Although no completely foolproof method exists for detecting and preventing such conspiratorial behavior, much can be done to lessen this problem through alertness on the part of those administering the bidding process and through the implementation of carefully conceived and rigorous bidding procedures, specifications, and requirements.

Another danger, and perhaps one more significant than the first because it can be more insidious and widespread, is the possibility that the bidding procedures, specifications, and requirements will be so grossly deficient and so loosely administered that they will, on one hand, discourage active, meaningful competition and, on another hand, encourage dishonest activity on the part of some bidders. This problem becomes more acute in situations where: (1) millions of dollars are involved and the stakes are great and (2) competition is already limited due to the high expense, difficulty, or specialized equipment or competence required to enter some fields of business.

In the case of school bus service contracts, DAGS bears a very heavy responsibility. Individually, these contracts may amount to hundreds of thousands of dollars. Collectively, they now account for the expenditure of millions of dollars annually. In addition, this is a field where competition already tends to be restricted due to the time and expense required to secure appropriate equipment and qualified personnel to provide suitable student transportation services.

Unfortunately, serious deficiencies mark the manner in which DAGS has responded to its responsibilities relating to the handling of bidding procedures for school bus service contracts. As a result, the State does not seem to be realizing the advantages ascribed to the competitive bidding process. Seldom does the number of bidders on a particular route exceed two or three, and in numerous cases there is only a single bidder. In several significant instances, DAGS has been obliged to award contracts through negotiated settlements rather than by assignment to valid low bidders. Overall, there is no way to assure that competition is real, that treatment is fair, or that the prices paid are in the range of reasonableness.

Several shortcomings in the development and application of bidding procedures, specifications, and requirements appear to be contributing to this situation. These include the following:

1. *Failure to monitor and analyze cost and pricing data and to indicate maximum acceptable bids.* One very major obstacle to effective action in this area of responsibility is a scarcity of information upon which to base decisions affecting the awarding of contracts. As noted elsewhere in this chapter, DAGS has no consistent and ongoing program for monitoring and analyzing cost and performance data pertaining to the provision of school bus services, either under contract or directly by the State. Similarly, no effort is made to collect and analyze information on the cost, quality, and pricing of other bus transportation services available in the community, such as for private tours and for school excursions and outings.

With such information, DAGS could: (a) determine more adequately the reasonableness of rates to pay for contract bus services and (b) establish maximum limits on the bids it would be willing to accept before calling for new bids or switching to the direct provision of services. Without such information, however, DAGS is quite helpless and very much at the mercy of the contractors. Therefore, the development of an adequate information base and the use of bid limits would appear to be essential first steps for DAGS to take with respect to its school bus service contracts.

2. *Inadequate lead time for advertising and awarding contracts.* DAGS also creates a serious handicap for itself in its timing of the calling for bids and the awarding of contracts for school bus services. Almost without exception, it allows insufficient lead time for handling these matters. Lead time is essential both for the bidders and for DAGS.

In the case of bidders, unless they already are providing the service to be bid upon or happen to have excess capacity on hand, they require time to assemble the necessary equipment and operating personnel to provide the new or additional service called for under the bid documents. If sufficient time is not allowed between the awarding of contracts and the required startup of service, then many potential

bidders may effectively be precluded from actually bidding. This, of course, restricts competition, gives current operators unfair advantage, and often leaves DAGS with little or no option as to whom it will award contracts and as to the rates it will have to pay.

In the case of DAGS itself, it needs sufficient time to review and act upon bids and still have time to take alternative actions in the event the bids submitted are not acceptable. Such alternatives might include the calling for new bids (on the same or different terms) or the switching to the direct provision of student transportation services. Without adequate time, DAGS may be forced either to accept undesirable bid proposals or to try to negotiate compromise settlements just to make sure service will be available when needed at the beginning of a new school year.

The bidding schedule traditionally followed by DAGS makes it almost certain that neither the bidders nor DAGS will have sufficient time to assure reasonably and competitively priced school bus services. Generally, the procedure has been to wait until the school summer recess to call for bids. Thus, it is about June before information is available concerning the new contract specifications and requirements. The deadline for submission of bids is then set for mid-July or late July. Before the beginning of school in September, DAGS must open and analyze the bids—usually for large numbers of routes simultaneously—and award contracts in time for the service to start on the first day of school.

That this is much too tight a schedule is evidenced by what happened in 1975 and again in 1977 concerning the bidding on a large number of routes on Oahu. On both occasions, one of the larger contractors submitted bids covering numerous routes which were not acceptable to DAGS. At the same time, however, other contractors either did not bid on the routes, or did not have sufficient resources to handle all the routes in addition to the routes they were already serving. Faced with

the opening of school within a few weeks, DAGS did not have time to call for new bids or consider other possible alternatives. As a consequence, it had to reach a negotiated settlement with the contractors, including the one submitting the unacceptable bids, to assure provision of adequate service on the first day of school.

In 1977, there was another aspect to the late timing of decision-making concerning the provision of student transportation services. In this case, DOE, rather than DAGS, appears to have been the agency involved. Only shortly before the opening of school in September, the parents of numerous special students attending private special education schools were notified that special student transportation services would no longer be provided to these special students. The reason given for this decision was that comparable educational and training services were available at public schools which these students could attend. An attorney general's opinion was also cited to the effect that continued provision of such transportation service to private schools would be illegal.

This decision led both to parental protests and to litigation. As a result, the federal district court issued a temporary injunction against the termination of this transportation service. In issuing the injunction, the court noted that the state agencies should have been able to arrive at a decision on this matter much sooner so that time could be allowed for more notice to those affected and for consideration of their objections. Thus, from the consumer point of view also, it is important that more sufficient lead time be provided relative to changes in the provision of student transportation services.

3. *Insufficient length of terms for many contracts.* Still another practice of DAGS which seems to have a severely dampening effect upon the climate of competition in the student transportation field is the heavy reliance upon relatively short-term contracts. New school buses are fairly expensive. Hence, operators need

sufficient time to amortize their investment in such equipment if they are to find student transportation an attractive field to enter and still remain competitive. Contracts of one or two years do not seem to be long enough to satisfy this need.

