School/Activity Bus and School Passenger Vehicle Driving Hour Guidance Document

Any individual transporting students in a School/Activity Bus or a School Passenger Vehicle (suburbans, cars, 10 passenger rated vans etc.) is responsible for the safety of these students. In the interest of safety, these drivers should be well rested to maintain a high level of attentiveness while driving and transporting students. School Transportation Officials and School Administrators should be aware of driving hours when sending their School/Activity Bus or School Passenger Vehicle Drivers on field and activity trips. The purpose of this document is to provide guidance and information regarding driving hours. School Transportation Officials and School Administrators should make informed decisions regarding driver fatigue when their employees are transporting students.

1. Are school/activity bus drivers and school passenger vehicle (suburbans, 10 passenger rated vans, etc.) drivers regulated on the number of hours they can drive? **YES**

   KAR (Kansas Administrative Regulation) 91-38-7 states:

   "A school transportation provider shall not drive a school vehicle for more than 10 consecutive hours or for more than a total of 10 hours in any 15-hour period."

   KAR 91-38-1 defines school transportation provider:

   "School transportation provider" means either a school bus driver or a school passenger vehicle driver.

   KAR 91-38-1 defines school bus driver:

   "School bus driver" means any person employed by a school district or school bus contractor to drive a school bus or activity bus.

   KAR 91-38-1 defines school passenger vehicle driver:

   "School passenger vehicle driver" means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.

2. Does this hour requirement apply to bus drivers employed by a School District? **YES**

3. Does this apply to bus drivers employed by a Private School? **YES**

4. Does this hour requirement apply to contract bus drivers (i.e. Durham, First Student, etc.)? **YES. These drivers are also regulated by FMCSA. (Federal Motor Carrier Safety Administration)**

5. Does this hour requirement apply to a school passenger vehicle (suburban, 10 passenger rated van, etc.) driver? **YES, when the driver is primarily hired to provide transportation.**

6. When does a new 15 hour period start? **The new 15 hour period starts after an 8 hour continuous rest break. The 8 hour continuous rest break guidance is based on FMCSA regulation 49 CFR 395.5**

7. When does a new 10 hour driving period start? **After any continuous 8 hour break.**

8. If a school/activity bus or school passenger vehicle driver drives a morning and afternoon bus route then drives an activity bus later that afternoon and evening when does the 15 hour period start? **If there is not a continuous 8 hour rest break between the time the driver finishes the morning route and starts the afternoon route, the 15 hour period would start when the driver reported to work in preparation for the morning bus route. Off-duty time, in some instances, may not be included in the 15-hour period.**

Example: After a continuous 8 hour rest break, a school bus driver reports to work at 5:45 a.m. then drives a morning route at 6:00 a.m. and finishes at 9:00 a.m. The driver then reports to work at 2:45 p.m. to drive an afternoon route at 3:00 p.m. to 6:00 p.m. This driver would have 6 hours of driving in a 6.5 hour period. The driver should not drive more than 4 hours in the remaining 8.5 hours of on duty time unless another continuous 8 hour rest break occurs. If this driver was not off duty between routes, this could change.

9. A school/activity bus or school passenger vehicle driver with at least an 8 hour rest break reports to work 2:00 p.m. to start an activity trip. The driver completes the trip at 1:00 a.m. On this trip the driver drives a total of 6 hours. Can the driver drive a bus route the next morning at 6:00 a.m.? **The driver would not have a continuous 8 hour rest break before starting the route at 6:00 a.m. The driver will have 4 hours of on duty time remaining in which they may only drive 4 hours. The driver might be able to complete the morning route, but would probably not be able to complete an afternoon route. It is recommended, in this scenario, to give the driver the morning route off and have them drive the afternoon route instead. This could change if the driver was off duty while at the activity venue.**

10. A school/activity bus or school passenger vehicle driver is sent on an activity trip at 5 a.m. with at least an 8 hour continuous rest break preceding the start. The driver drives 3 hours and arrives at the destination at 8 a.m. The 3 hour return trip doesn't start until 10 p.m., and ends back at the school at 1 a.m. What should the school do? **If this driver was released from all work responsibilities for at least a continuous 8 hour rest break, then a new 15 hour period started.**

11. What constitutes a continuous 8 hour rest break? **The school/activity bus or school passenger vehicle driver should be free from all work obligations and is able to use that time to secure appropriate rest.**

12. Can the 8 hour rest break be done in increments? **The 8 hours should be continuous.**

13. Can the 15 hour period be done in increments? **Yes. Off-duty time (driver released from all work responsibilities) is not included in the 15-hour period.**

14. Can a school/activity bus or school passenger vehicle driver be in a paid status while on the 8 hour continuous rest break? **It is allowable to pay the driver and still count the time as a rest break. (FMCSA regulation 49CFR 395.2 guidance allows this)**

15. Can a driver claim rest break time while riding in a school/activity bus or school passenger vehicle? **This time should not be counted as a rest break. This is based on current FMCSA regulations regarding passenger carrying vehicles. (49 CFR 395.1, 395.2 and 393.76)**

16. Can a school/activity bus or school passenger vehicle be sent on a 20 hour drive time, school activity trip? **YES. A second driver should be staged at the midpoint of the trip ahead of time to allow the second driver a continuous 8 hour rest break before driving the second half of trip.** *Example: A school sends an activity bus to New York and estimates the drive time to be 20 hours. The school should send a second driver a day ahead to the midpoint or 10 hours of drive time. (In this case Dayton, OH.) This allows the second driver sufficient time to obtain a continuous 8 hour rest break prior to the activity bus arrival. The second driver then takes over. The first driver can take a continuous 8 hour rest break before continuing on to New York. The same should be done on the return trip.*