Board of Education Agenda Item

Item: B. **Date:** May 27, 2010

Topic: Second Review of Revisions to *Regulations Governing Pupil Transportation*

Presenter: Mr. Kent C. Dickey, Assistant Superintendent for Finance

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Origin:

____ Topic presented for information only (no board action required)

__X__ Board review required by
_X___ State or federal law or regulation
____ Board of Education regulation
____ Other: _____

_X___ Action requested at this meeting ____ Action requested at future meeting: _____ (date)

Previous Review/Action:

____ No previous board review/action

_X___ Previous review/action
date November 20, 2008
action Accepted for first review proposed revisions to the regulations and approval to continue with the regulatory process under the Virginia Administrative Process Act.

Background Information:

The *Regulations Governing Pupil Transportation* (8 VAC20-70) was last revised in 2004. Since that time, statutory provisions related to the content of these regulations have been enacted or amended resulting in inconsistent or conflicting requirements. In addition, areas of the current regulations needing clarification or flexibility have been identified, as well as content from the 2005 National School Transportation Specifications and Procedures and federal requirements for incorporation into the regulations.

The Board of Education gave approval at its October 2007 meeting for the department to begin the regulatory revision process. In accordance with the Virginia Administrative Process Act (VAPA), a NOIRA was published in the Virginia Register of Regulations in January 2008 of the Board of Education's intent to conduct a comprehensive review of the current regulations. The NOIRA was posted for 30 days for public comment. Three comments were received and they dealt with the school bus specifications instead of the regulations.

At its November 2008 meeting, the Board of Education accepted for first review proposed revisions to the regulations and approved the department to continue with the regulatory revision process. Key changes proposed in the first review version of the regulations included additional requirements for activity buses similar to those for yellow school buses, restrictions on daily driving hours, restrictions on students standing on buses, revisions to the Preventive Maintenance Manual, changes in the bus maintenance schedule, changes and clarifications to training requirements, and crash reporting changes.

Executive branch review of the proposed regulations occurred during winter-spring 2009. The proposed regulations were published in the Virginia Register in August 2009 and posted on the Town Hall and department Web sites for a 60-day public comment period from August 17 through October 16, 2009. Three public hearings were held across the state (Roanoke, Chesapeake, and Fairfax) in September 2009 to receive public comment. Comments were received from two regional transportation directors' groups, 12 school divisions, and one private company, local educational association, private citizen, and school bus dealer.

Summary of Major Elements:

The public comments were compiled and a local review committee was convened to review the comments and provide recommendations for further revisions to the regulations. The review committee consisted of pupil transportation personnel (six pupil transportation directors, one assistant director, six mechanics, and five driver trainers) representing school divisions from each of the eight superintendents' regions, one representative from the State Police, and three Department of Education pupil transportation staff.

The committee reviewed and discussed the public comments and made recommendations on the proposed revisions to the regulations. Attachment A is a summary of the revisions to the regulations as initially proposed and the public comments received on each section. The third column of Attachment A indicates changes recommended by the review committee or department pupil transportation staff. Attachment B contains the latest proposed revisions to the regulations. The second review version of the regulations maintains most of the changes proposed in the first review version and reduces or streamlines preventive maintenance, crash reporting, and bus route review requirements.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept for second review the latest proposed revisions to the *Regulations Governing Pupil Transportation* and authorize the latest revised version of the regulations to be placed on the Town Hall and Department of Education Web sites for a 30-day public comment period.

Impact on Resources:

The impact on resources of the proposed revisions to these regulations is not expected to be significant.

Timetable for Further Review/Action:

Following the 30-day comment period, it is anticipated that a final version of the regulations will be presented to the board at its July meeting for final review and adoption. The adopted version of the regulations would then continue with the final steps of the VAPA process before becoming effective.

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Public Comments Received on *Regulations Governing Pupil Transportation*

Proposed Change to Regulations (1st Review)	Public Comments Received	Committee/Staff Proposed Language Changes
8VAC20-70-10. Definitions. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise: "Classroom instruction" means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student. "Color-black" means federal standard No. 595, black. "Color-yellow" means national school bus yellow SBMTC color standard 008. "Multifunction School Activity Bus (MFSAB)"/(school activity bus) means a school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for	**Fairfax** – Does the added definition of "vehicle" create a new question on acceptable vehicle capacity? If the vehicle in question is not operated at public expense, then does it need to meet the nonconforming bus standard? For example, a 15 passenger van used by a parent to transport a group of students or an after-school care provider that comes to pick-up students at the end of the school day would currently be expected to meet the standard. But this definition seems to imply that if the vehicle is not used to transport students at public expense then the rule may not be applicable to that vehicle. This new definition also seems to imply for the first time that the transport of personnel and not just students could be a factor. Was that the intent? **Frederick County Transportation Director** – Type A bus – Entrance Door location removed, but not for Types B, C, D. Why? **Frederick County Transportation Director**– Type A, B school bus – would either/both have dual tires?	Minor, clarifying language changes to "school bus" definition.

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school buses and meets all regulations for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements. "Nonconforming bus" means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR part 571, specific to school buses or multifunction school activity buses. These vehicles are not approved for transporting students to and from school or school-related activities. "School bus" means any motor vehicle ~~described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D," which is designed and used for the transportation of pupils,~~ other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a		

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sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on the front and rear, and (iii) ~~which~~ is equipped with ~~the required~~ warning devices ~~as stated~~ prescribed in §46.2-~~100~~ 1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education. ~~Note: This definition includes school buses owned and operated by school boards, private contractors, local governments, and transit systems that are used for the transportation of public school pupils.~~ "Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs. "Type A school bus" ~~means~~ is a ~~van~~ conversion ~~or~~ bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. ~~The entrance door is behind the front wheels.~~ This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) ~~less than or equal to 10,000~~ of		

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14,500 pounds or less; and Type A2, with a GVWR greater than 14,500 pounds but less than or equal to ~~greater than 10,000~~ 21,500 pounds. "Type B school bus" ~~means a bus with a body~~ is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR ~~less than or equal to~~ of 10,000 pounds or less; and Type B2, with a GVWR greater than 10,000 pounds. "Type C (Conventional) school bus" ~~means a bus with~~ is a body ~~constructed utilizing an~~ installed upon a flat-back cowl chassis with a hood and ~~front fender assembly~~ fenders. ~~The entrance door is behind the front wheels~~. This definition shall include two classifications: Type C1, with a GVWR range of 17,500 pounds with a design seating capacity range from 16 to 30 persons; and Type C2 with a GVWR of more than 21,500 pounds, designed for carrying more than 30 persons. The engine is in front of the windshield and the entrance door is behind the front wheels. Both Type C1 and Type C2 must be equipped with dual		

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rear tires. "Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels. This bus is also known as a rear engine or front engine transit style school bus. "Vehicle" means any vehicle owned or operated by, or owned or operated by any person under contract with, a county, city, town or school board in which any school pupils or personnel are transported at public expense to or from any public school.		
8VAC20-70-31. Driving more than thirteen hours in a twenty-four hour period prohibited. Pursuant to §46.2-812, no person shall operate any school bus, school activity bus or school activity vehicle for more than thirteen hours in any period of twenty-four hours or for a period which, when added to the time such person may have driven any vehicle in any other state, would make an aggregate of more	**Fairfax** – I like having a set amount of hours and 13 seems fair. I also like the idea of placing responsibility on the driver to report time driving other commercial vehicles to ensure we don't schedule them to run at or over the 13 hours. However, I am unsure of the practicality of having the requirement to report all hours driven prior to operating a school bus each time. It might be better to require that the driver report all hours worked or hours driving a	8VAC20-70-31. Driving time. Driving time for operators of any school bus, school activity bus, or school activity vehicle, shall be pursuant to Section 46.2-812, Code of Virginia. **Change wording to refer back to the Code of Virginia for consistency with the Code provision.**