Yet, DAGS has made extensive use of relatively short-term contracts. In 1975, for example, DAGS provided for fairly long-term contracts on the neighbor islands (i.e., for three years with an option to extend for an additional three years), but on Oahu where over half the contracted services are located the terms of the contracts were kept to two years. Although there is no way to determine if or how much competitive bidding would have been increased on Oahu by offering longer contracts, there seems to be little doubt that this approach contributed to less than spirited competition for many routes and a tendency for a bulk of the routes to remain in the hands of operators already serving them. Certainly there was small incentive for any newcomer to enter the bidding where a large investment would have had to be made at the risk of losing the business after only two years. Interestingly enough, even with contracts renewable up to six years, the operators who won contracts in 1975 were able in 1976 to persuade the legislature to allow their contracts to be extended for another two years. The law was further amended by Act 239 of 1978 to allow an additional two-year extension for a total possible contract life of ten years (six years plus two years plus two years).

There is a danger, of course, of letting contracts with terms which are too long. Conditions change and both the State and the bus operators need to retain some flexibility to meet these changes. Consequently, the State would probably be well advised to set an upper limit on the terms of its school bus service contracts as well as establish a minimum term greater than one or two years. The most important thing, however, is to recognize that the length of the term can greatly influence the extent and quality of competition in this field. Once this is done, then attention and study can

be devoted to determining the most suitable length of term that will promote competition without tying the State's hand for an unreasonably long period of time.

4. *Undue bunching in the letting of contracts.* A fourth practice of DAGS which seems to be anti-competitive in its impact is that of letting school bus service contracts in big bunches rather than staggering more evenly the initiation and expiration of such contracts. For example, the tendency in recent years has been to let most neighbor island contracts more or less simultaneously and to do likewise with most of the contracts on Oahu.

This practice may have the effect of reducing competition in two ways. *First*, it makes it easier for potential bidders to apportion the available business among themselves and assure everyone at least a part of the available contracts. *Second*, it tends to inhibit one contractor from venturing very aggressively into the territory of another. With no one having fully assured business at the time the bidding occurs, each contractor must worry about protecting its previously established territory while contemplating other territories it might wish to take over. With the risk of losing everything, as well as the chance of winning all, the temptation may be great for most contractors to concentrate their bidding on the routes they already have and to hope the others will do likewise. This probably explains much of the reason why so few bids are submitted on many routes and why so many contractors retain the same routes over numerous contract periods.

In short, the low level of competition in much of the bidding for school bus service contracts in Hawaii need not represent any active or overt conspiracy on the part of the contractors to divide up the business among themselves. It may simply be the natural reaction to prevailing conditions created by DAGS' established way of doing business.

In addition to the above problem, this practice has another serious drawback. It has the

effect of causing peaks and valleys in the workload of DAGS personnel who handle school bus service contracts. From time to time, DAGS is suddenly confronted with the task of awarding contracts involving numerous contractors, scores of routes, hundreds of vehicles, and thousands of students. Under these circumstances, it is unlikely that DAGS can give concentrated attention to any one route or even to any single contract. A more even workload, however, would allow DAGS to give more care to each segment of student transportation business subject to its control.

While problems may arise if the available business is broken into too small pieces, at present there appears to be no doubt that DAGS is trying to grapple with much too large lumps in its handling of school bus service contracts. A more even distribution in the issuance and expiration of contracts, therefore, would seem to be appropriate.

Special legislation on school bus contracts. The first time the legislature passed special legislation to legitimize bus contracts was in 1970, when Act 78 validated all of the non-bid contracts then in effect. Again, in 1976, Act 195 was especially tailored and passed. In the 1976 case, the new law allowed the contracts to be extended up to two years beyond the maximum termination dates of the contracts. The two events were both rooted in the same problem—namely, the State's failure to use its contracting authority to bring about a modernization of Hawaii's school bus fleet.

In 1970, it was contended the bus contractors needed negotiated contracts because they had been required to make substantial investments to upgrade and expand their school bus fleets. However, there is little evidence to support this contention. First of all, many of the contracts contained no provisions regarding vehicle replacements and vehicle acquisitions. Even where such provisions existed, they were so vague as to be practically meaningless. For example, where contracts required contractors to expand their fleets, they failed to require also

that the equipment be modern and meet safety requirements. Similarly, the contracts were generally silent regarding the disposition of old equipment. In short, despite the rationale for the negotiated contracts, not much was done to modernize school buses. As the contracts reached expiration, more than 40 percent of the 540 school buses then in service were 16 or more years old and included a great many retired transit buses, some of which were around 30 years of age.

With the expiration of the old school bus service contracts, DAGS took steps to replace them with new contracts containing more stringent equipment requirements, and to let the new contracts through competitive bidding. However, the results of these efforts were less than fully satisfactory. Despite the long lead time provided by the extended terms of the old contracts, DAGS was not ready to let new long-term contracts with stringent equipment requirements on a statewide basis. Rather, the new contracts were applied only on the neighbor islands. On Oahu DAGS resorted to short-term contracts which allowed the continued use of very old equipment. Amazingly, in the latter contracts, the previously imposed 30-year age limit on school buses was removed. In the case of the new neighbor island contracts, the contractors still had so much old and unacceptable equipment that they were forced by more stringent requirements to make heavy investments in new vehicles. The neighbor island contractors, although they had options to extend their contracts up to six years, argued that the six-year contracts still did not allow sufficient time to recover their investments in new equipment. In response to this argument, the 1976 legislature passed Act 195 allowing the contracts to be extended an additional two years. The 1978 legislature under Act 239 allowed the contracts to be extended for another two years beyond the extension allowed under Act 195.

In brief, DAGS still has about half the school buses in the State under short-term contracts which allow the continued use of old,

substandard equipment. The other half are covered by contracts which can, and probably will be, extended for an additional two years by virtue of legislative involvement in contractual matters. With more effective contract management, both of these conditions likely could have been avoided.

