



NEWSLETTER

JULY 28, 2006

This publication is a member service of

**National School
Transportation Association**
113 South West Street, 4th Floor
Alexandria, VA 22314
Phone: (703) 684-3200
Fax: (703) 684-3212
E-mail: info@yellowbuses.org
Website: www.yellowbuses.org

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House Passes School Bus Safety Week Resolution

The House of Representatives passed House Resolution 498 honoring the goals and ideals of School Bus Safety Week by a vote of 424-0 on July 18, 2006.

This completes action on the Resolution and provides a Congressional recognition of the

- Indiana – Souder (R)
- Kansas – Moran (R)
- Maryland – Cardin (D),
 Milchrest (R), Ruppberger
 (D)
- Massachusetts – Neal (D),
 McGovern (D)
- Michigan – Upton (R)
- Minnesota – McCollum (D),
 Sabo (D)
- Missouri – Skelton (D)
- Nebraska – Osborne (R)
- New Hampshire – Bradley (R)
- New Jersey – Pallone (D),
 Payne (D)
- New York – Bishop (D),
 Boehlert (R), Engel (D),
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 (R), Maloney (D), McCarthy
 (D), McHugh (R), McNulty
 (D), Walsh (R), Weiner (D)
- North Carolina – Etheridge
 (D), McIntyre (D)



NHTSA Denies Petition to Prohibit Seat Belts

On July 14 the National Highway Traffic Safety Administration published a notice of petition denial in response to a petition to prohibit states from requiring or allowing seat belts in school buses and to declare seat belts on buses a safety defect. Specifically, the petitioner, Mr. James Hofferberth, asked that NHTSA

- 1) Preempt, prevent and preclude the possibility of the installation of seat belts or safety belts in full sized school buses;
- 2) Declare school buses equipped with seat belts or safety belts as defective relative to safety and order that all such vehicles be recalled and repaired immediately;
- 3) Initiate criminal, civil or any alternative punitive action available under the law against any individual or organization that ordered or performed the installation of seat belts or safety belts in school buses; and
- 4) Require that any device installed in full sized school buses be proven to neither reduce the overall safety of children of all relevant sizes and ages during transportation related to school activities with due consideration to all factors affecting that safety nor preclude or diminish in any way the safety provision of the motor vehicle safety standards related to school buses.

Mr. Hofferberth cited tests (including NHTSA's) showing the potential for increased injury both to belted and to unbelted occupants when seat belts are available, and stated that installation of seat belts or safety belts in full sized school buses overrides or precludes the effectiveness of the safety features required in full sized school buses, and that the installation of seat belts or safety belts in full sized school buses creates an unnecessary and unacceptable risk of injury and fatality to school bus passengers.

In denying the petition, NHTSA said that they see no reason to change their long-standing position that states and local governments are free to equip their buses with belts if they choose. Interestingly, a 1981 FMCSA interpretation addressed the preemption issue by saying that "a State law that requires seat belts on all large school buses conflicts with FMVSS No. 222 and is preempted. However, the last sentence of Sec. 30103(b) permits a State to prescribe a standard for school buses *obtained for its own use* that imposes a higher performance requirement than that required by the otherwise applicable FMVSS.

Thus, as the last sentence of Sec. 30103(b) makes clear, States are free to require seat belts on school buses which the State purchases for its own use." NHTSA then interpreted the phrase "vehicles procured for (the State's) own use" to include public school buses and those under contract to transport children to and from public school.

However, school buses purchased by private schools are not included. That means that a private school (and a company that contracts with a private school) cannot legally put seat

belts in its school buses, though a public school (and a company that contracts with a public school) can. The prohibition also extends to other private agencies, such as childcare centers, that use school buses equipped with seat belts. It will be interesting to see what effect, if any, this interpretation has on those states that require all school buses, including those used by private schools, to have occupant restraints.



Bill Requiring Searchable Database Passes Out of Committee

The Senate Homeland Security Committee approved a bill this week via voice vote requiring the government to create a searchable database of every recipient of Federal grants, contracts or loans, exclusive of classified information.

The website would have to be accessible for free and would be required to begin operations by January 1, 2008. The database would include spending records from Fiscal Year 2007 forward.

