



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

INEZ MOORE TENENBAUM
STATE SUPERINTENDENT OF EDUCATION

August 14, 2001

TO: District Superintendents, School Business Officials, and Transportation Supervisors

FROM: Donald N. Tudor, Director
Office of Transportation

SUBJECT: School Transportation Statute Interpretations

In response to questions raised by several school districts and safety concerns expressed by staff of the State Department of Education (SDE), the SDE Office of General Counsel was requested to interpret state law Section 59-67-220, addressing fueling of school buses, and Section 59-67-190, addressing cranking of school buses. Attached is a copy of their findings.

Based on the findings of the Office of General Counsel, the following information provides a more in-depth explanation of the interpretations.

- **Fueling with Students/Drivers on Buses** – The Office of General Counsel concluded that the SDE will interpret the word “gasoline” to mean any fuel used in SDE school buses and the word “pupil” to not include the school bus driver. Therefore, the driver can remain on the school bus during fueling. However, the Office of General Counsel was very clear that pupils (students) cannot be on the school bus during fueling.

This is typically not a problem because the SDE schedules regular school bus fueling at times when school buses are not being used to transport students. The problem only occurs when the school bus needs an unscheduled fueling. The school bus may need fuel because the school bus missed its scheduled fueling or because of fuel consumed as a result of an extra-curricular trip. The district has two options: fueling can be done at the SDE Maintenance Shop, or the district can request that the SDE dispatch a fuel tanker truck to meet the school bus. If fueling is done at an SDE Maintenance Shop, students are not allowed on the school bus nor is there a safe location for students to wait on SDE Maintenance Shop property while the bus is being fueled. Therefore, any time the district chooses to bring the school bus to an

SDE Maintenance Shop for fueling, the school bus must come with no students (pupils) on board. If the school district chooses to have the fuel delivered to the school bus at a site away from the Maintenance Shop property, the students must also be off the school bus. The SDE cannot guarantee that personnel or tankers will be available to make such a delivery. If the SDE dispatches a fuel tanker truck for a special fuel delivery, the district will be assessed an appropriate fee.

The only time students would be allowed on the school bus during fueling is in an emergency situation, such as the bus being out of fuel and left stranded on the side of a busy highway.

- **Cranking and Leaving Bus** – The SDE Office of General Counsel concluded that the SDE will interpret the word “leave” to mean that the school bus driver assigned to the school bus must be in the immediate vicinity of the bus, such as loading students while using a lift or conducting a pre-trip inspection. However, the driver cannot walk away from the bus while it is running, as is sometimes done to let the bus warm up. This means that when a bus is running there should be one driver per bus, not one driver cranking and warming up multiple buses. The SDE is also establishing a guideline that buses should not be allowed to warm up longer than ten minutes before the bus route begins. However, during cold weather drivers are allowed to crank the engine a maximum of an additional five minutes before the route begins for the purpose of heating the interior of the bus, and clearing/defrosting the windshield and windows in the driver’s area. If heating/defrosting is not necessary, the additional minutes are not allowed. These guidelines are necessary because additional engine warm-up time adds hours of operation to the engine, increasing fuel consumption and cost.

DNT/bc

Attachment



STATE OF SOUTH CAROLINA
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Memorandum

TO: Donald Tudor, Director - Transportation
FROM: George Leventis - Office of General Counsel
DATE: August 8, 2001
RE: Request for Statutory Interpretation

You have asked the Office of General Counsel (OGC) to interpret certain portions of the South Carolina Code dealing with school bus transportation:

Fueling with Students/Drivers on Buses – S.C. Code Ann. § 59-67-220(1990), entitled Filling Gasoline Tank While Engine Is Running Or Pupils Are On Bus Prohibited, reads as follows:

"No gasoline tank on or in any vehicle used as a school bus shall be filled while engine is running or, except in an emergency, when there are pupils in the bus."

You asked us to interpret the statute to determine whether "pupil" included the bus driver, and if "gasoline" included any fuel used in a school bus.

We concluded that the word "pupil" does not include the school bus driver, and the word "gasoline" means any fuel used in SDE school buses.

Cranking and Leaving Bus – S.C. Code Ann. § 59-67-190(1990), Driver Prohibited From Leaving Bus While Engine Is Running, reads as follows:

"No driver or operator of a school bus shall leave the bus while the engine is running."

You asked us to interpret what "leave" means. We concluded that the driver assigned to the school bus must be in the bus at all times that it is running except: (1) when conducting a pre-trip inspection, as required by Federal law (no students on bus), and (2) when the driver of a special needs bus is loading a disabled student in a wheel chair onto the bus through the lift door.