Inadequate complaint handling. Although the rights, privileges, and interests of thousands of persons are affected by the operation of school bus services, DAGS has no rules or standard procedures for handling complaints about the bus service program. Under current conditions, there is no way of knowing how many complaints are filed or what dispositions are made. Such information as is available is scattered and fragmentary. There is no way of knowing whether complainants are being treated equitably. Indeed, the limited information available suggests that such is not the case.

For example, many of the complaints encountered in the course of this audit concerned overcrowding and unsafe conditions on and around school buses. Yet despite DOE rules prohibiting standees on school buses, crowded and unsafe conditions persist. Complainants have no meaningful recourse.

Recommendations. *We recommend that DOE, or DOE and DAGS together, if the current DOE-DAGS contractual arrangement continues, make a drastic, thorough overhaul of the present approach to the administration of school bus service contracts. Such an overhaul should include:*

1. *the development of adequate rules, regulations, and policies which assure fair and competitive school bus contracts, efficient system for the payment of services, and consistency in the handling of common and recurring problems of contract administration;*

2. *the development of procedures which maximize competition in the bidding for school bus contracts;*

3. *the development of a comprehensive information system for compiling, reporting, and analyzing operational data on school bus services;*

4. *the development of a system for monitoring and enforcing compliance with contract requirements; and*

5. *the development of procedures for the prompt handling of complaints by parents and others.*

Absence of Financial and Performance Analyses and a Lack of Budgetary Control

Financial and performance analysis are important management tools for exercising effective administrative control over a government program which relies on contracting in the private sector. The contracting agency must know the quality and quantity of the services it is supposed to be receiving and monitor what it is actually receiving. With many different contractors being involved and operating under diverse circumstances, the contracting agency also should be able to compare and contrast operations to evaluate performance and adjust the letting of new contracts. The contracting agency also should be able to determine whether contracting for such services is preferable to providing them through direct government ownership and operation. A continuing and comprehensive program of performance and financial analysis provides a means for meeting these various needs. Under such a program, performance elements are categorized, reported, compared, and measured against established standards.

Hawaii's student transportation program is completely devoid of any such program, as we have repeatedly demonstrated in this report.

A closely related deficiency is the lack of any meaningful budgetary control over the student transportation program. During the past several years, the costs of the student transpor-

tation program have increased rapidly, although the number riding the buses is either static or declining. In school year 1972-73, only about \$3.2 million was expended by the State to subsidize the school bus transportation of a reported 40,000 riders. In school year 1976-77 the State appropriated more than \$8 million to transport less than 40,000 riders. In five years costs have doubled, yet many old school buses still remain in service, standees are still being crowded aboard some buses, and school bus schedules are still in many cases unduly burdensome for student riders. These stark facts have gone largely unnoticed.

It appears that a major cause of this inattention is the placement of the program under DAGS and the resulting isolation from educational activities budgeted through DOE. Under the State's system of planning, programming, and budgeting, the budget for student transportation is officially recognized as part of the major program of public education. Yet DAGS prepares and defends all budget requests for student transportation with little or no input from DOE.

We were unable to find any evidence that either department has weighed alternatives to the present approach to student transportation or has analyzed the relationship between educational activities and student transportation. Throughout the budget review and appropriation processes, the budget estimates prepared by DAGS seem to be accepted at face value and have been approved as submitted. To a great extent, there seems to be a general perception that the State is locked into contractual requirements which it is powerless to change. In any event, if someone were to attempt a meaningful budget review, the effort would be severely hampered by inadequate information.

Extreme disparities in unit transportation costs. We analyzed school bus contract costs for school year 1972-73 for both regular and special students. Generally in our analysis we found extremely wide disparities in unit costs among the various contractors. The

detailed results of our analysis on regular students is summarized in table 15.1, and our analysis of special students is in table 15.2. Included in the data are unit costs per student transported, per annual route mile traveled, and per bus under contract. We have shown the highest, lowest, and average unit costs in each unit category for each county and for the State as a whole. Also shown are the number of contractors, the number of buses under contract, the total annual contract costs, the number of school bus riders, annual route miles, and the average number of students per bus.

In table 15.1 we see that on an annual basis costs range from a low of \$39 per student to a high of \$426.73 per student. The statewide average is \$86.80 per student. On a per mile basis, the range is from a low of \$.63 per mile to a high of \$9.20 per mile. The statewide average is \$1.68 per mile. The annual cost per bus ranges from a low of \$3,201 to a high of \$16,813. The average is \$5,652. On an annual average, the daily cost per bus is approximately \$33 per day. At the extremes, the cost per day per bus ranges from a low of \$19 to a high of \$97. By comparison, schools can generally obtain charter bus services at rates from \$30 to \$50 per day per bus. This means that some bus operators are receiving extremely high daily rates for their buses while others seem to be getting by with low rates.

Table 15.2 shows wide disparities in unit costs for special students. The cost per student ranges from a low of \$243.69 per student to a high of \$1,178.33 per student. The statewide average is \$413.19. Per mile, costs run from a low of \$.41 per mile to a high of \$1.15 per mile. The average is \$.43 per mile. Per bus, the low is \$3,842 and the high is \$7,474. The statewide average is \$4,906. These vehicles are usually small, either vans or station wagons. If it is assumed they are used four hours daily, then the average statewide cost is about \$4 per hour. The cost for the highest priced contractor is approximately \$11 per hour.