The Committee agreed to an amendment establishing a two-year pilot program beginning in January 2007 to identify the most efficient way to follow subcontracts and subgrants.

At the end of the two-year pilot program, subcontracts and subgrants would be included in the broader database. The House passed similar legislation by voice vote on June 21.



Two Transit Security Bills Slowly Moving Through Congress

There are currently two competing House bills authorizing billions of dollars in transportation security funding, but the prospects of passage for either remain clouded because of possible jurisdictional squabbles by the Committees. Recently, the House Transportation and Infrastructure Committee approved a bill by voice vote that would authorize \$3.4 billion in grants to public transportation agencies for capital and operational security improvements through 2009, but the entire House has yet to act on the legislation. The second bill, introduced by Members of the House Homeland Security Committee, would authorize up to \$2.4 billion for transportation security and increase security for commuter and freight trains, but the Homeland Security Committee and the Transportation and Infrastructure Committee, which share jurisdiction over the bill, have yet to take action on the legislation.

There has been some friction between the two Committees since the formation of the Homeland Security Committee following the events of September 11, 2001. Prior to then, the House Transportation and Infrastructure Committee had legislative responsibility for transportation security issues.

If the issues cannot be resolved and legislation cannot be passed this year, Members will have to start anew in January.

Minimum Wage Increase and Estate Tax Reduction Pass House



The House of Representatives passed legislation last week, by a vote of 230-180, to gradually raise the size of estates excluded from taxation and index the amount to inflation and increase the Federal minimum wage.

Specifically, the legislation increases the exemption for the estate tax to \$5 million per individual and \$10 million per couple, indexed for inflation.

For estates valued between \$10 million and \$25 million, the estate tax would be reduced to 15 percent of the capital gains rate and indexed to inflation.

For estates valued at more than \$25 million, the tax would be 30 percent, indexed for inflation. All of this would be fully phased in by January 1, 2015.

With respect to the minimum wage, the legislation increases the wage from \$5.15 to \$7.25 per hour in three steps over three years.

The wage would increase to \$5.85 per hour on January 1, 2007; to \$6.55 per hour on January 1, 2008 and finally, to \$7.25 per hour on January 1, 2009.

The bill now heads to the Senate, but its fate remains unclear at this time.



We Get Questions . . .

Q. *A federal DOT inspector told me that my drivers have to keep log books when they take activity trips. Is this true?*

A. It depends on the trip; in most cases, probably not. As we have often said, school bus contractors are subject to the Federal Motor Carrier Safety Regulations in regard to their activity trips. (Home-to-school transportation is exempt, even when provided by contractors.)

One of the requirements of the FMCSRs is that drivers must keep a Record of Duty, otherwise known as a log book.

There is an exception to this requirement, though, which applies to most school activity trips. The 100-mile radius exception says that drivers need not complete a record of duty as long as:

- the trip is not farther than 100 air miles (115 ground miles) from the driver's reporting location;
- the driver had 8 hours off duty before reporting to work;
- the driver doesn't drive more than 10 hours and isn't on duty a total of more than 12 hours;
- you have kept accurate time records (time clock, time sheets, etc.) for the driver for the past 6 months (or for 7 days if he's a new driver).

(We et Questions article
continued...)

The time records are important; they can't just say, "Betty Driver worked morning and afternoon runs on this date." You need exact clock-in, clock-out times in order to meet the requirements for the log book exception. Incidentally, this is one the major items that auditors check when doing a DOT audit, so it's important that all drivers are on time schedules.

If any of the conditions above are not met, the driver must complete a log book entry for the entire day of the trip, beginning with his first reporting to work. Note that this requirement applies to intrastate trips as well as interstate trips if the state has adopted the FMCSRs, as most states have.

For more information or help with specific issues, contact NSTA's Industry Specialist, Robin Leeds, by phone at (800) 560-1645 or through e-mail at rleeds@yellowbuses.org.



