



This publication is a member service of

**National School
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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"

House Approves Permanent Repeal of Estate Tax

The House voted this week 272-162 to permanently repeal the estate tax. This is the fourth time the House has passed a permanent repeal since 2001.

In 2001 Congress approved a gradual phase-out of the estate tax, which is levied on inheritances, culminating in a full repeal in 2010. Under the law, however, the repeal is only in effect until 2011 as a sunset provision was included to limit the cost of the overall tax break.

The House bill, passed this week and sponsored by Congressman Kenny Hulshof (R-MO) would remove the sunset provision, extending the estate tax repeal indefinitely. According to the

Joint Committee on Taxation, the repeal would cost \$290 billion over its first 10 years.

A bipartisan group of Senators are leading their negotiations, but a deal has yet to be reached. Senators Jon Kyl (R-AZ) and Charles Schumer (D-NY) are leading this effort.

Reminders *At-a-Glance*

- NEEDS ASSESSMENT SURVEYS are due back **April 22nd**. Your feedback will help us evaluate the areas in which you need assistance and will give us some insight on where we need to focus our development efforts and help you benefit more from membership. You can download a copy from the website at www.yellowbuses.org.

- APRIL VISITS IN WASHINGTON will include a trip to the NTSB Academy in the morning of the **26th**, our Board Meeting at the Renaissance Mayflower hotel in the afternoon of the **26th**, visits to Congress all day on the **27th** and a meeting with officials from Federal Motor Carrier Safety Administration (FMCSA) at the Renaissance Mayflower Hotel in the morning of the **28th**. If you are interested in joining us for any or all of these visits, please contact the NSTA office by phone at (800) 222-NSTA or by email at info@yellowbuses.org.

- NSTA AWARDS DEADLINE has been extended to **May 2nd**. Award applications are available in both the Awards Nomination Booklet that was sent to you toward the end of March and online at the NSTA website: www.yellowbuses.org

- NSTA's 41st ANNUAL MEETING AND CONVENTION will be in Washington, DC, **July 17-20th**. Room rates are \$165 and reservations may be made by calling the Renaissance Mayflower Hotel at (202) 347-3000 or (800) 468-3571.

NSTA has secured discounted airfares with United Airlines for both the Convention and the Safety and Security Seminar. Receive a 10-15% discount if you book your ticket(s) at



Clean School Bus Legislation Starting to Move Again in Congress

This past week, the House of Representatives took steps toward enactment of Clean School Bus legislation, which NSTA has been working with others in our industry to support. Clean School Bus legislation would provide Federal funding for the purchase of new lower-emitting school buses or retrofitting older buses with emission-reduction technology, such as particulate traps and catalysts.

The legislation was included in both of the past two comprehensive energy bills, including a bill that was approved last Congress by a House-Senate conference committee but that stalled on the Senate floor due to a fight over the fuel additive, MTBE. On Wednesday of this past week, three different House committees approved portions of a new comprehensive energy bill, which is scheduled to be taken up on the House floor next week.

Of those committees that have acted, two – the House Science Committee and the Energy & Commerce Committee – have included version of the Clean School Bus legislation similar to the legislation included in earlier energy bill conference bills.

The DC coalition of school bus interest projects and also would allow greater access to funding for contractors than the language in last year's energy bill. We have been meeting with representatives of the key committees in the House, who are very interested in the new approach.

With the bill likely to be on the House floor next week, there may not be time to add the new, improved draft. However, we have been assured that there will be opportunities later in the legislative process to make the changes being discussed.

Senate Commerce Committee Marks Up Safety Title



The Senate Commerce, Science and Transportation Committee marked up the safety title of the TEA-21 Reauthorization earlier this week. The bill is similar to the one approved by the Committee last year, but contains some different provisions.

With respect to passenger van safety, NSTA worked with Committee staff to encourage the inclusion of a provision in the House bill that would include passenger van safety among a list of programs states must implement to receive 402 safety grant funds. States can use the funds for public education campaigns, among other things.

While the exact language is not yet available, it is our understanding that the bill includes: the roll-over testing provisions in last year's bill; a rewrite of the dealer prohibition on selling passenger vans for school transportation; an increase in the civil penalties from \$5,000 to \$25,000 applicable to dealers as well as schools and school districts; and the addition of passenger van safety in the 402 grant requirements.