Table 15.1

**Comparative Summary of Contract Unit Costs (Per Student Bus Rider,
Per School Bus Route Mile, and Per Bus under Contract) for Transportation of Regular Students
During the School Year 1972-1973, Excluding Contract Services Provided by the Three U.S. Armed Forces on the Island of Oahu**

Description	Statewide	Honolulu	Maui	Hawaii	Kauai
Number of contractors	38	7	14	11	6
Number of buses under contract	316	113	77	87	39
Total annual contract costs	\$2,201,555	\$839,626	\$459,732	\$682,497	\$219,700
Number of bus riders reported by DOE	25,364	11,267	4,427	6,257	3,413
Annual route mileage (based on DOE reported daily mileage)	1,307,361	571,938	257,251	278,876	199,296
<i>Cost per student</i>					
High	\$ 426.73	\$ 192.35	\$ 426.73	\$ 219.03	\$ 108.00
Low	39.00	60.45	63.13	83.13	39.00
Average	86.80	74.52	103.85	109.08	64.37
<i>Cost per mile</i>					
High	\$ 9.20	\$ 9.20	\$ 7.27	\$ 7.05	\$ 1.94
Low . . . . .	.63	1.01	.63	1.06	.63
Average	1.68	1.47	1.79	2.45	1.10
<i>Cost per bus</i>					
High	\$ 16,813	\$ 10,792	\$ 8,056	\$ 16,813	\$ 7,944
Low	3,201	5,956	3,201	5,071	4,233
Average	5,652	7,430	5,971	7,845	5,633
<i>Bus riders per bus *</i>					
High	161	115	95	107	161
Low	8	55	8	40	58
Average	80	100	57	72	88

*As some school buses make more than one run daily, this column represents the number of riders transported daily per bus and not the number transported at any one time per bus.

Sources: State Department of Education, Office of Business Services, *School Bus Accidents in Hawaii, September 1972-June 1973*.

School bus services contracts on file at the state department of accounting and general services, student transportation administration.

On an overall basis, the highest unit costs for special students are two, three, and four times greater than the lowest unit costs. For regular students, the highest per student and per mile costs are more than ten times greater than the lowest. The highest per bus cost is about five times greater than the lowest. Such disparities may in part be due simply to deficiencies in

data collection and reporting. It also may be that no single variable by itself is an adequate measure of reasonableness. Yet where such great disparities exist, questions should naturally arise as to the reasons. But, as we have observed, DAGS fails to analyze the activities and costs of the school bus contractors to ensure they are reasonable and proper.

Table 15.2

**Comparative Summary of Contract Unit Costs (Per Student Bus Rider, Per School Bus Route Mile, and Per Bus Under Contract)
For the Transportation of Special Students During the School Year 1972-1973, Excluding Contract Services
Provided by the Three United States Armed Forces of the Island of Oahu**

Description	Statewide	Honolulu	Maui	Hawaii	Kauai
Number of contractors	11	3	5	1	2
Number of buses under contract	135	121	9	3	2
Total annual contract costs	\$662,339	\$574,341	\$62,928	\$15,840	\$9,230
Number of bus riders reported by DOE	1,603	1,432	91	65	15
Annual route mileage (based on DOE reported daily mileage)	1,522,919	1,409,258	64,529	29,929	19,203
<i>Cost per student</i>					
High	\$ 1,178.33	\$ 445.12	\$1,178.33	\$243.69	\$648.75
Low	243.69	351.90	574.92	243.69	577.14
Average	413.19	405.94	691.52	243.69	615.33
<i>Cost per mile</i>					
High	\$ 1.15	\$.86	\$ 1.15	\$.53	\$.56
Low . . . . .	.41	.32	.68	.53	.41
Average . . . . .	.43	.41	.98	.53	.48
<i>Cost per bus</i>					
High	\$ 7,474	\$ 6,359	\$ 7,474	\$ 5,280	\$ 5,190
Low	3,842	3,842	6,343	5,280	4,040
Average	4,906	4,747	6,992	5,280	4,615
<i>Bus riders per bus</i>					
High	22	18	13	22	8
Low	6	9	6	22	7
Average	12	12	11	22	8

Sources: State Department of Education, Office of Business Services, *School Bus Accidents in Hawaii, September 1972-1973*.

School bus services contracts on file at the state department of accounting and general services, student transportation administration.

***Recommendation.** We recommend that DOE assert control over the budget for student transportation services. Among other things, DOE should utilize the budgetary process to plan for student transportation, to monitor performance by school bus contractors, and to control costs of the student transportation program. DOE should also use the budgetary process to relate student transportation to educational programs, including curriculum and facility planning.*

Inadequate Personnel Resources

One of the root causes of many of the administrative deficiencies discussed in this report seems to be the lack of adequate personnel resources within DAGS, in terms of both quantity and quality, for overseeing and directing business operations as large and complex as those involved in providing transportation services for Hawaii's students.

Inadequate background, training, and experience. When program responsibility was transferred from DOE to DAGS, the latter did not have any expertise in the field of student transportation. A new organizational unit had to be set up and new staff recruited. Primary emphasis in personnel recruitment seems to have been on qualifications in the area of safety rather than in the area of business and operational management. A policeman was selected to be the administrator. While safety in this field is undoubtedly important, the administrator spends almost all of his time on contract matters and relatively little time dealing directly with safety.

Organizationally, the new unit was placed in the central services division of DAGS, which houses a variety of diverse governmental house-keeping programs. There it operated with much autonomy, receiving little supervision or guidance from the division or department levels.

As such, the unit began inappropriately staffed and has not been given the attention which might have upgraded it to a high level of professionalism. Over time the unit has acquired experience and some skill in administering bus contracts. Modest improvements have been made. But only highly selective recruitment and training in the future will develop a staff appropriate to administering such an expensive, important operation.

Inequitable workload. The transportation officer on Oahu is handling much more than 50 percent of the program although he represents only 20 percent of DAGS' manpower carrying out the day-to-day administration of the program. Besides being responsible for approximately half of the school buses and half of the students riding buses in the State, the Oahu transportation officer must handle the scheduling of transportation services for about 1800 special students, or well over 90 percent of the special students receiving special transportation services throughout the State. Such scheduling is a complex and time-consuming task. In addition, this transportation officer certifies school bus drivers on Oahu.

Although the geographical dispersion of personnel is a virtual necessity, this need not bring about such widely disproportionate workloads. In contrast, to the single DAGS transportation officer on Oahu, DOE has at least eight persons at the district level on Oahu who are involved in one or more aspects of student transportation (i.e., business staff specialists and special education curriculum specialists in each of the four districts on Oahu). The job of overseeing all school bus operations on Oahu is greater than any one person can reasonably be expected to carry out effectively. In at least this case, an increase in staff is needed.

