



This publication is a member service of
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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"



S Endorsement for Mechanics? NO, Says FMCSA

NSTA just received the answer members have waiting for: Mechanics and others who drive a school bus without student passengers **do not** need an S endorsement under the federal regulations.

At the NSTA convention last week, Bob Redmond from the Federal Motor Carrier Safety Administration said that both New York and Pennsylvania had asked for guidance from the agency as to whether or not a mechanic driving an empty school bus would have to hold an S endorsement in addition to the P endorsement. At that time, the decision was still pending from the Chief Counsel's office. The decision was finally signed on July 21 and released to the state licensing agencies on Friday.

The guidance actually goes further than we had anticipated. As you can see below, not only mechanics driving an empty bus but also drivers of passengers in any trip that is not school-related are exempt from the requirements of the S endorsement.

Be aware that this guidance applies to the federal regulations. Your state may have more restrictive laws or regulations that apply to the S endorsement.

FMCSA Regulatory Guidance 49 CFR 383.93

Question: Are drivers required to have both the "P" passenger and "S" school bus endorsements if they are not transporting students when operating a "school bus" as defined in 49 CFR 383.5?

Answer: No. Only drivers actually transporting pre-primary, primary, or secondary students from home to school, from school to home, or from school-sponsored events in a school bus are required to have both the "P" and "S" endorsements. Only a "P" endorsement is required by drivers delivering school buses from the manufacturer, by mechanics and others operating empty school buses, and by drivers transporting students and/or adults to and from events that are not sponsored by the school.



School Bus Watch Program a Success

The National School Bus Watch program was launched on Saturday, July 15 at NSTA's International School Bus Safety Competition. More than 100 school bus drivers from across the nation participated in the training session.

The School Bus Watch program provides school bus drivers with some basic background on potential threats to school buses and tips on preventing terrorism in the school bus industry. If you would like to host a School Bus Watch training session in your community, please contact NSTA Headquarters at (800) 222-NSTA (6782).

www.yellowbuses.org

Security Preparedness-- Don't Wait Til it's Too Late!

Terrorism is an unfortunate reality even in the school bus industry. Find out how your company can be prepared by visiting NSTA's *Member-only* section to download the new Security Preparedness Guide. This resource will help your company and community develop a plan of action in event of emergency.



For more information, contact NSTA Headquarters at (800) 222-6782 or email us at <mailto:info@yellowbuses.org>.



NSTA Member Benefits

Would you like more information on NSTA's cost-saving benefits? Contact NSTA Headquarters at (800) 222-NSTA (6782) or by email at info@yellowbuses.org

Member benefits include:

- Workers Compensation program
- Health Insurance program
- Fuel savings program
- Credit Card acceptance program

Call us today to find out more about these and other programs offered through NSTA!



TEA-21 Reauthorization Extended Again

On Thursday, Congress extended TEA-21 for a tenth time until Wednesday, July 27. Much progress has been made, but some differences still remain, forcing the need for additional time. There does appear to be momentum, however, to complete work prior to the August recess, so it is expected that if the remaining issues can be resolved quickly, a bill could be passed next week.

The issues NSTA is watching in this bill include: charter bus provision; passenger van safety; pro-private sector transit provisions; s-endorsement; and the Clean School Bus Program.

New TSA Administrator Confirmed

The Senate Commerce, Science and Transportation Committee voted this week to confirm the President's nominee to head the Transportation Security Administration (TSA), Edmund S. "Kip" Hawley. The Senate also approved the nomination this week.



Estate Tax Update

The Senate may consider legislation next week previously passed by the House, which would permanently repeal the estate tax, which is set to expire in 2010. Given the attention to the new Supreme Court nominee and the other issues on the schedule, however, this may get pushed back until after the August recess.



House Committee Passes Legislation Aimed to Help Small Businesses

The House Small Business Committee approved four separate bills this week aimed at helping small businesses. The bills could come to the House Floor as quickly as next week.

The first bill, sponsored by Congressman John Sweeney (R-NY) would create a program for the Small Business Development Centers to provide free, confidential advice to small businesses on how to comply with state and federal regulations. The centers would also provide training and education services.