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than thirteen hours in any twenty-four hour period. Drivers of other commercial vehicles shall report all hours driven prior to operating a school bus, school activity bus or school activity vehicle. No owner of any vehicle shall cause or permit it to be driven in violation of this section.	commercial vehicle prior to driving a bus if the total hours are expected to reach 13 hours in a 24 hours period. Further, are we missing part of the feds concern by just saying "time driving a commercial vehicle" and not "time performing a safety sensitive duty." For example, is allowing a mechanic or an air traffic controller to work 10 hours in a safety sensitive job and then drive a school bus field trip for 4 more hours any less safe than allowing a truck driver to do the same? **Spotsylvania County Transportation Director** – I know it will not be popular with my peers but I believe driving time should be changed to include hours on duty. It is a constant battle for me to prevent trips where the driver leaves at 9:00 a.m. for a 3-hour drive, spends 10-11 hours at an event sometimes making occasional shuttle trips for food, etc. and then drive back at midnight. Actual driving time may be just 6-8 hours but on duty time far exceeds that. "Pursuant to §46.2-812, no person shall operate…" should be changed to include all on duty hours and not just driving hours. A driver who has been on duty for many hours is tired and may be unsafe even when all time on duty are not driving	

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	hours. **Prince William County Transportation Director** – In this context, what does the term "operate" mean? Does it literally mean the actual driving time or is it the amount of time on duty including pre-trip inspections, waiting, eating, etc. Recommend it be amended to state 13 continuous hours on duty. **Region 2 Directors** – The vagueness of this topic was discussed and possible implications of not having drivers available for late evening/night trips could present a challenge. We need to have our own description on what is working/driving time and how it should be considered/applied towards the 13 hours allowed in a 24 hour period. What is work time vs. what is wait time and how/what time is counted towards the 13 hours. **Virginia Beach City Transportation Director and Region 2 Directors** – Need to define driving time (does it include layovers, paperwork, etc.) **Region 3 Directors** – Members request the information be more detailed in the section. Is this driving hours, working hours for division, etc. **Montgomery County Transportation Director** – I think we need to address on-	

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	duty hours for school bus drivers, and not just driving hours. Trips may only include 13 or less driving hours, but if a driver departs from a school at 5 am and returns at midnight, that can be very unsafe.	
8VAC20-70-40. Seating. The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment and shall not exceed the manufacturer's capacity. ~~During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat.~~ Pupils may not be permitted to stand ~~after the first 30 instructional days~~ except under unforeseen temporary emergency conditions and short distances as identified by the local school board.	**Fairfax** – It is impractical to forecast ridership and plan routes to this degree without significant waste of resources. The 30 instructional day criteria has worked well for many years and most of us have addressed the overloads within a few weeks. All this seems to be is an attempt for DOE to dump the burden for not being perfect or having a crystal ball back to the locality… **Region 2 Directors** – Modify this requirement to allow students to stand during the first 21 school days to allow districts time to shift school bus stops and/or add bus runs to resolve the overcrowding. In some cases students ride the school bus only the first week of school until they can obtain a "parking pass" from their high schools. **Region 2 Directors** – Please consider allowing students to stand for up to 15 instructional school days at the beginning of each school year. Many variables are present as we determine ridership for each run and the student population settles	8VAC20-70-40. Seating. The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment and shall not exceed the manufacturer's capacity. ~~During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat.~~ Pupils may not be permitted to stand ~~after the first 30 instructional days~~ except under unforeseen temporary emergency conditions and for short distances as identified in policy by the local school board. **Committee feels local school boards should have a policy in this area setting out conditions under which students are allowed to stand. This change would conform to common practice in other states.**

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	down. Many parents transport their students during the opening days of school and they (students) appear on the bus runs several days later. In the case of high school students many are seeking parking passes from their schools and ride the bus until such time the schools are able to issue passes. **Frederick County Transportation Director -** School divisions need a period time to let routes, riders, etc. adjust at the beginning each school year. "Temporary and short distances" are too vague and need to be stronger statements. Further I believe the state should take the leadership role in consistency through the state as it did previously. **Virginia Beach City Transportation Director**– Local transportation operations cannot predict the number of students who will show up at any given bus stop on the first day of school. The "standee" permission for the first 30 instructional days was critical to getting all children to school on opening day. If this is eliminated, bus drivers will pick up enough to fill the bus and, probably, tell the other students at bus stops there is no room for them and leave them standing at the bus stop. While it is not desirable to have standees, it is an operational	

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	necessity during the first week or so of school. Therefore, I recommend a change to 15 instructional school days at the beginning of each school year. Many variables are present as we determine ridership for each run and the student population settles down. Many parents transport their students during the opening days of school and they (students) appear on the bus runs several days later. In the case of high school students many are seeking parking passes from their schools and ride the bus until such time the schools are able to issue passes. **Region 3 Directors** – Members request pupils to be able to stand for up to 20 instructional days. The student ridership fluctuates too much to have a set number for the first day.	
8VAC20-70-80. Loading or discharging pupils. When loading or discharging pupils on the highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. Pupils shall be picked up and discharged only at designated school bus stops approved by the local school division except in the case of an emergency. While stopped, the driver	**Prince William County Transportation Director–** Clarification and future explanation required. The code states stops shall be made in the right-hand lane. Recommend it be changed to state in the right-hand through lane. Otherwise, buses will be stopping in right-hand turn lanes which will encourage motorists in through lanes to run the stoplights on the bus. **Prince William Education Association –** Wait for hand signal requirement – could confuse motorist who may think its signal	No change to proposed language.

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shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and wait for a hand signal from the bus driver before starting across the highway. On dual highways divided by a physical barrier, unpaved area, or five lane highway with turning lane, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live. (See §§46.2-893 and 46.2-918 of the Code of Virginia.)	for traffic to move.	
8VAC20-70-110. Pupil ~~rider~~ <u>transportation</u> safety instruction. Pupil ~~rider safety~~ transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures. 1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. <u>Students in grades 9-12 shall</u>	**Fairfax** – Item 2 would appear to now require that the bus driver be present and participate in the drill at the same time with the students. While I totally support the need for the driver to demonstrate knowledge and ability to exit the bus in an emergency, it is not always appropriate, practical, or safe to have both students and the driver practice at the same time. We need the flexibility to allow separate or group specific training and practice as appropriate.	8VAC20-70-110. Pupil Transportation Safety Instruction. Pupil transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures. 1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. ~~Students in grades 9-12 shall receive additional training on the rules~~

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receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle. 2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester, and shall include the school bus driver. Summer session evacuation drills should be performed as needed. 3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.	**Region 2 Directors** – This requirement should not fall in the pupil transportation arena. Teaching young adults safe driving practices should become a part of the Driver Education Program or the health/safety course curriculum developed and administered by the DOE Curriculum Department, not pupil transportation. School divisions are already pressed for time in the curriculum to teach required subject matter. This requirement should be discussed with those in the curriculum area before implementation. **Prince William County Transportation Director** – Proposed change mandates that students in grades 9-12 should receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle. While this can be easily accomplished for students enrolled in driver education, it is not easily accomplished for all students. It will be, in effect, an un-resourced mandate that will consume instructional time. A better approach is to mandate that the Virginia Department of Motor Vehicles amend the current written driver's examination to include more questions/knowledge on school bus safety. Currently, the test includes only two	~~for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle.~~ 2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester, and shall include the school bus driver. Summer session evacuation drills should be performed as needed. **Committee recommends eliminating proposed grades 9-12 requirement and work with DOE Driver Education staff to add a section to the Driver Education curriculum on safe driving operation around school buses.**