Recommendation. We recommend that adequate personnel resources, in terms of both quality and quantity be committed to the business management of student transportation services. By combining and properly utilizing present positions in both DOE and DAGS, there may be enough positions in total to administer the student transportation program. However, positions and personnel qualifications must be upgraded if a program of this magnitude is to be managed properly.

Management Neglect of Excursion Transportation

DOE's 1970 study of excursion transportation recommended consideration of two alternatives to the present practice of individual teachers or schools administering excursion transportation. These were (1) having each school complex own and operate its own bus and (2) purchasing charter bus services on a bulk basis, coordinated through DOE district offices. However, no action was taken.

The only other indication of concern at the state office or district levels of DOE for managing excursion transportation occurred in June 1971, when the superintendent of education sent a memorandum to the district superintendents and school principals on Oahu on the subject of school bus charter rates. The superintendent's memo noted (1) the PUC

could not regulate school bus charter rates because school buses were exempt under the Hawaii Motor Carrier Law from economic regulation and (2) one large company dominated the school bus charter business, "such that the rates charged are limited only by 'what the traffic will bear.'" To counter this situation "until such time that more competition develops in the school bus charter business," the superintendent requested the schools to exercise their own economic controls by observing suggested maximum charter rates set forth in the memorandum. The memorandum listed the school bus charter companies on Oahu and the approximate numbers of buses in their respective fleets.

Even initially, the effects of this memorandum appear to have been slight. The memorandum dealt only with Oahu. Its concerns were not incorporated as part of DOE's ongoing policies and procedures, including the *Student Transportation Handbook*.

The net effect is that management remains with individual principals or teachers, who have no training in dealing with the business aspects of transportation services and little time to devote to the subject.

Recommendation. We recommend that DOE recognize excursion transportation as an integral part of the overall student transportation program and that it give adequate management attention to its administration.

Failure to Assess Alternative Transportation Approaches

As we have seen, by historical accident, Hawaii has evolved the three main types of student bus service: (1) contracted private operators, (2) direct state service (west Hawaii), and (3) mass transit (city and county of Honolulu).

But rather than having a rational mixed-mode transportation program, the State relies almost totally on option (1), private

operators, while failing to study the relative costs, advantages and disadvantages of options (2) and (3).

Direct service versus contracts. The State has failed to compare contracted service to direct state service even though it has the experience base in west Hawaii for doing so. The 20 or so buses operating there were started under a county program. They were inherited by the State and continue in operation, providing the basis for a case study of direct service.

Within the extreme limitations of available data, we have made our own study for the purposes of this audit. While our findings are far from conclusive, they suggest the previously ignored alternative of greatly expanding direct state service should be considered by administrators and policymakers.

For purposes of comparability, we juxtaposed data on the State's west Hawaii operation beside data on the three private contracting operations which also provide service in that part of the State. The data were from the school year 1972-73 but, since there is no reason to believe the relative costs of the two services have changed since then, the findings remain instructive. The comparison is summarized in table 15.3.

In table 15.3 we see there were 1116 students transported in 1972-73 on privately owned school buses and 1829 on state-owned buses. The private buses reportedly traveled 344.5 miles daily, for a total of 59,599 miles annually, while the state-owned buses reportedly traveled about twice this distance, 706.7 miles daily, or 122,259 miles for the year. The total cost of the three contractors' services amounted to \$124,551 for the year, while the estimated total cost of the state-owned buses amounted to \$121,831. In arriving at our estimate of the total operating cost of the state-owned buses, we included the following costs: (1) the actual operating and maintenance costs reflected in DAGS' financial records, amounting to \$25,327, (2) \$58,704 for the 40 percent of the cur-

Table 15.3

**Comparison of Operating and Financial Data Between Private-Contractor-Owned School Buses
And State-Owned School Buses in the West Hawaii Area
In the School Year 1972-1973**

Schools	No. of buses	No. of students	Total round trip load mileage:		Cost 1972-73	Annual cost per mile	Annual cost per student	Average cost per bus
			Per day	Annual ¹				
<i>Served by Private Contractor</i>								
A Kona schools ²	7	874	218.6	37,818.0	\$ 98,123	\$2.59	\$112.27	\$14,018
B Kona schools	1	107	92.4	15,985.0	16,813	1.05	157.13	16,813
C Kohala schools	2	135	33.5	5,795.5	9,616	1.66	71.23	4,808
Subtotal	10	1,116	344.5	59,598.5	\$124,552	\$2.09	\$111.61	\$12,455
<i>Served by State-Owned Buses</i>								
Kau schools								
Kohala High & Elementary								
Kona schools ²	21	1,829	706.7	122,259.1	\$121,831	\$1.00	\$ 66.61	\$ 5,801

¹Based on 173 days as identified in DAGS contract costs 1972-73.

²Some Kona schools are serviced by both the private contractor and the State; being unable to determine number of students transported by each, total students transported at these schools were divided equally between two carriers.

Sources: State Department of Education, Hawaii District, Staff Specialist, Business-Facilities, *Student Transportation - West Hawaii, Fiscal Year 1972-73*.

State Department of Accounting and General Services, Central Services Division, Student Transportation Administrator, *1972-73 Contract Costs*.

