



This publication is a member service of  
**National School  
Transportation Association**  
625 Slaters Lane, Suite 205  
Alexandria, VA 22314  
Phone: (703) 684-3200  
Fax: (703) 684-3212  
E-mail: [info@yellowbuses.org](mailto:info@yellowbuses.org)  
Website: [www.yellowbuses.org](http://www.yellowbuses.org)

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The National School Transportation Association (NSTA) was founded in 1964 by school bus contractors to "promote and foster the highest degree of safety in the transportation of school children"

## Debate on TEA-21 Ends with an 8-Month Program Extension



Despite ongoing efforts by the House and Senate Leadership during the last few weeks to negotiate a comprehensive six year TEA-21 Reauthorization bill, a series of factors have instead resulted in an agreement to extend the program through May 2005. This morning, the House is expected to pass a clean extension of the program with Senate passage also expected today. The extension needs to be signed by the President before midnight tonight to avert a shutdown of FHWA, FTA, FMCSA and NHTSA.

While the House and Senate leadership and senior transportation leaders on the TEA-21 Reauthorization conference were generally able to agree on a funding figure of \$284 billion in obligation limitation (guaranteed funding), \$299 billion in contract authority with a \$15 billion rescission in unused current contract authority and there was positive progress made on the donor equity issue, opposition to the negotiations emerged that proved to be insurmountable.

First, Senator John McCain (R-AZ) spoke out publicly over his concerns about the bill specifically noting its treatment of donor states and indicated that he would not sign the conference report. This was significant because the Senate conference is made up of 11 Republicans and 10 Democrats.

Earlier, Conference Chairman James Inhofe (R-OK) upset the bi-partisan nature of the Senate conference by indicating that the deal he had negotiated with the House and Senate leadership could be brokered without the Senate Democrats. A simple majority is needed to move the bill out of conference and it became clear that the Senate Democrats who continue to be unhappy that the funding level from their Senate passed bill had been cut were sticking together and would not break with their leader, Senator Harry

Reid (D-NV), Senate Minority Whip and the Ranking Member on the Subcommittee on Transportation and Infrastructure, to vote to get the bill out of conference. In addition, Senator Harry Reid (D-NV), introduced a six month extension of the program last week. His co-sponsors included the Ranking Member on the Environment and Public Works Committee, Senator Jim Jeffords (I-VT) and surprisingly two key Republicans in this process, Chairman of the Transportation and Infrastructure Subcommittee Kit Bond (R-MO) and Chairman of the Senate Banking Committee, Richard Shelby (R-AL).

Senator Bond indicated his support of an extension of the program because he was unhappy with how Missouri would fare under the current proposal and Senate Shelby raised several concerns including his continuing issue with the split of funds between the highway program and the transit program. In addition, outgoing Chairman of the Senate Budget Committee Don Nickles (R-OK) expressed concern over the overall funding levels, believing them to still be too high, as well as other budgetary treatments in the bill including the use of firewalls.

On the House side, the Transportation and Infrastructure Committee was unhappy with the directive from the House Leadership to improve donor state equity significantly from the Committee's House passed bill but they were willing to try to make the new numbers work. With the extension of the program set to expire this week, Congress was required to act on some type of extension. The big question was whether they would extend the program until after the election and try to resolve these ongoing issues in the lame duck session planned for mid-November or whether they would throw in the towel and try again next year when the climate might be more favorable. In the end, the House and Senate decided to propose an eight-month extension of the program that will expire shortly before Memorial Day next year. This extension does not

*(TEA article continued...)*

prohibit Congress from continuing to work on this bill over the next few weeks but the general feeling is that the debate for this year is over.

The House Leadership fought for inclusion of Member projects in this extension so that Members can campaign with them over the next few weeks but the Senate prevailed and the extension will be "clean" i.e. minus projects. The extension also contains a fix for donor states by adjusting the calculations of minimum guarantee using new estimates. The extension frees up the remaining \$1.9 billion in highway obligation limitation funds (money that was being set aside for Member projects) and distributes it directly to the states. Finally, the deal allows that the 2.5 cents on ethanol tax currently deposited into the general fund will be deposited into the Highway Trust Fund for FY 2004 only.

Since January marks the beginning of a new session of Congress, the reauthorization process will have to begin anew. New bills will have to be introduced, taken through Committees and passed again on the House and Senate floors, as well as a conference committee convened. Many leaders in Congress are hoping that the new Congress will pose an opportunity to increase the overall funding for the program over the \$300 billion level. Others are concerned that the growing federal budget deficits will make increasing the funding level more difficult.

NSTA will use the interim months to re-energize our positions and coalitions relating to passenger van safety, safe routes to schools, charter bus provisions and provisions to promote more opportunities for the private sector in public transit programs.