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	questions which are woefully inadequate given the number of daily stoplight violations throughout the state. **Virginia Beach City Transportation Director** – As a transportation professional, it is very difficult for me to require the Department of Curriculum and Instruction to rewrite curricula to include any type of instruction. Since this is a school site instructional issue, it should be discussed with personnel in the curriculum arena and not the transportation arena. Teaching young adults safe driving practices should become a part of the Driver Education Program or the health/safety course curriculum developed and administered by the DOE Curriculum Department, not pupil transportation. School divisions are already pressed for time in the curriculum to teach required subject matter. This requirement should be discussed with those in the curriculum area before implementation. **Region 3 Directors** – Members would like clarification of who would be responsible to verify the training for grades 9 – 12. Currently the 10th graders receive the behind the wheel training during gym class, who will be responsible for teaching	

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	this to the other grade levels.	
8VAC20-70-130. Maintenance Inspection. All school buses and school activity vehicles and school vehicles used to transport public school pupils to and from school and school activity events shall ~~be inspected and maintained~~ undergo a Level 2 maintenance inspection as prescribed in the Preventive Maintenance Manual for Virginia School Buses by competent mechanics ~~immediately~~ before being used for each new school year, and a Level 1 inspection at least once every ~~30~~ 45 ~~operating days or every 2,500 miles traveled~~ calendar days after the start of the new school year. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~" and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school	**Fairfax** – How often is too often? When is too late? Do we really know? How can we find out? Can we afford to wait? School bus maintenance should be a year round activity and not just a summer or primarily a before school starts activity. For many of us the school year never really ends. Many programs are year round, summer programs have grown, and many other programs such as county recreation keep our buses busy all summer long. Mandating Level 2 inspections prior to each new school year can create a disproportionate service requirement. Level 2 inspections should follow the repetition of 1-3 Level 1 inspections as they occur over time and continue to roll from year to year. Performing Level 1 inspections just prior to the start of a new school year would not be as demanding. Changing from operating days to calendar days will create additional disproportionate service requirements too. For example, if we become bound to a calendar day format and snow or other emergencies cause a loss of 2 or more	8VAC20-70-130. Maintenance Inspection. All school buses and school activity ~~vehicles and school vehicles~~ buses used to transport public school pupils to and from school and school activity events shall ~~undergo a Level 2 maintenance inspection as prescribed in the Preventive Maintenance Manual for Virginia School Buses~~ be inspected and maintained by competent mechanics ~~immediately before being used for each new school year, and a Level 1 inspection~~ at least once every 30 ~~45 operating days operating~~ school days, as denoted by the school division's approved yearly calendar, or every ~~2,500~~ 3,000 miles ~~traveled calendar days after the start of the new school year~~. In no case shall the occurrence of preventive maintenance on the per 3,000 mile schedule exceed 90 regular calendar days. Any bus that is removed from service so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~" and recorded on the

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board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. School division compliance with the foregoing maintenance inspection requirement shall be subject to verification by the Department of Education. Subject to funds being available, the Department of Education shall conduct random operational assessments during the school year of school divisions' pupil transportation operations to ensure statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the random operational assessments. Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.	days during the month. Then, we could face a balloon or the equivalent of 3 or more days of buses requiring inspection at one time. 8VAC20-70-130. Maintenance inspection. All school buses and school activity vehicles used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics immediately before being used in the fall and at least once every ~~30~~ 45 operating days or ever ~~2,500~~ 3,500 miles traveled. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance manual for Virginia school Buses, March 2003: and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall	prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. School division compliance with the foregoing maintenance inspection requirement shall be subject to verification by the Department of Education. Subject to funds being available, the Department of Education shall conduct random operational assessments during the school year of school divisions' pupil transportation operations to ensure statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the random operational assessments. Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.

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	receive all necessary service maintenance publications for equipment serviced. **Region 2 Directors** – Having to follow a 45 calendar day inspection interval would place undue inspection requirements on our divisions' during "non-school/holiday" time periods. Keep the current "30 operational" days in place. It works very well as is and allows a maintenance schedule be developed based on actual school days with "x" number of buses scheduled each day in order to comply with the requirement. A 45 day schedule would require buses be inspected during extended periods of time that they are not utilized to transport students. **Frederick County** – Insert the word "primarily" after the added school vehicles term in the first sentence. Makes it consistent with the language used under 8VAC20-70-230 – Required materials. Recommended – require a Level 2 inspection after 3 consecutive Level 1 inspections. **Fairfax County Transportation Director**– The Preventive Maintenance Manual for Virginia School Buses provides clear and thorough inspection schedules and guidelines governing the operation of school buses throughout the Commonwealth. These schedules and	**Proposed language modifying the preventive maintenance schedule is recommended by Department of Education staff after staff review of manufacturer maintenance requirements and a sample of five states. These changes would require changes to the accompanying inspection forms and preventive maintenance manual. They may represent a maintenance cost savings but with no significant change in school bus safety.**

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	guidelines have served the school jurisdictions and their pupils extremely well for many years. Fairfax County and Fairfax County Public Schools strongly endorse such a definitive and authoritative regulation. Over the years, the Manual has undergone revisions to reflect both advancements in technology and lessons learned about which requirements should be strengthened and which could be relaxed while continuing to meet the safety and reliability expectations of the jurisdictions and the public. These revisions are always carefully evaluated before implementation. Technological developments over recent years indicate to us that further revision may be advisable today. While we view the inspection checklists and accompanying guidance to be comprehensive and accurate, the maintenance inspection intervals appear still to be based at least in part on manufacturers' recommendations and requirements that have evolved since the regulatory intervals were established. Any reduction in the level of attention our school buses receive must be thoroughly supported by technical documentation and by subjective advice of experienced	

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	transportation and maintenance professionals. We believe those foundations now exist to justify extending the interval between required maintenance inspections. Below are some examples of manufacturer-prescribed service intervals for the buses that represent the large majority of our fleet: • The predominant model in the Fairfax County school bus fleet is the International RESB. International prescribes a minimum body/chassis service interval of 10,000 miles/6 months. • The International FESB, also prominent in our fleet, has the same service interval requirement. • The engines we have installed in these buses – International models VT365, T444E, DT466, DT570, HT570, and MaxxForce DT – all require oil and filter changes at 12,000 miles/6 months, with fuel strainer service requirement varying from 10,000 miles/6 months (T444E) to 30,000 miles/12 months (MaxxForce DT). • The Caterpillar 3116 engine, installed in most of our Thomas built MVP-ER buses, requires	

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	service at 10,000 miles/6 months. • The Caterpillar 3126 engine, installed in most of our front-engine Thomas Built buses, also requires service at 10,000 miles/6 months. • The Cummins 5.9L engine in virtually all our other buses, requires service at 6,000 miles/6 months. • ArvinMeritor, manufacturer of most of our brake systems, recommends a service interval for automatic slack adjusters of 4-6 months or 50,000 – 100,000 miles depending on model and use. • Bendix, another manufacturer of our brake systems, recommends a service interval on automatic slack adjusters of 3 months or 25,000 miles. Our next most populous bus models, the Thomas Built MVP-ER, MVP-ER, and Saf-T-Liner, require body/chassis service at 3,000 miles/30 days. We have operated most of these buses over 10 years on the state-mandated interval of 30 operating days, or about 42 calendar days, with only the rarest occurrences of events that might have been prevented by more frequent inspections. **We recommend that the**	