State Department of Accounting and General Services, Transportation Officer, West Hawaii, *1972-73 West Hawaii Bus Contractors Vehicle Count*, June 28, 1974.

rent salary and fringe benefit costs of the 18 persons listed on the payroll of DOE as driver-custodians, representing the amount of their total annual worktime which might be reasonably allocated to driving buses, and (3) \$37,800 for the annual depreciation cost of 21 school buses, assuming that each bus cost \$18,000 and had a service life of ten years.¹

On the basis of these statistics, there are wide variations in cost between the costs of the three private contractors and the cost of operating state buses. On a per mile basis, the cost of contract services ranged from a low of

\$1.05 a mile to a high of \$2.59 per mile for an average of \$2.09 per mile for the three contractors. In contrast, the cost of operating the state buses was \$.98 per mile. On a per student basis, the annual costs of the private contractors ranged from \$71.23 per student to \$112.27 per student, for an average of \$111.61 per student for the three contractors. The comparable figure for state buses was \$65.63, or

¹It should be noted that all of these costs have been affected by inflation. For example, the cost of a new school bus has risen to approximately \$24,000 in 1978. However, the impact of inflation has probably been more or less equal for both the government and the private bus contractors.

less than two thirds of the average cost of the contract services. On a cost per bus basis, one of the private operators showed a lower figure than the state buses, but the per bus cost of the other two contractors was far more than double the State's.

The unit costs of the state-owned buses in west Hawaii also compare very favorably with the unit costs of contract bus services statewide. In 1972-73, there were 78 private bus companies under contract with the State of Hawaii. Of these 78 companies, only three showed a lower cost per mile than the state buses. On a per student basis, only six of the 78 contractors showed a lower rate. On an average cost per bus basis, only 12 of the 78 private contractors showed a lower rate.

As further confirmation of the wide disparity between the cost of contracting services and the cost of operating state-owned buses in west Hawaii, we came across an example of cost comparisons in a changeover from state to private operations. A school bus driver-custodian resigned. DOE decided not to replace him. DAGS was then obliged to discontinue one of its direct bus routes in 1973-74 and turn it over to a private contractor. One bus was used on the route to transport 140 students daily. The daily mileage of the route was 53.2 miles. Assuming 175 school days in a year, the annual mileage for the route was 9310.

Rather than putting this route out to bid, DAGS amended an existing contract with one of the private operators to add the route to its service area. The price negotiated for the route was \$90 per day, or \$15,750 for the school year. Calculated on a unit cost basis, this contract amendment cost \$112.50 per student and \$15,750 per bus. Using the unit costs shown in table 15.3 for the state-owned buses, the unit costs for this route under the amended contract were sharply higher than the State's. On a per mile or a per student cost basis, continued direct operation of the route would have cost the State between \$9,124

and \$9,208, or 71 percent less. On a per bus cost basis, the difference is even greater. The average cost of the state-owned buses was not even \$6,000, or less than 40 percent of the contract cost of \$15,750.

In interviews, school and DAGS personnel in west Hawaii said there also are qualitative advantages to direct state operation of school buses. There was a consensus among those interviewed that a state-operated system offered definite program and operational advantages. Among the various advantages cited were the following:

(1) State service provides the schools with greater flexibility in adjusting their daily schedules. School bus personnel and equipment are under the full control of the State, and advance notice to an outside party is not necessary. For example, school can be let out early for parent-teacher conferences much more readily than is the case when private contractors are involved.

(2) State service enhances the ability of bus drivers to supervise bus riders. Drivers are on duty full-time throughout the school day. They see, associate with, and become familiar with the students, and they become more directly clothed with the authority image of the school system.

(3) State service allows the State a greater opportunity to have quality personnel operate school buses. Full-time state jobs with generous fringe benefits are more attractive than the part-time jobs with few fringe benefits offered by many bus contractors. Secondly, the State exercises control over the recruitment, selection, training, and retention of its own employees, but none over the employees of its contractors.

(4) State service enables the State to exercise control over the acquisition, maintenance, operation, and disposition of school bus vehicles. It provides better assurance that only proper equipment will be used to transport students. The State's vehicle maintenance pro-

gram for its school buses is generally recognized as good. The State regularly replaces its school buses within ten years, while many of the privately owned buses are 20 to 30 years old.

(5) State service makes field trips and excursions more readily a part of the regular educational program. Schools have greater flexibility in coordinating the use of available transportation resources with class requirements and school schedules.

The problems which DOE and DAGS personnel in west Hawaii cite with regard to state-owned school buses are primarily matters of personnel administration. One is a problem of supervision and jurisdiction. With both DOE and DAGS sharing responsibility for supervising the driver-custodians, there are occasional differences of opinion and conflicts between the two departments. The other problem is that perceived inequities arise between the pay and classification of driver-custodians and regular school custodians.

At this point we might note a California experiment which would use personnel differently. There, publicly employed school bus drivers are also providing driver training to students. The results reported from the experiment were twofold: (1) more effective use was being made of the school bus drivers and (2) the bus drivers became much more safety conscious.

Generally, it would appear the State should carefully analyze developing a statewide system of state-owned and -operated school buses. Such evidence as we could find seems to support strongly direct governmental operation of school buses, although our study is by no means con-

clusive. Both data limitations and the small size of the State's present program make it impossible to project with any assurance what would happen if a large-scale switch were made to state-owned and -operated buses. Possibly a more assertive approach to the administration of school bus contracts could make the contractual approach more efficient and effective, thereby reducing or eliminating the disparities which now seems to exist between the two approaches.

As early as 1971, the DOE's consultant evaluating student transportation said: "It is recommended that a study be conducted to determine the feasibility of providing all transported students with free transportation on state-owned, -operated, -supported, and -maintained school buses at the earliest possible date." Yet, no followup action has been taken.

Recommendation. We recommend that DOE (and DAGS, so long as the current contractual arrangement between DOE and DAGS continues) make a thorough assessment of alternative combinations for providing student transportation. At a minimum, such an examination should extend to the following alternatives:

1. direct government ownership and operation of school bus services;
2. acquisition of school bus services through contracts with private bus operators;
3. subsidization of expanded and specialized public transit services to meet the transportation needs of students; and
4. varying combinations of the foregoing.

PART IV

RESPONSES OF THE AFFECTED AGENCIES

COMMENTS ON AGENCY RESPONSES

On November 10, 1978, a preliminary draft of this audit report was transmitted to the governor, the presiding officers of the two houses of the legislature, the comptroller, the chairman of the board of education, the superintendent of education, the director of personnel services, and the director of transportation. We asked the heads of the departments of accounting and general services, education, personnel services, and transportation for their comments on the recommendations contained in the report, including the actions that have been or will be taken on the recommendations.

