



NEWSLETTER

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"



Environmental Groups Sue for Warning Labels on Buses

Two environmental advocacy groups filed suit in San Francisco Superior Court last month to force Laidlaw Transit to put warning labels on their diesel school buses in California.

The suit was filed by Our Children's Earth Foundation (OCE) and Environmental Law Foundation (ELF) under the state's Proposition 65, which requires companies to give "clear and reasonable warning" for public exposure to chemicals that can cause cancer or birth defects. The groups claim that exposures to diesel exhaust from school buses increases the risk of cancer for children.

OCE has stated that their intention is to raise concern among parents so they will demand that school districts replace their diesel buses with natural gas buses. The suit seeks a court order requiring that Laidlaw not only put signs on all their buses, but also send a letter to the parents of each child who rides their buses about the alleged danger. It asks for penalties of up to \$2500 per day for each child who is exposed to school bus exhaust without a warning after the new school year begins.

Proposition 65 does not apply to school districts or other

governmental units. OCE is focusing solely on Laidlaw because it is the largest contractor of school buses in the country. "If we can move them, we can move the industry," says their website.



Senate Turns to Estate Tax Legislation

The Senate is preparing to begin debate on estate tax legislation next week. It is widely expected that legislation including a full repeal of the tax will not garner enough votes to invoke cloture (a procedural method for limiting debate and bringing the bill up for a vote), possibly clearing the way for compromise legislation.

Senator Jon Kyl (R-AZ) has proposed compromise legislation which includes a 15 percent rate and an individual exemption amount of \$5 million, which would effectively shield estates of up to \$10 million from the tax. Last week Senate Finance Committee Ranking Member Max Baucus (D-MT) began circulating a counteroffer to the Kyl proposal. Baucus's plan includes a graduated rate structure setting rates of 15, 25 and 35 percent depending on the size of the estate.

If Congress takes no action, after 2010 all estates worth more than \$2 million will be taxed at rates that were in place before 2001, which could be as high as 60 percent.



HHS Publishes NPRM on Head Start Waivers

Earlier this week the Department of Health and Human Services (HHS) published a Notice of Proposed Rulemaking (NPRM) on waivers from the Head Start transportation requirements, as authorized by Congress in the HHS Appropriations bill last December. The NPRM allows for annual waivers from the requirements for child restraints and monitors for "good cause." "Good cause" for a waiver will exist when compliance with requirements related to child restraint systems or bus monitors will result in a significant disruption to the program and the Head Start agency demonstrates that waiving such requirements is in the best interest of the children involved.

The original regulation said that in no case would cost be considered good cause for a waiver; but that language had been removed under this proposal.

The change is that many Head Start agencies that coordinate transportation with school districts, transit agencies, or other providers argued that it is unreasonable and cost-prohibitive to provide child restraints and monitors for the few Head Start children who may be riding the bus with students or with other passengers. HHS says in the notice that it had written the original regulations for dedicated Head Start

would cause for coordinated

transportation. This provision is effective October 1, 2006. The NPRM also changes the effective date for the use of school buses or acceptable alternative vehicles (MFSABs) from January to June 30, 2006.

You can read the entire notice at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-8222.htm>.



NSTA Participates in Negotiated Rulemaking Committee Meeting

John Corr, President, participated in the first meeting of the Charter Bus Negotiated Rulemaking Advisory Committee on May 8 and 9 in Washington, D.C. As you'll recall, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed by Congress last summer, directed the Secretary of Transportation to undertake a negotiated rulemaking to look at potential changes and improvements to charter rules. A negotiated rulemaking is a formal process, which emerged in the 1980s as an alternative to traditional procedures for drafting proposed regulations.

The Committee agreed to a few ground rules including that it will operate by consensus, meaning that agreements will be considered reached when there is no dissent by any member of the Committee. In addition, four new members were added to the Committee including: Dale Moser of Coach USA; Mike Waters of California Bus Association; Dick Riddell of Fort Worth Transportation Authority;

and Sandy Dragoo of Capital Area Transportation Authority. The Committee agreed to limit its scope to the following questions and issues:

1. Are there potential limited conditions under which public transit agencies can provide community-based charter services directly to local governments and private non-profit agencies that would not otherwise be served in a cost-effective manner by private operators?
2. How can the administration and enforcement of charter bus provisions be better communicated to the public, including use of internet technology?
3. How can the enforcement of violations of the charter bus regulations be improved?
4. How can the charter compliant and administrative appeals process be improved?
5. A new process for determining if there are private charter bus companies willing and able to provide service that would utilize electronic notification and response within 72 hours.
6. A new exception for transportation of government employees, elected officials, and members of the transit industry to examine local transit operations, facilities, and public works.
7. Review and clarify as necessary the definitions of regulatory terms.
8. FTA policies relative to the enforcement of charter rules and the boundary between charter and mass transit services in specific circumstances, such as university transportation and transportation to/from special events.

The Committee is scheduled to meet again June 19-20 in Washington, D.C.



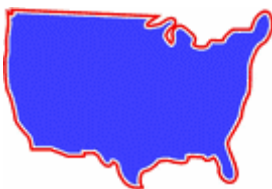
It's Time to Register for NSTA's Summer Convention!

NSTA's Summer Convention will be held at **Harrah's Resort in Lake Tahoe, Nevada**, July 22-26, 2006.