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	PM interval for Thomas Built buses remain at the current "30 operating days' interval. In view of the nearly universal agreement among bus, engine, and major component manufacturers that PM intervals need not be less than three months except in the most unusual circumstances; and on our fleet's long and reputable experience in school bus maintenance, Fairfax County and Fairfax County Public Schools recommend the following amendment to the Virginia Administrative code (deletions struck through; additions underscored): 8VAC 20-70-130. Maintenance inspection. All school buses and school activity vehicles used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics immediately before being used in the fall and at least once every ~~30 operating days~~ quarter year or every ~~2,500~~ 5,000 miles traveled, with the exception of school buses and school activity vehicles manufactured by Thomas Built Buses, whose interval shall be 30 operating days or 2,500 miles. The inspections and maintenance shall be conducted in	

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	accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, March 2003" and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and required a copy of the results of the inspections to be furnished to the division superintendent. Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced. The recommended amendment would, effectively, approximately double the current prescribed PM interval for Virginia school buses and school activity vehicles. We estimate the cost saving for our relatively large fleet of school buses will be nearly $1 million per year. While FCPS has addressed this topic unsuccessfully at a routine level in several previous reviews, the current economic situation and the resulting pressures on	

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	our budgets add a dimension of urgency to this issue. In view of the fiscal challenges all our school districts must be facing, we request a high priority be placed on your consideration of this recommendation. **Radford City –** In response to the proposed regulations concerning the Maintenance inspections; Radford City Schools has a unique situation in that we do not own regular route buses. Our route buses are provided by and maintained by the City of Radford and are categorized as a transit system. We do own 4 school buses which are used for activities and athletic events only. We also must contract out all of our bus maintenance to a qualified mechanic who operates in a town 20 minutes away. Our buses are used in rotation 3 to 4 days a week averaging between 25 and 100 miles per trip. None of our buses log more than 1000 miles in a 45 day period. I have found that it was not only cost prohibitive to opt for the 45 day inspection as opposed to the 2500 miles, but inspections every 6 weeks meant that buses had to be left over night during the week when the majority of our athletic events are scheduled. The 2500 mile option allowed my school system to not only keep safe buses on the road but also to have them	

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	available for the large number of athletic events when they are most needed. Daily inspections and regular preventive maintenance work very well for our small school system, but by changing the required amount of time between level 1 inspections, a huge strain will be put on my department without changing the level of safety on my buses. Please take smaller systems into consideration before approving this change. **Newport News City –** The 45 calendar day maintenance schedule that has been proposed would create a problem for Newport News Public Schools bus maintenance program. Especially around the Christmas break time period. We are shut down for 13 days at that time. That would leave 32 calendar days to complete all required maintenance. Eight of those days would fall on a weekend so that leaves 24 days to complete our PM's. Compounding the problem is Thanksgiving Holiday before Christmas break and Martin Luther King day after the break. I would like to see it remain a 30 operating day schedule or have it worded to exclude holidays. Then it would be doable without having to work employees overtime, exhausting funds that would be	

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	better used elsewhere. **Region 2 Directors** – The change to the Level 2 Inspection (180 Operating Days) has a significant impact on our current operations. Currently, the criteria is 180 Operating Days or 15,000 miles. With this timeframe, operators can spread out this inspection throughout the school year. The requirement to complete a Level 2 on all buses before the start of school will be extremely difficult to achieve. As an example for this past year, there were 54 possible work days from the time school ended in June until school started in September. In large bus fleets, the number of Level 2 inspections required each day is beyond the manpower in the operation to meet this criteria. If you include the days buses are on summer school and year round school routes and the window for completing these inspections closes even further. Our recommendation would be to keep the current criteria, 180 Operating Days or 15,000 miles. Let School Divisions choose which criteria works best for their operation. Along those same lines, the term Operating Day should be defined. One localities definition may not be the same as another School Division or DOEs.	

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	Would a weekend sporting event or field trip be construed as an operating day? What about a technician road testing a vehicle (no children being transported)? Maintain the current vehicle inspection interval at 30 operating days or 2500 miles. A 45 calendar day schedule would disrupt a district's inspection program by forcing an excessive number of vehicles "due inspection" at the same time. Many mechanics use holiday breaks for their annual leave and would not be available to complete these inspections over the holiday and spring break periods. Each district would be required to choose one or the other inspection procedure and declare that to DOE each year. **Virginia Beach City Transportation Director –** The change to the Level 2 Inspection (180 Operating Days) has a significant impact on our current operations. Currently, the criteria are 180 Operating Days or 15,000 miles. With this timeframe, operators can spread out this inspection throughout the school year. Our biggest issue with this change in the inspection is the following statement: The requirement to complete a Level 2 on all buses before the start of school will be extremely difficult to achieve. As an example for this past year, there were 54	

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	possible work days from the time school ended in June until school started in September. In large bus fleets, the number of Level 2 inspections required each day is beyond the manpower in the operation to meet this criteria. If you include the day's buses are on summer school routes, the window for completing these inspections closes even further. Our recommendation would be to keep the current criteria, 180 Operating Days or 15,000 miles. Let School Divisions choose which criteria work best for their operation. Along those same lines, the term Operating Day should be defined. One locality's definition may not be the same as another School Division or DOEs. Would a weekend sporting event or field trip be construed as an operating day? What about a technician road testing a vehicle (no children being transported)? Maintain the current vehicle inspection interval at 30 operating days or 2500 miles. A 45 calendar day schedule would disrupt a district's inspection program by forcing an excessive number of vehicles "due inspection" at the same time. Many mechanics use holiday breaks for their annual leave and would not be available to complete these inspections over the holiday and spring break periods. Each	

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	district would be required to choose one or the other inspection procedure and declare that to DOE each year. **Frederick County Shop Manager –** The maintenance inspection schedules should be scheduled according to mileage in lieu of days to take into consideration routes of varying lengths. Some buses may travel an excessive amount of miles versus some that will hardly accrue any mileage. Buses in our rural areas with a 45 day inspection period would be given the opportunity to travel in excess of 3000 miles versus routes in our urban areas that would travel less than 500. The relevant issues that would most likely occur within these urban areas over a time frame would be less critical and should be caught on a drivers daily pre trip compared to a more serious issue that could adversely affect critical safety components such as tires, steering, suspension, or braking components that could essentially wear out due to miles traveled on the more rural routes. Our entire maintenance schedule is set up around the 2500 mile schedule. We have our non electronically controlled diesel buses engine service intervals set at 5000 miles or every other inspection. Our electronically controlled diesel engines service interval is set at 10,000 miles	

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	which also coincides with the 2500 mile inspection interval, or every fourth inspection. Following this same 2500 mile interval every sixth inspection requires a # 2 inspection as in 2500 x 6 – 15000 miles. To change would require additional administrative measures as well as technical resources due to the fact that now our buses would need engine services at varied times which most likely will not coincide with a 45 day inspection schedule. I have also attached a copy of the #1 inspection form with suggested comments that would apply to both the #1 and #2 forms. **Region 3 Directors** – Members want the definition of competent. Members request that the 30 operating days remain in place; moving to a 45 calendar day only gives the vehicle 3 additional days before service. Members noted that vehicles cannot be held to two different schedules beginning on the same day. If 100 vehicles go on the road September 1, the service is due in 45 calendar days or 30 operating days; these vehicles cannot be serviced in one day and be compliant. **Hanover County Fleet Services –** Per our discussion, Fleet Services supports your recommendations for revisions to	