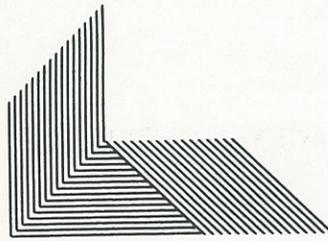
A copy of the transmittal letter to the superintendent of education is included herewith as attachment 1. Similar letters were sent to the other parties indicated above. The responses which were received are included as attachments 2 to 4 of this part.

Attachment 2 is the response received from the governor in which he requested that the deadline set for the submission of the departmental comments be extended from November 30, 1978 to December 29, 1978, due to the numerous recommendations contained in the report and the interdepartmental ramifications of those recommendations.

Attachment 3 is the letter received from the director of personnel services. This letter confirms: (1) the lack of coordination which has existed between the department of education and the department of personnel services in the area of school bus driver training and (2) the continuing lack of any program by the department of personnel services to provide driver training for school bus drivers. While we do not feel that the department of personnel services is the most appropriate agency to provide such driver training, we do feel that an effective and comprehensive program in this area is vitally necessary. As far as we can determine, such a program is still lacking even though federal matching funds are available to help finance it.

Attachment 4 is the joint response received from the departments of accounting and general services, education, and transportation. These three departments generally are in agreement with the recommendations contained in the audit report. They indicate they will be meeting to review the various specific recommendations set forth in the report. They caution, however, that while the recommendations are basically sound they feel a substantial increase in state resources will be required to implement the recommendations. This may be a valid overall assessment of the situation, but it should also be recognized that much can already be done through better coordination and more effective and efficient management of the considerable resources presently being committed to student transportation.

THE OFFICE OF THE AUDITOR
STATE OF HAWAII
~~STATE OFFICE~~
HONOLULU, HAWAII 96813



CLINTON T. TANIMURA
AUDITOR
RALPH W. KONDO
DEPUTY AUDITOR

Kekuanao'a Building, Rm. 500
465 South King Street

November 10, 1978

C
O
P
Y

Mr. Charles G. Clark
Superintendent of Education
Department of Education
Honolulu, Hawaii

Dear Mr. Clark:

Enclosed are five copies of our preliminary report of the *Management Audit of the Student Transportation Services Program*. The preliminary report has been distributed to the following officials: the governor, the presiding officers of both houses of the legislature, the chairman of the board of education, the state comptroller, the director of transportation, and the director of the department of personnel services.

The report contains a number of recommendations directed to your department. We would appreciate receiving your comments on the recommendations, including the actions that have been taken or will be taken with respect to the recommendations. Please have your written comments submitted to us by November 30, 1978. Your comments will be included as part of the final report.

Since the report is still not in its final form and changes may possibly be made to it, the circulation of this report should be restricted solely to those officials of your organization whom you might wish to call upon to assist you in your response. Public release of the report will be made by our office after considering your comments and after the report is published in its final form.

If you wish to discuss the report with us, we will be pleased to meet with you, at our office, on or before November 24, 1978. Please call our office for an appointment. If we do not hear from you, we will assume that a meeting is not necessary.

We appreciate the assistance and cooperation extended to us during the examination.

Sincerely,

Clinton T. Tanimura
Legislative Auditor

Enclosures



EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

November 24, 1978

RECEIVED
NOV 29 12 33 PM '78
OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Clinton T. Tanimura
Legislative Auditor
Kekuanao'a Building, Room 500
465 South King Street
Honolulu, Hawaii 96813

Dear Mr. Tanimura:

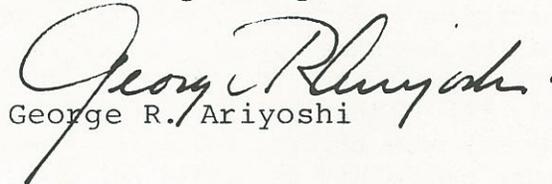
This is to acknowledge receipt of the preliminary report of the MANAGEMENT AUDIT OF THE STUDENT TRANSPORTATION SERVICES PROGRAM.

Because of the numerous recommendations contained in the report, and the need to consult parties who may be affected by any position taken by the State, especially in the recommended transfer of responsibilities from one department to another, I am requesting an extension until December 29, 1978 for my department directors to respond to your recommendations.

Your consideration of the request for extension will be appreciated.

With warm personal regards, I remain,

Yours very truly,


George R. Ariyoshi

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



DONALD BOTELHO
DIRECTOR

WAYNE J. YAMASAKI
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF PERSONNEL SERVICES
825 MILILANI STREET
HONOLULU, HAWAII 96813

December 13, 1978

Mr. Clinton T. Tanimura
Legislative Auditor
The Office of the Auditor
Kekuanao'a Bldg., Rm. 500
465 South King Street
Honolulu, Hawaii 96813

RECEIVED
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OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Tanimura:

Thank you for the opportunity to respond to your preliminary report of the Management Audit of the Student Transportation Services Program.

The Department of Personnel Services was not aware of DOE Rule No. 48, nor were we subsequently advised of its contents.

In the area of driver safety, we currently offer two courses-- Defensive Driving Course (DDC) and Driver Improvement Program (DIP). The DDC program (offered since July, 1972) is offered to State employees who drive in the course of their employment. The DIP course (offered since June, 1976) is offered to State employees (including school bus drivers) who drive heavy (over 10,000 GVW) vehicles.

The DIP course is designed to meet the annual training requirements of Act 214 of 1973 /Section 286-108.5(g), HRS/. In addition to the DIP course for drivers, the Department of Personnel Services developed and offered two other DIP related courses--one to assist the departments to become proficient in heavy vehicle driver training and evaluation (Driver Improvement Program Instructor and Evaluator Course), and the other to acquaint fleet and maintenance managers and supervisors of their responsibility and the requirements imposed by Act 214 (1973) and the updated PUC's General Order No. 2, July 1977 (Fleet and Maintenance Supervisor's Course). The latter two courses were offered to assist departments in the development of their in-house capability to uphold Act 214.