The second bill would provide grants of up to \$300,000 annually to develop and enhance small business startups and expansions owned by Native Americans, Native Alaskans and Native Hawaiians. Sponsored by Congressman Tom Udall (D-NM), the bill would require states to request the advice of tribal councils on how to best assist small businesses, and would limit the grants to states where at least one percent of the population consists of Native American, Hawaiian or Alaskan tribe members.

The third, sponsored by Congressman Robert Brady (D-PA) would provide grants of at least \$200,000 to statewide centers to offer technical assistance and collect information on vocational and technical education opportunities.

The fourth and final bill, sponsored by Congressman Michael Fitzpatrick (R-PA) would give states grants of at least \$50,000 to create programs that bring leaders of second-stage small (*con'd...*)

(House legislation article continued...)

businesses and professional advisers together. Second-stage small businesses are defined as those with average annual revenue or employee growth of at least 15 percent for the previous three years. This bill would expire in 2009.

Senate Small Business Committee Chair Olympia Snowe (R-ME) released a statement saying she would evaluate the bills once they pass the House. Senator Snowe recently introduced similar legislation.



Secretary Chertoff Announced Reorganization of Homeland Security

Homeland Security Department Secretary Michael Chertoff recently announced a "new agenda" for his Department. The Secretary specifically noted that the Department "must base its work on priorities driven by risk," and announced that in order to "ensure that our preparedness efforts do have a focused direction, we intend to consolidate all the departments' existing preparedness efforts including planning, training, exercising and funding, into a single directorate led by an undersecretary for preparedness.

Under the plan, the following six offices would move under the Office of Preparedness:

- The National Capital Region Office;
- The Office of Cyber and Telecommunications;
- The U.S. Fire Administration;
- The Infrastructure Protection Office;
- The Medical Office; and
- The Grants and Training Office.

Of those, the Medical Office would be an entirely new office, functioning as the Department's liaison office for bioterrorism issues with the Departments of Agriculture and Health and Human Services. In addition, the Grants and Training Office would replace the current Office of State and Local Government Coordination and Preparedness (SLGCP), which currently reports directly to the Secretary.

The Secretary also announced that the border and transportation agencies, including the Transportation Security Administration (TSA) would report directly to the Secretary under his plan.

The Secretary defined the overall agenda of the Department as follows:

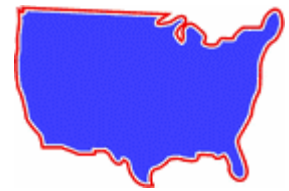
- To increase preparedness, particularly to respond to catastrophic events;
- To strengthen border security and interior enforcement, and overhauling the immigration process;
- To harden transportation security, without sacrificing mobility.
- To improve information sharing, particularly with state and local governments and the private sector.
- To improve the Department's stewardship, by strengthening the Department's financial, human resource, procurement and information technology management.
- To realign the Department to maximize mission performance.

The changes would require the approval of Congress. Secretary Chertoff is testifying before both the House and Senate Homeland Security Committees this week to further discuss the proposed reorganization.

NSTA Rolls Out New Website!



Visit us at www.yellowbuses.org to see our new look. Updated information including sections on News & Highlights, Answer Line, Members Only and more are now listed. Would you like to see something added? Just let us know! Contact NSTA at (800) 222-NSTA or email us at info@yellowbuses.org.



Outside the Beltway

Rhode Island's Nightmare Bill Is Neutralized

A potentially damaging bill that was making its way through the Rhode Island legislature has finally been neutered. Senate bill 269, introduced in February, originally required that all school buses be equipped with EpiPens and that all school bus drivers and monitors be trained in their use. When the Senate Health and Human Services Committee finally took up the bill on June 6, they stripped the original language and substituted language that extends liability protection to any private entity providing school bus service and individual bus drivers employed by private entities for use of an EpiPen. The new language did not require buses to carry the EpiPens or drivers to be trained in their use. (Someone must have informed the Committee that EpiPens are prescription medication, prescribed for specific individuals—not something that you can buy by the gross like bandages.)