This is a tremendous package of passenger van safety provisions, giving NSTA great momentum going into Conference and leaving us well situated to emerge from Conference with a great deal. NSTA will continue to work with House and Senate staff through the Conference process.

Floor time has yet to be scheduled in the Senate for debate on the entire reauthorization (a combination of bills from four Committees of jurisdiction), but the Senate is not now expected to begin consideration of the bill until the week of May 9 (the Senate is in recess the week of May 2). The current extension expires on May 31, 2005, leaving only three weeks to move the bill through the Senate and resolve differences in Conference - which is seen as very ambitious. It is widely expected that another extension will be necessary, but given the current momentum it is expected to be a short extension of only a few months.

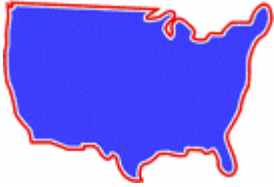


Senate Commerce Committee Approves Junk Fax Legislation

The Senate Commerce, Science and Transportation Committee also marked up the Junk Fax bill this week. The bill allows businesses to continue faxing customers - overriding the Federal Communications Commission (FCC) rule, set to take effect July 1, requiring all organizations to send faxes to receive prior written consent from applicants.

The bill would also require companies and organizations give consumers a chance to opt out of further communications. Companies would be required to provide contact information on their faxes to help consumers reach them easily. An amendment offered by Senator Barbara Boxer (D-CA) requires that companies provide a way for consumers to contact them 24 hours/7 days-a-week if they chose to opt out of such communications.

Both the House and Senate passed similar legislation last year, but were unable to complete action on the bills prior to the end of the 108th Congress.



Outside the Beltway

Here is an update on some of what's occurred in the past two weeks.

Diesel Emissions Continue to Attract Attention in State Legislatures

Judging from activity in state houses across the country, reducing children's exposure to emissions from school buses is a high priority.

Oregon would establish a Clean School Bus Grant fund to provide grants for replacing pre-1994 buses and for retrofitting newer buses with emissions-reduction technology. Grants can't exceed \$10,000 per bus for replacement or \$10,000 per year for retrofits. **Texas** also has a bill to establish a Clean School Bus Program to provide grants for retrofit and replacement of buses and for clean fuels, though it appears to limit eligibility to public operations.

New Jersey would create a diesel emission reduction program for all vehicles, and establish a system of diesel retrofit centers throughout the state. A state diesel retrofit fund would provide grants to school bus owners, public or private. The bill also requires districts to establish school bus idling policies.

Connecticut is moving a bill that requires the state to develop a Clean Diesel Plan to include strategies for retrofitting all school buses by the end of 2007 with devices to prevent emissions from entering the bus through the crackcase exhaust system, and phasing out all school buses that are more than ten years old by the end of 2010 or retrofitting them to achieve emissions reduction equal to that of new buses.

California would require transfer of \$50 million annually to the Clean Air and Schoolbus Safety Fund, to be distributed to school districts for replacement of school buses, beginning with those built prior to 1977.

And in **Illinois**, a bill requiring school boards to adopt policies restricting buses from idling for more than ten minutes that impressed us by including a requirement that schools must provide a climate-controlled waiting area for school bus drivers in extreme weather conditions was amended in the House to remove that requirement.

Good News for Contractors

In the ongoing effort to level the playing fields between public and private operations, there are encouraging advances in some states.

New Mexico has passed a fuel tax exemption for school buses under contract to public schools, and **Louisiana** is moving a bill to increase the reimbursement of fuel tax used in privately-owned school buses from 50% to 100%.

A bill in **Delaware** would allow school bus contractors to participate in the state group health insurance program.

And in **New York**, a bill would hold contractors harmless for any mandated safety improvements on school buses.

Bill of the Week

New York wins our respect for an eminently reasonable piece of legislation that requires the commissioners of Education, Transportation, and Motor Vehicles to review the varying definitions of "school" and "school bus" in the statutes and develop a consistent and uniform definition of each.

We'd hesitate to predict success for this bill, though; there's too much territorial imperative at stake.



NSTA to meet with FMCSA

NSTA will be meeting with officials from Federal Motor Carrier Safety Administration (FMCSA) on Thursday morning, April 28th from 9:30-11:00 at the Mayflower Hotel.