These courses were offered on Oahu, Hawaii, Maui, Kauai, and Molokai. The DDC and DIP courses are on-going programs.

Sincerely,

DONALD BOTELHO
Director of Personnel Services

GEORGE R. ARIYOSHI
GOVERNOR



HIDEO MURAKAMI
COMPTROLLER
MIKE N. TOKUNAGA
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P. O. BOX 119
HONOLULU, HAWAII 96810

December 27, 1978

DIVISIONS:
ACCOUNTING
ARCHIVES
AUDIT
AUTOMOTIVE
CENTRAL SERVICES
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SURVEY

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OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Clinton T. Tanimura
Legislative Auditor
Kekuanao'a Building
465 South King Street
Honolulu, Hawaii 96813

Dear Mr. Tanimura:

Thank you for the opportunity to review your preliminary report of the Management Audit of the Student Transportation Services Program. The three departments affected by the audit have met and were pleased to note that there are good points in your report, many of which we were aware of. The Department of Accounting and General Services, Department of Transportation and the Department of Education wish to submit this as a joint response.

In spite of reported shortcomings, there have been many improvements in the Student Transportation Program since 1967 when it was transferred from the counties to the State. This is evident by the enviable school bus safety record and the fact that all eligible students requesting school bus service are being transported.

The Departments concerned will be meeting to carefully review the specific recommendations contained in the audit report which we understand was conducted over a four year period. While we believe that the recommendations seem basically sound, our cursory review indicates that it will require a substantial increase in State resources to implement.

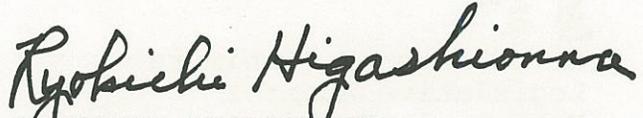
Please be assured that we will continue to strive to provide safe and timely school bus services within our available resources.

Mr. Clinton T. Tanimura
December 27, 1978
Page 2

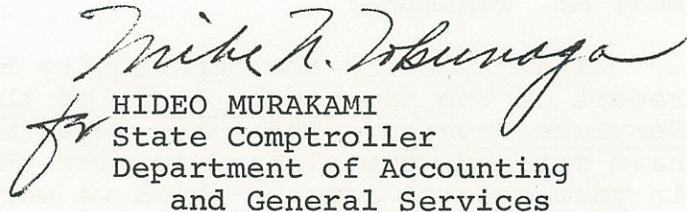
Very truly yours,



CHARLES G. CLARK
Superintendent of Education
Department of Education



RYOKICHI HIGASHIONNA
Director
Department of Transportation



HIDEO MURAKAMI
State Comptroller
Department of Accounting
and General Services

PUBLISHED REPORTS OF THE LEGISLATIVE AUDITOR

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- 1967 1. Overtime in the State Government, 107 pp.
2. Management Audit of Kula Sanatorium, 136 pp.
- 1968 1. Financial Audit of the Department of Health for the Fiscal Year Ended June 30, 1967, v.p. (out of print)
2. Financial Audit of the Department of Planning and Economic Development for the Fiscal Year Ended June 30, 1967, v.p. (out of print)
3. Financial Audit of the Department of Regulatory Agencies for the Fiscal Year Ended June 30, 1967, v.p. (out of print)
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5. Financial Audit of the Oahu Transportation Study for the Period July 1, 1962 to August 31, 1967, 68 pp.
6. Financial Audit of the Hawaii Visitors Bureau for the Period July 1, 1966 to January 31, 1968, 69 pp. (out of print)
7. State Capital Improvements Planning Process, 55 pp. (out of print)
8. Financial Audit of the Hilo Hospital for the Fiscal Year Ended June 30, 1967, 43 pp. (out of print)
9. Financial Audit of the Hawaii Visitors Bureau for the Period July 1, 1967 to June 30, 1968, 42 pp.
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2. Financial Audit of the Judicial Branch, State of Hawaii, for the Fiscal Year Ended June 30, 1968, v.p. (out of print)
3. Financial Audit of the State Department of Budget and Finance for the Fiscal Year Ended June 30, 1968, v.p. (out of print)
4. General Audit of the Department of Personnel Services, State of Hawaii, 129 pp. (out of print)
A Summary of the General Audit of the Department of Personnel Services, 53 pp.
5. Financial Audit of the Samuel Mahelona Memorial Hospital for the Fiscal Year Ended June 30, 1968, 34 pp.
6. Financial Audit of the Honokaa Hospital for the Fiscal Year Ended June 30, 1968, 41 pp.
7. Financial Audit of the Kohala Hospital for the Fiscal Year Ended June 30, 1968, 34 pp.
8. Financial Audit of the Kona Hospital for the Fiscal Year Ended June 30, 1968, 44 pp.
9. Financial Audit of the Kauai Veterans Memorial Hospital for the Fiscal Year Ended June 30, 1968, 30 pp.
An Overview of the Audits of the Act 97 Hospitals, 18 pp.
- 1970 1. Management Audit of the Department of Water, County of Kauai, 65 pp.
2. Audit of the Kamehameha Day Celebration Commission, 47 pp.
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- 1971 1. Financial Audit of the State School Lunch Services Program, Department of Education, for the Fiscal Year Ended June 30, 1970, v.p. (out of print)
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5. Audit of the School Construction Program of the State of Hawaii, 297 pp.
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- 1975 1. Financial Audit of the Hawaii Housing Authority, 78 pp.
2. Program Audit of the School Health Services Pilot Project, 80 pp. (out of print)
3. Management Audit of the Public Utilities Program—Vol. I: The Organization for and the General Management of the Public Utilities Program, 154 pp.
4. Management Audit of the Public Utilities Program—Vol. II: The Regulation of Public Utilities, 193 pp. (out of print)
5. Financial Audit of the Department of Taxation, 53 pp. (out of print)
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KEKUANAO'A BUILDING, RM. 500
465 SOUTH KING STREET
HONOLULU, HAWAII 96813