



# NEWSLETTER

APRIL 1, 2005

This publication is a member service of  
**National School Transportation Association**  
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## NSTA offers Safety and Security Seminar

Join school transportation professionals from across the nation for the most comprehensive safety and security training opportunity of the year! The NSTA Safety and Security Workshop will be held July 21-22, 2005 at the National Transportation Safety Board (NTSB) Academy located on the Virginia campus of The George Washington University in Ashburn.

Learn new strategies from safety and security experts, participate in informative sessions, and network with colleagues who share the same issues and challenges you do.

More information on the Safety and Security Seminar will follow over the next couple of weeks. Keep your eye on the mail for our brochure and registration information!



## NSTA Goes to Capitol Hill

Following the April 26 Board Meeting in Washington, DC, NSTA will spend April 27 on Capitol Hill meeting with

lawmakers and staff to discuss our issues, including the Reauthorization of TEA-21, Passenger Van Safety, the Private Sector provisions in TEA-21 and the Clean School Bus Program.

As we did last year, we will meet together in Committee rooms and have the speakers come to us. This was very successful and popular last year and we hope for a repeat of that this year. We will spend half of the day on the Senate

side and the other half on the House side.

All NSTA Members are welcome to attend. Additionally, you are welcome to come and sit in on the Board Meeting, which will be held the previous day, April 26th, beginning at 1PM.



## NSTA's 41<sup>st</sup> Annual Conference and Meeting

In April, we will be sending out information on the 41<sup>st</sup> Annual Conference and Meeting that will be held July 17-20, 2005 at the Renaissance Mayflower Hotel.

If you would like to book your room early, you can call Renaissance Reservations at (800) 468-3571 or (202) 347-3000. Room rates for the Conference are \$165 single or double occupancy. In order to receive this discounted rate, let the reservation agent know you are with NSTA.

**Don't forget we have a new address!**

**113 South West Street  
Fourth Floor  
Alexandria, VA 22314**

## 2004-05 Board of Directors

### Executive Board/Officers:

#### **Dale Krapf, President**

Krapf Buses - PA (610) 594-2664

#### **John Corr, President-elect**

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#### **Barry Stock, Secretary/Treasurer**

Durham School Services - US/Canada  
(905) 952-2005

#### **Bill Beck, Immediate Past President**

Beck Bus -IL (618) 242-5685

### Regional Directors:

#### **Region One - Carey Paster**

First Student, Inc. (US/Canada)

#### **Region Two - Charles Peterson**

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Fowler Bus Company, Inc. (MO)

#### **Region Four - Dennis Hammell**

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#### **John Benish**

Cook-Illinois Corporation (IL)

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#### **Peter Settle**

Petermann, LLC (OH)

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"



## Senate Committees Act on TEA-21 Reauthorization

The Senate Environment and Public Works Committee favorably reported the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) on March 16. The Committee has jurisdiction over the highway title of the reauthorization. The Senate Banking, Housing and Urban Affairs Committee, which has jurisdiction over the transit title of the reauthorization, reported its bill, the Federal Public Transportation Act of 2005 on March 17, 2005. This title contains the pro private sector provisions that NSTA is supporting. The other Committees with jurisdiction include the Commerce, Science and Transportation Committee with jurisdiction over highway safety, including passenger van safety, and the Finance Committee with jurisdiction over the tax issues, but these Committees have yet to act on their portions of the reauthorization. These Committees may either report their bills out of Committee or send them directly to the Floor, but it is unclear at the time what either will do. All four bills will then be combined on the Senate Floor allowing Members to debate and vote on the bill in its entirety. The Senate is expected to debate the bill in April.

The House passed its reauthorization bill, the Transportation Equity Act: A Legacy for Users on March 10, 2005 by a vote of 417-9.

The current extension expires on May 31, 2005, leaving Congress two months to resolve all of the differences in Conference prior to the expiration of the extension. If

Conferees are unable to accomplish this prior to the deadline; it must pass another extension to prevent some of the agencies, including the Federal Motor Carrier Safety Administration, from shutting down.

The bills are vastly different and it is expected that amendments will be offered on the Senate Floor to increase the funding more in line with the bill that passed the Senate last year either through increases in Highway Trust Fund spending or bonding proposals. The proposals to increase funding may have broad support on the Senate floor. If such amendments were to pass it would make quick action very difficult as resolving such a difference is very difficult, not to mention the veto threat issued by the White House earlier this spring indicated a bill with a funding level higher than \$284 billion over six years is unacceptable.

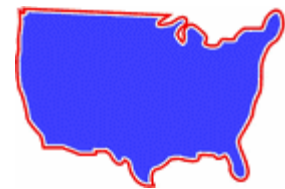


### Communications via e-mail

More and more of our communications are being sent out through the Internet. This allows our members to receive information as soon as it comes available to us.

If you have an e-mail address and are receiving the NSTA Newsletter by fax or by mail, please send us your e-mail address so that you, too, can get the news – as soon as it breaks.

*Please note: We will not sell or distribute your e-mail information.*



### Outside the Beltway

Legislative activity is in full swing in most states. Here is an update on some of what's occurred in the past two weeks.

#### **New Jersey Passes Pro-Contractor Bill**

School bus contractors in New Jersey pulled off a coup last month when the New Jersey legislature passed a bill requiring public entities such as cooperative transportation service agencies and educational service commissions to play by the same rules as private school bus companies when bidding on school transportation contracts.