A special group block has been set up for NSTA attendees and is available at the discounted group rate of \$165 single or double occupancy. Rooms are limited and are available on a first-come, first-served basis.

To make reservations for your room(s), call **(800) 455-4770** and ask for the Group Code: **S07-NSTA**.

The [42nd Annual Meeting & Convention](#) agenda, as well as registration forms, are available in the Upcoming Events section and on the home page of NSTA's website, www.yellowbuses.org.

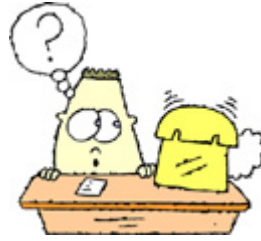


State Legislative Activity

DE: The legislature passed a bill that provides an additional \$660,000 in funding to help contractors with fuel costs and also adds to the base bus run used in the state's funding formula. The new formula is based on a 3½ hour run, an increase of from ½ to 1 hour, depending on the county.

NY: A bill was introduced that would require owners of school buses to replace or retrofit 10% of their fleets every year to run on cleaner fuel, including ULSD.

AZ: The budget bill passed by the House increases the school bus replacement fund by \$850,000 but decreases grants for school bus emission reduction by \$4 million.



We Get Questions

***Q.** We've always allowed our drivers to take their small children on the bus with them, but recently some parents have been complaining about it and now the school board is considering a change. Have other companies had a problem with this? What do they do?*

A. This is generally a matter of local policy — either the bus company's or the school board's—and it varies around the country. On the one hand, many companies/districts believe that allowing drivers' preschool children to accompany them is an employee benefit that helps with driver recruitment and retention; on the other hand, some districts adhere to the policy that no one is allowed on the bus except students and school personnel—which excludes drivers' children. Even where the Board has adopted a policy allowing drivers to take their children on the bus, the issue is sometimes revisited in response to parent concerns.

We are not aware of any studies or other resources that show a correlation between drivers' children on the bus and reduced safety for the student passengers. In fact, it could be argued that a driver will be even more careful if his or her own children are riding the bus. Since your district has a long history with this practice, perhaps you could put together some data for parents regarding your own safety record: have you had any incidents where a driver was distracted by his/her child resulting in a risk to students? How many accident-free drivers have taken their children on the bus?

Whatever your Board decides to do, the important thing is to have a written policy that is consistently applied. If you continue to allow drivers to take their children, make sure you have consistent rules. For example, preschool children must be in appropriate child safety restraint systems; older children must be seated at all times and must obey the rules of the bus; drivers must not engage in child care during bus runs. (You get the idea.) If you adopt written policies for this situation with clear rules for drivers, parents may be more likely to accept it. Communicate, too, your reasons for allowing drivers' children on the bus. If parents understand that changing the policy could mean losing good drivers, they may also be more forgiving.

If you have questions, please contact Robin Leeds-Tanner at rleeds@yellowbuses.org.



Welcome New NSTA Members!

David Conrad
Spanaway, WA

Gerard Shruhan
Brocton, MA



Questions on Ultra Low Sulfur Diesel?

The Environmental Protection Agency has partnered with the Clean Diesel Fuel Alliance to produce an informative issue paper and a brochure on Ultra Low Sulfur Diesel fuel. You can download either of them by going to NSTA's website, www.yellowbuses.org.

June 1 was the deadline for oil refineries to produce at least 80% ULSD, and by September 1 it has to reach diesel terminals. Retail outlets may have ULSD by mid-October, but they are not required to sell ULSD until 2010. The exception is California, where all diesel fuel must be ULSD by September 1, 2006.

Have you trained drivers in School Bus Watch this year? If so, please let us know how many drivers were trained, and whether they were enrolled in School Bus Watch.

NSTA, along with the other national associations, receives a fee for every driver enrolled in SBW—but we think we are missing a lot of drivers. If you have done SBW training at your facility, or participated in SBW training at another facility, please send us the dates, number of drivers, and trainer's name.

If your drivers haven't been enrolled, we will help you get that done; if they have, we want to make sure we have them in our counts.

You can email the information to ahenley@yellowbuses.org, or fax it to 703- 684-3212. Thanks for your help!



School Bus Safety Week Update

As you know, Congressman John J. "Jimmy" Duncan (R-TN) introduced House Resolution 498 honoring School Bus Safety Week on October 18, 2005.

The Resolution honors the goals and ideals of School Bus Safety

Week and the safety of school bus transportation.

We have successfully garnered over 50 co-sponsors, the minimum the House Government Reform Committee needs in order to act upon such legislation.

NSTA recently met with Committee staff and it is our understanding that the Committee will include the Resolution in its next scheduled markup.

Once the Committee marks up the bill, no other co-sponsors can be added, so please continue to contact your Representatives and ask that they join onto the bill.

NSTA Calendar of Events

July 22-23, 2006
[International Safety
Competition](#)
*Heavenly Ski Basin
Lake Tahoe, Nevada*

July 23-26, 2006
[42nd Annual Meeting
and Convention](#)
*Harrah's
Lake Tahoe, Nevada*

January 28-31, 2007
Midwinter Meeting
*Loews Ventana Canyon
Resort
Tucson, Arizona*

July 14-18, 2007
43rd Annual Meeting
and Convention
*Westin Waterfront Hotel
Boston, Massachusetts*