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	Section 8VAC20-70-130 Maintenance Inspections as follows: Change the current 30 operating day inspection interval to a 45 school day interval. This would reduce the number of inspections per vehicle during school years from 6 to 4 and result in significant savings to school systems while ensuring effective preventive maintenance programs. Delete the proposed requirement that Level 2 inspections be performed on vehicles before being used for each new school year. This would place an undue burden on maintenance personnel and support resources. It is preferred that the current requirement for Level 2 inspections every 180 operating days be retained. Change the term "operating" days to "school" days to ensure that vehicles are inspected at consistent intervals. As an alternative, Fleet Services would support the proposed revisions submitted by Fairfax County and Fairfax County Public Schools. In their letter of August 6, 2009, to change the inspection interval requirement to "at least once every quarter year" except for Thomas Built buses which would remain on the 30 day interval in accordance with	

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	manufacturer's recommendations. Either proposal would improve the program by easing administrative requirements and reducing costs while ensuring that effective maintenance procedures are followed for pupil transportation vehicles. **Hanover County Public Schools –** We offer the following concerns to Section 8VAC20-70-130 relating to the inspection of school buses. Presently buses are brought to the shop for the 30 days inspection based on operating days. There are many days during the year when school is closed, such as winter break, spring break or the Thanksgiving Day Holidays plus teacher workdays when children are not in the building. These days are not counted toward the inspection period and over the course of the year this has equated to six 30 day inspections not including the 180 day inspections. If the proposed change is adopted which calls for inspecting a bus every 45 calendar days this will cost all divisions more money. At the very least, every bus in the Hanover County Schools fleet will need to be brought in for two additional inspections on a yearly basis adding approximately $60,000.00 to our already	

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	cut budget. Additionally, if an inspection for a bus falls on a holiday or during winter break, spring break, that bus will need to be brought in for service either by a technician or the bus driver. This will result in an additional cost for our payroll. Adding the requirement that all buses must be inspected before being used for each new school year would place an undue burden on maintenance personnel and support resources. Approximately two thirds of our buses are given the 180 day inspection during the summer months and the remaining are done during the year. Each bus in the Hanover Fleet has this intensive inspection done every 180 days. To require that every bus have this inspection during the summer months as well would be staggering. The bigger fleets such as Fairfax County Schools would have a tremendous burden placed on them to accomplish and a statement speaking to this was made by the Director of fleet Services for Fairfax at the town hall meeting held in Springfield, Virginia on September 24, 2009. If a smaller school system has a one or two person shop and 30 to 40 buses to inspect, this would have a staggering impact on them. The amount of time that is necessary to perform this rigorous inspection would	

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	interfere with performing necessary repairs. If the intent is to help school divisions save money, we believe that the current 30 day operating inspection schedule should be changed to a 45 day operating interval. This would reduce the number of inspections from 6 to 4 and result in great savings to school systems while continuing to have an effective preventive maintenance program for school buses without jeopardizing safety of the buses. We recommend the following: • Delete the proposed requirement that level 2 inspections be performed on buses before the start of each school year • Change 45 "calendar days" to 45 "school days" • Continue to require level 2 inspections every 180 days As we and all other school divisions have initiated a buying cycle for buses, newer and more efficient vehicles have been added to the fleets. The need for 30 day inspections is not in keeping with the newer technologies. The 45 day school day is a reasonable standard to maintain. **Loudoun County Fleet Management** – I wish to bring to your attention the impact of the proposed change in this	

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	regulation. The primary concern is the requirement to go from a 2,500 mile or 30 running day schedule to a 45 calendar day schedule. The impact is as follows: • There will be an increase of up to 2175 PM services per year • There will increase in cost of up to $651,714.87 per year • This will require an increase in technicians of up to 6.7 positions • The 45 day schedule for the most part equates to the current 30 day running schedule and creates additional down time for the fleet The forty five day schedule is undoubtedly a great tool for small bus fleets that are centrally parked or located in rural areas where transporting buses for maintenance purposes is not a problem. It also works well for small school divisions that do not have the fleet management systems used by the larger school bus operations. However, in our situation it eliminates the option to schedule low mileage units on a 2500 mile cycle and creates the situation where those buses will be overly maintained as well as costly. A cost increase for maintenance was not budgeted into the current budget and will undoubtedly create problems	

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	with the budget being developed for the next FY. These issues should be considered by the State in determining how to apply any changes in the regulations governing pupil transportation. **Montgomery County Transportation Director –** Level 1 Inspections: School bus inspections need to be based on school operational days, not calendar days. There are many days during the year when we do not go to school for reasons such as holidays, extended breaks such as winter break and spring break, snow days, etc. This would include all buses including spares that are not necessarily used on a daily basis. It would also create a problem when you return from an extended break and have, for example, 10 days you didn't go to school and now you have to try to catch that up, encouraging shops to do a quick and possibly unsafe inspection. There is definitely a safety problem with this proposal. Summer school should be a separate subject, with designated buses inspected on an operational day schedule. Level 2 Inspections: It would not be feasible and nearly impossible to do a "proper" level 2 inspection on "all" school	

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	buses in a fleet in the summer. They need to be scheduled on a rotating basis with approximately one twelfth of the fleet inspected per month, as we currently have the option of doing. Changing this would lead to shops having to do a hurried inspection to meet the deadline. Not good – another safety problem.	
8VAC20-70-140. Crash/~~incident~~ reporting. A report, on forms or in a format furnished by the Department of Education, of any ~~vehicle~~ crashes ~~or incidents~~ involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education, by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash ~~or incident~~ and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash ~~or incident~~ involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash or incident.	**Prince William County Transportation Director –** What is the purpose for DOE to publish, on its Web site, the number of school bus crashes in each division? This procedure will be contentious among school divisions and will discourage them from reporting all crashes. Recommend the data be maintained within DOE and appropriate action be taken as the statistics may indicate is required with the individual division(s) involved. **Virginia Beach City Transportation Director and Region 2 Directors** – Change the property damage amount of $1,500.00 or equal to the state statute. **Region 3 Directors –** Members request adding language for completion of report when no incidents have occurred. **Montgomery County Transportation Director** – It may be better to adhere to the Virginia State Statue for reportable accidents, currently $1,500 or more. That would eliminate the confusion we are	8VAC20-70-140. Crash reporting. A report, on forms or in a format furnished by the Department of Education, of any ~~vehicle~~ crashes ~~or incidents~~ involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education, by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash ~~or incident~~ involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash or incident. A vehicle crash occurs when property damage is $1,500 or more or when persons are injured. ~~An incident occurs when property~~

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A vehicle crash occurs when property damage is $1,000 or more or when persons are injured. ~~An incident occurs when property damage is $999 or less and there are no injured individuals.~~ The Department of Education shall publish on its Web site an annual report of the number of crashes involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) in each division.	currently experiencing. Police reports are only written per this state statue, and therefore confusion is caused when making reports without them. If the State wants everything reported, it would be better to call everything reported by police a crash using the state statue and make everything else an incident.	~~damage is $999 or less and there are no injured individuals.~~ The Department of Education shall publish on its Web site an annual report of the number of crashes involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) in each division. **Change dollar amount to $1,500 to agree with standard reporting by police of property damage per Section 46.2-373, Code of Virginia.**
8VAC20-70-150. Route schedule. All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, ~~and~~ the time of arrival at school, and the time of drop off at home in the afternoon. One copy of such schedule shall be kept in the bus and secured when the bus is unattended, and one copy shall be kept in the office of the division superintendent or designee.	**Prince William County Transportation Director –** The requirement to keep a copy of the route schedule in the bus serves no practical purpose and creates a security problem for school divisions. In most school divisions, substitute drivers are provided a route schedule when the substitute assignment is made. In addition, flexible drivers or radio drivers, or route supervisors often carry many different route schedules for contingency use. The requirement to secure several notebooks containing route sheets is impractical. **Region 2 – Directors** – Not all school	8VAC20-70-150. Route schedule. All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, the time of arrival at school, and the time of drop off in the afternoon. One copy of such schedule shall be kept in the bus ~~and secured when the bus is unattended~~ and one copy shall be kept in the office of the division superintendent or designee, and shall meet student records and information security requirements as stated in federal, state, and local policy.