NSTA Announces its 2006 Award Winners

School Bus Fleet's Contractor of the Year Award

Donald Fowler
Fowler Bus Company
Richmond, MO

Golden Merit Award

Tim unn
Durham School Services
Oakland, CA

Call Hull
First Student, Inc.
Vancouver, WA

Beatrice Kunde
First Student, Inc.
Danville, IL

Chloe Williams
B.R. Williams, Inc.
Woodstown, NJ

Hall of Fame Award

Kevin Clifford
Huntington Coach
Huntington Station, NY

John Elliott
Durham School Services
Downers rove, IL

Distinguished Service Award

Lyle L. Stephens
Special Transportation Inc.
(former partner of Dean
Transportation)
Punta rda, FL

Outstanding Driver Service Award

Elizabeth Bamberger
Huntington Coach Corporation
Huntington Station, New York

Outstanding School Transportation Administrator

Peter randolfo (Posthumous)
Chicago Public Schools
Chicago, IL

Thomas Built Buses, Inc. Continuing Education and Professional Growth Grant

Robert W. Nelson
Dousman Transport Co., Inc.
Dousman, WI

For more information about the 2006 NSTA awards program, visit www.yellowbuses.org and click on the link "NSTA Announces its 2006 Award Winners" located on the home page.

There you will find the complete Awards booklet including a description of the award and background on the winners.



2006 Safety Competition Winners

Conventional Bus

1. Larry Hannon, PA
2. eorge Soversn, Jr., PA
3. Cindy Shipley, CO
4. Mark VanderZouwen, MI
5. Kenneth Mayo, FL
6. Travis Anderson, KS
7. Connie Beatenbough, A
8. Carolyn Bracewell, A
9. Jesse Alexander, IL
10. Serena Yansak, MA

Small Bus

1. Jaye Jaye Knickelbein, KY
2. David Spyres, KS
3. Dwayne Salyer, KY
4. Brandy Acevedo, CA
5. Mary Carchese, ON, Canada

Transit Bus

1. Dana Opp, MI
2. Rose Flood, AZ
3. Ed Hundley, KS
4. Pressley Kegley, IN
5. Antonio Perez, CA
6. Tina Fitzgerald, CO
7. Kathy Torisky, PA
8. Roberto Hernandez, TX
9. Jesse Hill, CO
10. David Lancaster, CA

NSTA President John Corr said, "You are the best of the best. You show you care for the safety of the children. And, your participation shows your commitment to the community and profession. You are the top in your profession. You are a champion and a hero. Thank you for your constant commitment to safety and for joining us in this year's competition."

We would like to congratulate and thank all 109 competitors of this year's International Safety Competition.



Annual Membership Votes on New Board Member

Phillip Paige of Paige Bus Enterprises (IL) finished his term on the NSTA Board of Directors last week. Mr. Paige has been a member of the board for many years and has served as Chair of the NSTA Awards Committee.

Blake Krapf of Krapf Bus Companies (PA) has taken Mr. Paige's position as an At-Large Delegate of the NSTA Board of Directors. Welcome aboard, Blake!



Mark Your Calendars!

NSTA will hold its Midwinter Meeting from January 27th to January 31st, 2007 in Tucson, Arizona. Information on the Meeting and accommodations will be available in the next newsletter and on the website at www.yellowbuses.org.

[www.
yellowbuses.](http://www.yellowbuses.org)

NSTA

org



We Would Like to Thank our 2006 Sponsors...

The following companies are supporting the 2006 International Safety Competition and the NSTA Annual Meeting & Convention.

Please take a moment to find out more about them by visiting NSTA's website or each company's website. They, too, need your support!

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ATWEC Technologies,
Inc.
www.atwec.com

Blue Bird Corporation
www.blue-bird.com

The Braun Corporation
www.braunlift.com

Collins Industries, Inc.
(Collin Bus and MidBus)
www.collinsind.com

Consolidated Safety
Service, Inc.
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IC Corporation
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www.cleanvehicle.org

Orbitz Software
www.orbitsoftware.net

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www.rbcdain.com

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www.roscomirrors.com

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www.stnonline.com

SafeGuard/IMMI
www.safeguardseat.com

Thomas Built Buses
www.thomasbus.com

Transpec Worldwide
www.transpecworldwide.com

US Bus
www.usbuscorp.com

Zonar Systems
www.zonarsystems.com
