

On The Alert!

Date: December 22, 2017
Attention: ASCIP Members
Affected Department(s): Risk Management, Admin, Transportation
Applicability: Community College Districts

PASSENGER VANS CAN BE CLASSIFIED AS TOUR BUSES

During a transportation inspection, a California Highway Patrol (CHP) Officer recently cited a community college district for failing to comply with tour bus operator requirements. The district used 11 passenger vans to transport students for field trips and charged a fee to students.

Under the California Vehicle Code, any vehicle with a designed capacity of 11 or more passengers, including the driver, is considered a "bus". The officer opined that since the district received compensation for the bus transport, then the District is classified as a tour bus operator. Given this, the district would be subject to tour bus operator requirements which includes more frequent inspections. The officer also concluded that if the transport fees were included as part of the students' tuition, then tour bus operator requirements would not apply.

ASCIPI's transportation consultant contacted the CHP and contested the citation on behalf of the district. The following arguments were presented:

- While the district charged a minimal fee to students, it is not comparable to a commercial tour bus business.
- There is no difference if students are charged a separate transportation fee or it is included in the tuition. Although these fees are presented differently, the same fees are ultimately applied.
- There are discrepancies within the CHP as to which office has the final authority in deciding classification of transportation providers and interpreting regulations. It appears that local CHP officers may be interpreting regulations differently.

After further consideration, the CHP dismissed the citation and reversed their initial decision for the district to comply with tour bus operator requirements. In discussions with the CHP, ASCIP discovered that each local CHP office is responsible for their own jurisdiction and has the discretion to interpret regulations.

ASCIPI recommends that community college districts that transport students in 11 or more passenger vehicle and charging a fee receive clarification from the local CHP office as to their interpretation of tour bus operator requirements. Additionally, districts should avoid charging students a separate transportation fee whenever possible.

For additional best practices for the safe student transportation, please refer to ASCIP's Student Transportation Guideline by clicking on the following link: <http://ascip.org/wp-content/uploads/2017/09/Student-Transportation-Guidelines-2017.09.06.pdf>

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.