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	buses are lockable and without a "security box" of some sort permanently mounted in the school bus to secure the paperwork it would be impossible to comply with this requirement on every unit. **Virginia Beach City Transportation Director and Region 2 – Directors** – Please explain the need for this information being kept on a school bus with the availability of communication devices (two-way radios and cell phones) available to school districts. Not all school buses are lockable and without a "security box" of some sort permanently mounted in the school bus to secure the paperwork it would be impossible to comply with this requirement on every unit.	**Added phrase to cover security of student-related records.**
8VAC20-70-160. Review of routes. School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least ~~once~~ twice each year, once each semester. Bus routes shall be reviewed for safety hazards, fuel conservation, and to assure ~~maximum~~ the most efficient use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results	**Fairfax** – This doubles the workload on supervisory staff by requiring a second review of each bus route annually. Local transportation staff is already burdened and facing significant budget impacts over the next few years. This is not the time to add an additional and unnecessary burden in the absence of specific evidence of need. If there are concerns with how the current reviews are being done, an alternative could be for VDOE to provide additional guidance on strategies to	8VAC20-70-160. Review of routes. School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least ~~twice each year, once each semester~~ once a year and as changes occur. ~~Bus~~ R~~r~~outes shall be reviewed for safety hazards, fuel conservation, and to assure ~~maximum~~ the most efficient use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results annually to the school board.

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annually to the school board. Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes. A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.	enhance or meet the current requirement. I imagine there is a wide range of how localities endeavor to meet the current review. Some may just look at the paper while others follow or ride the bus to assess where the bus actually stops, where students wait, how students approach and board the bus, how traffic reacts, etc. in order to raise the bar on safety and efficiency. Some are already using computer routing and Automated Vehicle Location (AVL) systems to monitor compliance and develop optimum route designs. **Prince William County Transportation Director**– In the first paragraph, "school sites" are required to be reviewed once each semester, and in the second paragraph, traffic control plans for each "school site" are required to be reviewed annually. This appears contradictory. Recommend "school sites" be deleted from paragraph one. Also recommend the word "twice" be removed from the first paragraph because it is redundant. If you review routes each semester, you will have reviewed them twice. In addition, the second paragraph is written in the passive tense and therefore, does not make it clear who is responsible	Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes. A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.

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	for reviewing traffic control plans. Rewrite sentence using active voice, i.e., The (School Division)(DOE) (Some other agency) shall review traffic control plans annually. **Region 2 Directors** – This places an enormous burden on school divisions as it takes considerable time to physically observe each bus stop with students present. All bus stop changes and additions are reviewed prior to their implementation. **Frederick County Transportation Director** – Recommended – Remove the "twice each year, once each semester" for review of routes, etc. School divisions create routes based on these factors each summer and then in an on-going basis constantly refine those routes throughout the year. There is no need to identify a second review. Rather, you might say "review those routes throughout the year." Recommended – Change "local school administrators shall evaluate" to "local school transportation administrators shall evaluate… This responsibility needs to be carried out by those in each school division charged with providing safe school bus routes, including stops. **Virginia Beach City Transportation Director and Region 2 Directors –**	

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	Maintain the current standard for reviewing routes "at least once each year." This is a monumental task and requires substantial time and manpower. Once the initial review is complete any and all additions and changes are worked through the safety staff and schedulers and reviewed for safety, efficiency and practicality. This places an enormous burden on school divisions as it takes considerable time to physically observe each bus stop with students present. All bus stop changes and additions are reviewed prior to their implementation. **Montgomery County Transportation Director** – This needs to be reworded and left as is, **but** change to reviewing safety on a continuing bases.	
8VAC20-70-170. Railway crossings. School buses shall stop, as required by law, at railway grade crossings. School buses equipped with a non-sequential lighting system must have these lighting systems deactivated when approaching a railroad grade crossing and the 4-way hazard lights shall be activated ~~when approaching the railway grade crossing~~ and shall be deactivated before crossing the track. The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe	**Northrop Grumman Shipbuilding –** Add the following sentence at the end of the regulation: "No stop need be made at any inactive or industrial track posted with an 'exempt' sign approved by the cognizant engineering authority." Rationale: 1) School buses are currently the only vehicles in the state required to stop at "exempt" crossings, which are so posted specifically to preclude rear-end collisions resulting from unnecessary stops. Even commercial vehicles carrying high explosives are exempted by federal	8VAC20-70-170. Railway crossings. School buses shall stop, as required by law, at railway grade crossings. School buses equipped with a non-sequential lighting system must have these lighting systems deactivated when approaching a railroad grade crossing and the 4-way hazard lights shall be activated when approaching the railway grade crossing and shall be deactivated before crossing the track. The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe for the vehicle to

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for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a ~~police~~ law enforcement officer or a ~~green~~ traffic-control signal as stated in §46.2-886 of the Code of Virginia.	law from stopping at such crossings. 2) NHTSB statistics clearly show that there have been no bus-train collisions at exempt crossings, yet there have been hundreds of deaths resulting from rear-end collisions with school buses stopped at crossings. Blindly following the regulation as currently written therefore exposes children to a far greater danger of injury by requiring buses to make unnecessary stops at these crossings. 3) The state law requiring school buses to stop at railway crossings, Title 46.2-886, is clearly intended to apply to active crossings, as it states that the driver "while stopped shall look and listen in both directions along the track for any approaching train… and shall not proceed until he can do so safely." By definition, the "exempt" sign tells the driver that the track is safe to cross because there are no approaching trains. 4) The only other case is an industrial spur line, where equipment is moved at very slow speeds, and traffic is required to be stopped by authorized patrolmen before an industrial track can be used. Most states codes other than the Code of Virginia, in fact, specifically exempt schools buses from stopping at "exempt" crossings. Additional comments from Northrop	cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a ~~police~~ law enforcement officer or a ~~green~~ traffic-control signal as stated in §46.2-886 of the Code of Virginia. **Add back underlined phrase for better understanding. Code of Virginia requires school buses to stop at all railway crossings with no exception.**