This is an opportunity for members to discuss CDL program changes, including the S-endorsement testing requirements and new disqualification standards, and to get updates on other agency activities that affect school bus contractors.

Admiral Stone to Depart TSA



Admiral David Stone, Assistant Secretary for Transportation Security Administration (TSA), recently announced his resignation from the agency. Admiral Stone has agreed to remain in his post until June to assist with the transition. A successor has not yet been named.

Stone was brought in to lead TSA in December 2003, when former Director James M. Loy moved up to become Deputy Secretary of the entire Department of Homeland Security.

Stone had been the director of security at Los Angeles International Airport before moving to TSA headquarters.

Don't forget we have a new address!

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



NHTSA Publishes Final Tire Pressure Monitor Rule

The National Highway Traffic Safety Administration recently published a final rule requiring all new passenger cars, multi-purpose passenger vehicles, trucks, and buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, except those with dual wheels on an axle, to be equipped with a Tire Pressure Monitoring System to alert the driver when one or more of the vehicle's tires, up to a total of all four tires, is significantly under-inflated. Specifically, the TPMS must warn the driver when the pressure in one or more of the vehicle's tires is 25 percent or more below the vehicle manufacturer's recommended cold inflation pressure, or a minimum level of pressure specified in the standard, whichever is higher.

If any tire drops below the standard's activation threshold, the TPMS is required to provide the low tire pressure warning by illuminating a yellow telltale within 20 minutes of additional travel within a speed range of 50-100 km/hr. This telltale must remain illuminated (and re-illuminate upon subsequent vehicle start-ups) until the under-inflation condition has been corrected.

Under-inflation of tires increases the likelihood of many different types of crashes, including those involving: (1) skidding and/or loss of control of the vehicle; (2) hydroplaning; (3) increases in stopping distance; (4) flat tires and blowouts, and (5) overloading of the vehicle. NHTSA anticipates that 90 percent of drivers will respond to a TPMS low tire pressure warning by re-inflating their tires to the recommended placard pressure. Once all new light vehicles

are equipped with compliant TPMSs, the agency expects that a resulting 119-121 fatalities would be prevented each year.

The new Federal Motor Vehicle Safety Standard (FMVSS 138) will be phased in from September 2005 to September 2008 on new vehicles, including small school buses that have only four tires.



We Get Questions...

Q. *How do I know if I have to do Bloodborne Pathogens training?*

A. The Occupational Safety and Health (OSHA) standards regarding Bloodborne Pathogens apply to all employers who have any employees with occupational exposure to bloodborne pathogens. That means that your first task is to determine whether any of your employees can reasonably anticipate having contact with blood or other potentially infectious materials in the performance of their duties. Note that "potentially infectious materials" does not include vomit or saliva, except in the case of dental procedures.

Most school bus contractors probably don't fit into that category; school bus drivers, for example, are not routinely expected to administer first aid to passengers as part of their driving duties. If, however, you employ attendants for special needs students who may need assistance for medical emergencies, or who have aggressive behavior disorders that might result in biting or other kinds of bloodletting, those employees probably do qualify you as an affected employer.

The relevant parts of the standard require that you develop an Exposure Control Plan, that you provide protective equipment (i.e., latex or similar gloves), and that you provide

annual training to all employees with occupational exposure. The training must be conducted by someone who has knowledge of the topic and of the workplace exposure, and you need to keep training records for three years.

Even if you are not required to meet the standard, you might consider adding Universal Precautions to your in-service training program for all drivers and attendants. This training stresses the importance of hand washing and of treating all bodily fluids as if they were contaminated. Many carriers also equip all buses with a body fluid clean-up kit even though they are not required to do so under the OSHA standard. (This kit is easy and inexpensive to assemble: a zip-lock bag containing a pair of barrier gloves, an antiseptic wipe, some kitty litter or other absorbent material, and a child's shovel will do the trick.)

For more information on this or any other standard, don't hesitate to call the NSTA office or our Compliance Hotline (800-650-1654).

Important Dates to Note...

April 26, 2005

Board of Directors Meeting
Renaissance Mayflower Hotel
Washington, DC

July 17, 2005

International Safety Competition
Washington, DC

July 17 - 20, 2005

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

July 21-22, 2005

NSTA Safety and Security Workshop
NTSB Academy
Ashburn, Virginia