CHAPTER 104. SCHOOL BUS LOADING ZONES

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104.1. Purpose.
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Authority

The provisions of this Chapter 104 issued under the Vehicle Code, 75 Pa.C.S. § 3345(h), unless otherwise noted.

Source

The provisions of this Chapter 104 adopted July 31, 1981, effective August 1, 1981, 11 Pa.B. 2685, unless otherwise noted.

§ 104.1. Purpose.

This chapter establishes standards for school bus loading zones along highways in accordance with 75 Pa.C.S. § 3345(h) (relating to meeting or overtaking school bus).

§ 104.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Local authorities—County, municipal and other local boards and bodies having authority to enact laws relating to traffic.

Separate roadway—One roadway of a highway divided into two or more roadways and so constructed as to impede vehicular traffic between the roadways by providing a physical barrier or a clearly indicated dividing section; pavement markings or singing divisors between the roadways may not be construed as creating separate roadways.

Notes of Decisions

Separate Roadways

Two painted yellow lines which separate the northbound and southbound lanes of a highway do not create ''separate roadways'' as contemplated by 75 Pa.C.S. § 3345(g). A driver on such a highway, approaching an oncoming school bus with its red signal lights flashing, must stop as required by the Motor Vehicle Code. *Commonwealth v. Russell*, 784 A.2d 165 (Pa. Super. 2001); appeal denied at 796 A.2d 981 (Pa. 2002).

§ 104.3. Standards.

(a) *Off-roadway loading zones.* A school bus loading zone should be established off the roadway whenever possible, provided the following items are satisfied:

(1) There is an area of sufficient width to safely accommodate both the bus and students.

(2) Students to be received or discharged either reside or walk to or from the loading zone on the same side of the roadway as the loading zone or are afforded the protection of a traffic signal, stop sign, uniformed police officer, or other appropriately attired person—such as a school crossing guard—authorized to direct, control or regulate traffic.

(3) The loading zone can withstand daily use by a school bus.

(4) If the loading zone is on private property, permission is obtained from the owner or other person in charge or possession of the property.

(5) If the loading zone is within the highway right-of-way, approval is obtained from the local authorities.

(b) *On-roadway loading zones.* If it is not possible or practical to establish a school bus loading zone off the roadway, the loading zone should be located to optimize driver sight distance to the school bus in both directions. Outside a business or residence district, the required sight distance to a school bus stopped on the roadway shall be a minimum of 500 feet unless:

(1) The school district chooses a location for a loading zone with a lower sight distance because it is safer for the school bus to stop at this location than it is for the student to walk to a location that satisfies the 500-foot sight distance requirements.

(2) The local authorities as defined in 75 Pa.C.S. § 102 (relating to definitions) approve the location chosen by the school district. See § 15.3 (relating to special operating privileges).

(c) *Separate roadways.* A school bus loading zone may be established on a separate roadway only at the following locations:

(1) Where the students to be received or discharged reside on the same side of the roadway as the school bus loading zone.

(2) At or near a signalized intersection where students walking across the separate roadway to the school bus loading zone are afforded the protection of the traffic signal.

(3) At or near an intersection where traffic on the separate roadway is required to stop for a stop sign.

(4) At or near an intersection or other place where students walking across the separate roadway are afforded the protection of a uniformed police officer or other appropriately attired person—such as a school crossing guard—authorized to direct, control or regulate traffic.

(d) *Backing of school bus.* If a school bus is required to back in the vicinity of a loading zone, the pupils to be received or discharged shall be on the bus during the backing.

(e) *Use of visual signals.* The red and amber visual signals may not be actuated in an off-roadway loading zone.

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Source

The provisions of this § 104.3 amended August 20, 1982, effective August 21, 1982, 12 Pa.B. 2797. Immediately preceding text appears at serial page (63681).

Notes of Decisions

Government Liability

Although plaintiff properly pleaded a breach by the Board of its duty under this section to establish safe school bus loading zones, such a breach does not fall within one of the exceptions to governmental immunity set forth at 42 Pa.C.S. § 8542(b). *Bryson v. Solomon*, 510 A.2d 377 (Pa. Cmwlth. 1986); appeal denied 548 A.2d 257 (Pa. 1988).

On Roadway Loading Zone

The trial court was correct in concluding that the bus stop in question was an ''on-roadway'' loading zone, and that the school district did not violate its statutory duty in creating said zone as the testimony and exhibits revealed it was neither practical or possible to maintain the stop as an ''off-roadway'' loading zone. Accordingly, as no common law or statutory cause of action for which damages would be recoverable existed against the school district following the school bus running over a child. *Dunaway v. Southeastern School District*, 676 A.2d 1281 (Pa. Cmwlth. 1996); appeal denied 688 A.2d 173 (Pa. 1997).

Cross References

This section cited in 67 Pa. Code § 15.3 (relating to special operating privileges).

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