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	Grumman Shipbuilding – There is an industrial railway crossing on Warwick Boulevard in Newport News, which runs between two sections of Northrop Grumman Shipbuilding, where I work. Vehicles stopping at this crossing do not enhance their safety, and actually create a greater hazard of rear-end collisions – especially since it is located near the bottom of an Interstate 664 exit ramp. I worked with city engineers for over a year to have that crossing posted "Exempt," since that section of rail can only be used after authorized shipyard traffic control personnel have stopped traffic on Warwick Boulevard – the concern is more for our own very expensive cargo being damaged than for the public traffic. No trains occupy that track at any other time, and federal law specifies that such a track may be posted as "Exempt." After the crossing was posted, I saw local school buses still stopping there. School buses are the only vehicles in the state required to stop at railway crossings labeled "exempt." As I mention in the rationale, there is plenty of engineering data to show that the danger of a rear end collision from a vehicle making an unnecessary stop is far greater than the danger of that vehicle being hit by a train when the track	

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	is either inactive or only services an industrial purpose.	
8VAC20-70-200. Identification and lights covering. The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when ~~they~~ school buses are used for purposes other than to transport pupils on regular routes to and from school, ~~or~~ on special trips to participate in contests of various kinds, ~~and~~ or for supplementary education purposes as required by §22.1-183 of the Code of Virginia. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons.	**Prince William Transportation Director–** The requirement to cover lettered identification and traffic warning lights is usually not practicable when buses are used for emergency fire and flood evacuations of citizens, as they often do. Warning lights have no effect in traffic unless they are in use. It should be sufficient to simply prohibit the use of traffic warning lights when school buses are used for purposes other than transporting students and when making stops on public roadways.	Updated language from "mentally or physically handicapped persons" to "persons with disabilities."
8VAC20-70-220. Passage restriction. No object shall be placed on any bus carrying passengers that will restrict the access to any exit, restrict the freedom of motion of the driver for proper operation of the vehicle, or where displacement of such objects may result in personal injury to passengers.	**Fairfax** – So, I guess this means that backpacks, coolers, and band instruments can no longer be transported on or under bus seats or on the lap of passengers as they could cause injury if displaced. **Region 2 Directors** – We support the intent of this change however, it is open to interpretation. Many objects carried by students can result in personal injury to passengers when displaced…lunch boxes, book bags, small band instruments, books,	8VAC20-70-220. Passage restriction. No object shall be placed on any bus carrying passengers that will restrict the access to any exit, or restrict the freedom of motion of the driver for proper operation of the vehicle ~~or where displacement of such objects may result in personal injury to passengers~~. Drivers shall be observant of any objects that may cause personal injury to passengers and take reasonable precautions to secure such objects before the bus is in motion.

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	etc. Most transportation professionals allow these items on a school bus if "they can be held safely in ones lap." This change seems to take that flexibility away from the local operation. **Spotsylvania County Transportation Director –** A sentence should be added stating that objects must be secured so as not to become a missile (or projectile) in the event of a crash.	
8VAC20-70-280. Requirements for school bus drivers both for employment and continued employment. Section~~s~~ 22.1-178, ~~46.2-339, and 46.2-340~~ of the Code of Virginia requires drivers of school and activity buses to: 1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnished on a form prescribed by the Board of Education showing the results of such examination. a. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor or a	**Prince William Transportation Director –** Sub-paragraph 1 states that physical examinations shall be "furnished on a form prescribed by the Board of Education showing the results of such examination." This requirement should be reworded to allow school divisions to develop their own physical examination forms. The forms provided by the Board of Education are confusing, nebulous, and woefully outdated. Limits for blood pressure are not included, and the form suggest that there is a "reasonable accommodation" for insulin dependent diabetics when the medical community at large believes no reasonable accommodation exists. Use of the current form is dangerous and should be discontinued or rewritten immediately. **Prince William Education Association** – Comments on physicals. Such physicals	No changes to proposed language.

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licensed nurse practitioner for the applicable employment period. b. The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition. 2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to §18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been	may be certified and performed by a duly licensed physician, with the local school division retaining the right and responsibility to order the re-examination of the applicant, at school division expense, if the division has reason to question the original doctor's evaluation. **Region 2 Directors** – 18 year olds will not have a five year driving history. This needs to be clarified to determine if 18 year olds are true candidates to drive school buses. **Virginia Beach City Transportation Director and Region 2 Directors** – In order to comply with item 2 where a 5-year driving history/record is required, it is recommended that Page 9/item 5 be changed to 21 years old. 18 year olds will not have a five year driving history. This needs to be clarified to determine if 18 year olds are true candidates to drive school buses. **Dickenson County Transportation Director –** My concerns are about the requirement to get DMV driving records on a yearly basis and also the recommendation letters that is required yearly. At the first initial hiring we get a DMV driving record and recommendation letters, after that the DMV monitors our drivers and notifies the school system if	

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required to attend a driver improvement clinic by the commissioner of the Department of Motor Vehicles pursuant to §46.2-498 of the Code of Virginia. 3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character. 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by §46.2-339 of the Code of Virginia. 5. Be at least 18 years old. 6. Submit to testing for alcohol and controlled substances that is in compliance with the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143, Title V) as amended and that is in compliance with 40 CFR Parts 40 and 382.	there is an irregularity. We never pursue (until this year) getting recommendation letters on a yearly basis. Please try to help.	
8VAC20-70-330. Health certificate. As a condition to employment, every school and activity bus driver shall submit a certificate signed by a licensed physician stating that the employee	**Spotsylvania County Transportation Director –** Add "or nurse practitioner" between physician and stating. (Would read…signed by a licensed physician or nurse practitioner stating that…)	8VAC20-70-330. Health certificate. As a condition to employment, every school and activity bus driver shall submit a certificate signed by a licensed physician <u>or nurse practitioner</u> stating that the employee

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appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.		appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.
8VAC20-70-350. Training. No person shall operate a school or activity bus transporting pupils unless the person has: 1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with a program developed by the Department of Education pursuant to §22.1-181 of the Code of Virginia. 2. Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 of the 24 hours of behind-the-wheel time shall involve the operation of a bus with pupils onboard while under the direct onboard supervision of a designated bus driver trainer. ~~Drivers of Type D buses must complete eight additional hours of training behind the wheel.~~ All drivers shall receive training in the operation of ~~a Type D~~ buses	**Fairfax** – Why should a driver who is not being hired to operate specific type bus, such as class A, B, C, D, or Special Needs be required to take that training to the possible exclusion of time spent training on the specific type vehicle that the driver will be expected to operate? For example, why make a special needs driver who will only operate a small 48 passenger bus spend time on a large 78 passenger that they will never be allowed or expected to drive without additional training and certification. Doesn't it make more sense to concentrate training time on just the type(s) of vehicles that the driver will be expected to operate rather than representative buses for the entire local school fleet? Note that this also includes a clarification on what is considered approved behind-the-wheel time vs. observation time. This is good, but it could be a change for some operations. Number 3 – Does this apply to the chief transportation or contact person only or is this intended to be a requirement for all	No changes to proposed language.

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representative of the type used in the school division in which they will be employed and in the transportation of students with special needs. Classroom instruction means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student. Behind-the-wheel training does not include time spent riding in a school bus or observing operation of a school bus when the student is not in control of the vehicle. 3. New transportation directors/supervisors employed by school divisions shall complete the "Train the Trainer" class conducted by the Department of Education within a year after being employed in this position.	levels of transportation supervision and administration for a locality? **Prince William** – Subparagraph 3 requires "Train the Trainer" training for directors. The intent of this requirement is not clear and should be deleted. School Boards hire transportation directors and should determine what training their directors receive. "Train the Trainer" could be appropriate for small divisions with 100 buses or less, but may not be helpful for large divisions with different organizational structures and workforce levels. This requirement is unnecessarily bureaucratic and should be deleted. **Region 2 Directors** – Is this item specific to transportation heads (i.e. director or supervisor of the department) or every supervisor within the transportation department? **Montgomery County Transportation Director –** No. 3 – This is an excellent idea. I know there have been people put in transportation management positions who have no idea what their employees need to do.	
8VAC20-70-359 Requirements for School Bus Driver Instructors.	**Prince William –** Instructors must meet the requirements of a school bus driver	Delete 8VAC20-70-359.