## **Are You Required to File BTS Reports?**

The Federal Bureau of Transportation Statistics has been responsible for collecting operating and financial data from motor carriers for many years, but on September 29 that responsibility was transferred to the Federal Motor Carrier Safety Administration (FMCSA). Under DOT's regulations, Class 1 passenger carriers-those who hold operating authority and have average annual gross transportation operating revenues (including interstate and intrastate) of \$5 million or more from passenger motor carrier operations-are required to file quarterly and annual reports.

As you know, school bus companies that provide interstate transportation other than school activity trips must hold operating authority. If you do any interstate charter work that does not leave from and return to school, you need to apply for operating authority. If you also have average annual gross revenues of \$5 million or more from both interstate and intrastate operations, you must file form MP-1. The annual report is due on March 31, and the quarterly reports are due 30 days after the end of each quarter.

One question that we have not yet been able to get an answer to is whether in calculating revenues, you have to include your home-to-school contracts. Since those operations are exempt from DOT regulation, it would be fair to conclude that they are exempt from reporting. As usual, FMCSA applies the rules for trucking and motorcoach operations-where there are no exemptions-but has told us that they will research the question and get back to us. In the meantime, you can get more detail on the requirements and download the report forms at <http://www.bts.gov/mcs/info.html>.



## **FMCSA Launches Website for Charter Information**

The Federal Motor Carrier Safety Administration last week announced a new website for travelers-including school

## Government Reform Subcommittee Holds Hearing on Private Sector Participation in Transportation

On Thursday, September 30th, the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs of the House Government Reform Committee held Part II of their series of hearings entitled "How Can We Maximize Private Sector Participation in Transportation?". The hearing was scheduled by Subcommittee Chairman Doug Ose, Republican from Sacramento. Also attending portions of the hearing were Full Committee Chairman, Tom Davis (R-Virginia), Congressman Patrick Tiberi (R-Ohio), Congressman John Tierney (D-Massachusetts) and Congressman Dennis Kucinich (D-Ohio).

Federal Transit Administrator Jenna Dorn testified at the hearing as the Administration's witness. Also testifying at the hearing were several private sector bus operators adversely affected by recent encroachment on their operations by public transit agencies.

NSTA representatives worked with Subcommittee staff prior to the hearing and attended the hearing, along with other private sector partners we are working with on these issues in Washington. NSTA will also be submitting testimony for the record.

NSTA has been working with FTA for over a year and a half on developing a Dear Colleague letter to FTA grantees regarding utilization of school bus operations, as well as an FTA brochure on school bus operations, similar to the existing brochure on charter bus

operations. The brochure will state in plain terms what transit authorities can and cannot do with regard to school bus operations. At the request of FTA, NSTA helped design the brochure and provided substantive information for its content. Administrator Dorn announced at the hearing that the agency will soon be releasing the school bus brochure. In addition, within 90 days, the FTA will be releasing a user-friendly guide to private sector participation to help clarify the rules for both public transit entities and private sector transportation operators.



### Important Dates to Note...

#### November 3, 2004

NSTA Board & Committee Meetings  
Hilton Netherland Plaza  
Cincinnati, OH

#### January 22 - 25, 2005

NSTA Mid-Winter Meeting  
Hyatt Tamaya Resort & Spa  
Santa Ana Pueblo, NM

#### July 17, 2005

International Safety Competition  
Washington, DC

#### July 17 - 20, 2005

41st Convention and Annual Meeting  
Renaissance Mayflower Hotel  
Washington, DC

#### January 21 - 25, 2006

NSTA Mid-Winter Meeting  
The Ritz Carlton Kapalua  
Maui, Hawaii

#### July 22, 2006

International Safety Competition  
Lake Tahoe, NV

#### July 23-26, 2006

42nd Convention and Annual Meeting  
Harrah's  
Lake Tahoe, NV

## Idling Video Available from EPA



The Environmental Protection Agency's Clean School Bus USA partnership announced this week that a new video is available to help educate school bus drivers, fleet operators, and school officials about the benefits of reduced idling in school bus operations. The five-minute video is free of charge, and available in either VHS or CD format. It offers reasons for reducing school bus idling as well as helpful tips for drivers and school administrators.

You can order your free copy of the video from the National Service Center for Environmental Publications (NSCEP). Call (800) 490-9198 or email [ncepimal@one.net](mailto:ncepimal@one.net) and ask for "Reducing School Bus Idling: The Key to a Healthier Ride." The document number is EPA 420-V-04-01. There is also a website for ordering materials-- [www.epa.gov/ncepihom/ordering.htm](http://www.epa.gov/ncepihom/ordering.htm) -- but as of September 29 the video was not yet in the catalogue. [Note: We heard from one of our members that he was directed to a contractor for EPA to order the video. That number is 734-214-4278.]

NSTA has long recommended that school bus operators make every effort possible to reduce idling, particularly when waiting for students at school locations. This is an easy way to realize health benefits for both drivers and students, and to reduce fuel costs. EPA has a number of helpful materials available for downloading from their website, [www.epa.gov/cleanschoolbus](http://www.epa.gov/cleanschoolbus), that you can use in your idle reduction program. These include driver tip sheets, pledge cards, certificates, posters, and other items.