The substitute bill passed the Senate and went to the House committee, where it was changed again. The new substitute bill that was passed by both Houses on July 5 not only does not require buses to have EpiPens and does not require drivers to be trained in their use, but added the following sentence to the liability protection: "The provisions of this section shall not be construed to impose any obligation upon any private entity providing school bus services, or individual school bus drivers or monitors employed or otherwise engaged by such school bus service entities, to administer epinephrine." (Con'd...)

(Rhode Island article continued...)

While the final bill, expected to be signed by the Governor, specifically states that contractors have no obligation to agree to EpiPen administration for drivers, members in the state believe that school districts may increasingly try to make this a contract specification. In Rhode Island and elsewhere, districts have approached their contractors about training drivers to administer EpiPens.

This issue is not restricted to Rhode Island; several states are considering epinephrine legislation this year. Most of them deal only with self-administration by students, but as we know, well-meaning but ill-informed legislators can change things at any time. If similar legislation is active in your state, be alert. Let us know if there's a threat, and we will do what we can to help you. The Rhode Island experience shows that you can make a difference—and turn a hurricane into a summer shower.

Chowchilla Kidnapper Denied Parole -- Again

For the 20th time since his conviction in 1978, Richard Shoenfeld was denied parole from his life sentence for kidnapping 26 children and their bus driver in Chowchilla, CA in 1976. Shoenfeld, his brother, and a friend—sons of wealthy families in the Peninsula valley—buried the hostages in a moving van in a gravel quarry and demanded \$5 million for their release. The children escaped after 24 hours when bus driver Ed Ray and two older boys piled mattresses to the top of the van and pushed their way out.

The six-member Board of Prison Terms voted unanimously to deny parole despite appeals from supporters, including an appellate judge, now retired, who upheld the original convictions. Several of the victims and their families appeared at the hearing to argue for continued imprisonment.



NSTA Announces Its 2005 Award Winners

GOLDEN MERIT:

Pam Capuano

Durham School Services
Stratford, Connecticut

Steve Laputka

Durham School Services
Philadelphia, Pennsylvania

Carolyn D. Neder

G&G Bus Service, Inc.
Florida, New York

Jim and Tom Hey

SW Coaches - Coaches Inc.
Marshall, Minnesota

James (Jimmy) Wilson

R.E. Wilson & Sons, Inc.
Crownsville, Maryland

HALL OF FAME:

Dale N. Krapf

Krapf Bus Companies (PA)

DISTINGUISHED SERVICE AWARD:

Donald Fowler

Fowler Bus Company (MO)

Dennis P. Hammell

First Student, Inc. (US/Canada)

OUTSTANDING DRIVER AWARD:

Jan VandenHeuvel

Kobussen Buses Ltd. (WI)

THOMAS BUILT BUSES, INC., CONTINUING EDUCATION AND PROFESSIONAL GROWTH GRANT:

Lisa Burd

Dousman Transport (WI)

CONTRACTOR OF THE YEAR:

Mike Ely

Scholastic Bus Company (NJ)

Important Dates to Note...

January 22-25, 2006

NSTA Mid-Winter Meeting

Ritz Carlton Resort

Kapalua, Maui, HI

July 22, 2006

International Safety Competition

Lake Tahoe, NV

July 23-26, 2006

42nd Convention and Annual Meeting

Lake Tahoe, NV

Winners of the 2005 International Safety Competition Announced

The 2005 International Safety Competition was held at RFK Stadium in Washington, DC on July 16-17th.

The top three winners of each division follow. To see the final scoring for each participant, visit www.yellowbuses.org.

Conventional

Larry Hannon, Centennial S.D. (PA)
Russell Altizer, Montgomery Co. (VA)
Jeremy Click, Accomack Co. (VA)

Transit

Osgood Simpkins, Montgomery Co. (VA)
Diana Wilkowski, Olympia S.D. (WA)
Dana Opp, Carman-Ainsworth (MI)

Small Bus

Bob Hutson, Durham School Svcs. (KS)
Ralph Shier, Laidlaw (Canada)
Jaye Jaye Knickelbein, Trigg Co. (KY)