Under the bill, education service commissions (ESC) will no longer be able to negotiate with school districts in private to take over routes operated by contractors; they must go through the same public bidding process as private companies. The public entities must also meet the same bonding requirements and the same disclosure requirements as private contractors. In addition, the public entities, which currently have no restrictions on their increases when contracts are renewed, will be held to the same CPI increases as contractors. This will eliminate the practice of some ESCs to negotiate a low price for the first year and then demand substantial increases at renewal.

The bill also allows school districts to disqualify bidders for up to three years for poor performance, which is an important development in a state that requires districts to award contracts solely on low bid. The Garden State School Bus Contractors, with support from the New Jersey School Bus Owners Association, were able to overcome opposition from the state Office of Pupil Transportation and several school

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administrators' associations by stressing the advantages to New Jersey taxpayers of having an open bidding process and public accountability. The bill has passed both houses and awaits the Governor's signature.

### **South Carolina Introduces Contracting Bill**

In South Carolina, where the state owns nearly all the school buses and contractors are as rare as Polar bears, a bill has been introduced in the House to allow local school districts to contract with private bus companies for student transportation. Under the bill, the state will reimburse districts for contracted transportation under a formula that calculates annual per-pupil cost by combining one twelfth of the full replacement cost of all vehicles plus all operating expenses from the previous year. Current law allows contracting with a county board of education but not local districts, and does not figure the cost of equipment into the reimbursement formula.

### **Arkansas Wins "Outrageous Bill of the Week" Award**

Lest you think that we have been uniformly successful in dispelling the sometimes negative image of contracting among certain constituencies, consider the title of this bill which has passed the Arkansas House and is currently in the Senate Education Committee: "An Act to Ensure the Safety of School Children who are Transported on School Buses Operated by Private Companies and from Independent Contractors with Access to School Children." Among other things, the bill prohibits school boards from going out to bid for transportation service unless they have held a public hearing and provided a 30-day notice for the public to prepare for and attend the hearing.

## **Recognition for Excellence – NSTA's**



## FMCSA Offers Reprieve to Some States

As most states are trying to figure out how to implement the required testing of current school bus drivers for the CDL school endorsement, some states may get a reprieve under a new directive from the Federal Motor Carrier Safety Administration. FMCSA notified their State Division Administrators on March 25 that the agency would consider a request for a two-year exemption from retesting school bus drivers in those states that already had a school bus testing program that meets or exceeds FMCSA requirements prior to September 30, 2002.

As we have reported previously, the CDL Improvement regulations that were adopted in 2002 allow states to grandfather current school bus drivers from the driving skills test for the new CDL school endorsement, as long as they meet certain eligibility requirements. But the regulations do not allow states to grandfather drivers from the written school bus test.

Several states had school bus tests in place as a state requirement prior to the federal mandate. Those states were invited to submit their tests for review as to whether they meet the federal requirement; and if the test was approved, drivers who had been licensed since September 2002 did not have to be retested. FMCSA's current decision does not mean that drivers licensed before September 2002 will be grandfathered; it only means that the states will have more time to implement the testing of those drivers.

The Federal Motor Carrier Safety Regulations include a provision at 49 CFR 381 for waivers and exemptions. It allows a person or class of persons (including a state) to apply for an exemption "if one or more regulation prevents it from implementing more efficient or effective operations that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption." An exemption is defined as temporary relief from a regulation for not more than two years. Because of the safety equivalency requirement, only those states whose tests are approved are eligible to apply for an exemption.

As of March 22, the states with an approved test are Alabama, Delaware, Georgia, Illinois, Massachusetts, Minnesota, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, Virginia, and Wyoming.



## Get Ready for 2005 Clean School Bus Grants

The Environmental Protection Agency will soon announce availability of \$7.4 million in grants to replace or retrofit school buses to reduce diesel emissions. We encourage members to meet with their school district administrators to discuss the possibility of applying for one of the grants.

When Congress appropriated funding for this year's Clean School Bus USA grant program, they restricted eligibility for the funds far more than EPA had done in the previous two years. Congress specifically stated that only public school districts are eligible to apply—eliminating not only contractors, but also school bus

associations such as NSTA, nonprofit organizations such as the Lung Association, states, and regional environmental agencies, all of whom had received funding in 2003 and 2004. In developing their application process for the new round of grants, EPA has tried to compensate for this restriction by stressing the need for partnerships, including partnerships between school districts and their contract providers.

Such partnerships can work; several NSTA members are currently involved in emission-reduction programs funded by public dollars through a state or federal program. Very often the school administration is not willing to take the lead, but is happy to collaborate with the contractor and other partners. We have found in administering our 2003 grant that many of the vendors are experienced now in writing the grant applications and are very glad to help you and the district put together an application and will even help you with the necessary reports.

You can also find help within your state environmental agency and at local chapters of nonprofit environmental groups. The EPA folks have told us that they don't care who does the actual work or who owns the buses; they have to send the checks to the school district, but whether the money stays there or passes directly to the contractor is not EPA's concern.

So think about how you might use a few thousand dollars — or a few hundred thousand — to upgrade your fleet to clean diesel. Then talk to your customers about improving the air kids breathe, making points with parents, moving ahead of the pack . . . all at no cost to school board. And if you also offer to write the proposal—with a little help from your friends—chances are, they'll listen.

Keep an eye on: <http://www.epa.gov/otag/schoolbus/funding.htm> for the 2005 application.

And if you need help, give us a call.