Attachment A

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Instructors must meet the requirements of a school bus driver and have at least 2 years experience operating a Class B type vehicle. **8VAC20-70-411. Driver Trainers.** Driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle.	and have at least 2 years experience operating a Class By type vehicle. In order to avoid any confusion between a Class B vehicle and a Type B vehicle, recommend revising "operating a Class B type vehicle" to "operating a Class B commercial vehicle." Driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle. Recommend using "Class B commercial vehicle" or similar to avoid confusion with a Type B vehicle.	8VAC20-70-411. Driver Trainers. Behind-the-wheel driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle. **Recommend deleting 8VAC20-70-359 since 8VAC20-70-411 states the same requirements.**
8VAC20-70-360. In-service Training. In-service training ~~(at least two hours~~ before the beginning ~~opening~~ of the school~~s~~ year and ~~at least two hours~~ during the second half of the school year) devoted to improving the skills, attitudes, and knowledge including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers. In-service training shall include, but not limited to, the following topics: Basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel	**Fairfax** – Here is an area where the specific helps and should be retained. Two hours is minimal, but it does help localities defend the need for training the face of tightening budget constraints. **Spotsylvania County Transportation Director –** About halfway through the paragraph, the sentence beginning with, "In-service training shall include, but not limited to," change to "In-service training shall include, but is not limited to…"	8VAC20-70-360. In-service training ~~(~~of at least two hours before the opening of the school year and of at least two hours during the second half of the school year~~)~~ devoted to improving ~~the~~ skills, attitudes, and knowledge, including orientation to maximize benefits of using safety programs and safety components, shall be provided to all school or activity bus drivers. In-service training shall include, but not be limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, student information and confidentiality, and local policies and

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conservation, safety, emergency procedures and student information and confidentiality and local policies and procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file.		procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file. **Put back in the 2 hour training requirement.**
8VAC20-70-380. Pre-trip safety inspection. Prior to the initial transporting of children each day the drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle ~~prior to transporting children~~. The items checked and recorded shall be at least equal to the pre-trip inspection procedure ~~as prescribed by~~ in the Preventive Maintenance Manual for Virginia School Buses issued by the Department of Education.	**Region 2 Directors –** Each school division would have the ability to develop their own pre-trip form which may include additional checks above and beyond the DOE minimum required inspection items. Some divisions want to eliminate the "under the hood" inspection requirements. **Virginia Beach City Transportation Director** – A good pre-trip inspection of the school bus prior to transporting students is the precursor to a safe trip to school for children. However, the pre-trip inspection should be reasonable, enforceable, logical, and not physically challenging to those employees that we require to perform the inspection. Should a school bus driver be required to ensure that the safety features on a school bus are working properly…the warning lights, the stop arm, and crossing gate, the lights, the horn… ABSOLUTELY…should a school bus driver be required to perform a technically impossible assessment of	No change to proposed language.

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	mechanical components…I think not. The under the hood requirement is an anachronism in modern technology. Therefore, I must question the necessity of the under hood inspection component of the Regulations Governing Pupil Transportation in the Commonwealth of Virginia. There was a time when school bus instrument panels included a fuel gauge and a speedometer. Today's school buses have technologies that have made the necessity of an under-hood, physically demanding inspection of the engine compartment obsolete. Just as newer cars and trucks have eliminated the need for the owner to perform visual or physical tasks on their personal vehicles, newer school buses have multiple gauges, computer systems, and alarms that provide the school bus driver with an immediate assessment of the engine compartment without the need to hurt themselves by pulling open a hood and climbing around, most often in the dark, in a school bus engine compartment. Everything on a school bus has turned electronic. Even Technicians no longer take the toolbox to the school bus anymore, they take the computer. Couple this with the fact that all school	

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	buses in Virginia are required to be serviced by a trained technician every 30 operating days to evaluate all parts of the school bus for defects and potential safety problems…something, I suspect, is not required of 18 wheel commercial vehicles… and the need to go "under the hood" becomes even more obsolete. In my opinion, under the hood pre-trip inspection requirements were implemented to protect the owner of the vehicle from damages due to low oil or other fluids. In all my research of the literature, I have been unable to find one citation where a child was injured due to low oil, low coolant or the failure of the school bus driver to look under the hood. However, I can site multiple examples of injuries to school bus drivers who are required to pull the hood open to perform this function. There are numerous references in the literature that point out the obvious…I quote just one example…"School bus drivers are part time. Drivers are not mechanics. A lot of places have drivers do under hood inspections. I've heard a whole bunch of horror stories, said Andy Sandstrom, shop manager for Schmitty and Sons. That stuff doesn't work. Drivers don't tell you until something happens." But, he	

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	cautioned, too many operations are driver dependent instead of mechanic dependent. "If we assume the driver is very knowledgeable about the vehicle regarding maintenance, many times that's an incorrect assumption," he added, point to the penchant of some drivers to treat the school bus like their private automobile in terms of keeping an eye on regular maintenance." Driver dependent is destined to fail. It's good to have driver knowledgeable about the vehicle but (the) repair function can't be dependent on the driver." There are those who would argue that they are only requiring this physically demanding pre-trip inspection because the CDL regulations include this in their training and over the road 18 wheelers must do one. I must point out that when the Motor Carrier Safety Act 1984 was enacted, school bus operations were exempt. "The LEA exemption originated in Sec. 206(f) of the Motor Carrier Safety Act of 1984 (Public Law 98-554, Title II; 98 Stat. 2833), which specifically required the Secretary to waive application of the regulations to school buses, unless the Secretary determined that such regulations are necessary for public safety. As with LEA bus drivers, contractor-	

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	employed school bus drivers must comply with the CDL and drug and alcohol testing requirements set forth in the FMCSRs regardless of whether the transportation is interstate or intrastate in nature. The regulatory oversight of school bus operations has traditionally been a State function. While the States have adopted the FMCSRs or compatible regulations to meet the requirements of the Motor Carrier Safety Assistance Program (MCSAP) (49 CFR part 350), they normally apply the same exemptions for government operations. The routine inspection of school buses is a State function and not a MCSAP-reimbursable activity." Issued on: March 11, 2004. Warren E. Hoemann, Deputy Administrator. [FR Doc. 04-6585 Filed 3-23-04; 8:45 am] In fact, school bus professionals and those in the industry fought many years to keep publically owned school bus fleets exempt from the requirements of the CDL regulations because of the numerous differences between the maintenance and safety inspections for School Board owned school buses versus privately owned 18 wheelers. Again, I encourage you to take a long look at the "under the hood" requirement of our	

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	school bus drivers and decide if it is necessary in this day and age of technology and electronics. Our school bus drivers are being injured and the regulation is suspect in our ability to enforce it on a daily basis. **Region 3 Directors –** Members questioned the procedures in the Preventive Maintenance Manual, 2008 issue; Region III is unaware of this version.	
8VAC20-70-460. Specifications. It is the intent of the Board of Education to accommodate new equipment and technology that will better facilitate the safe and efficient transportation of students. When a new technology, piece of equipment, or component is desired to be applied to ~~the~~ a school bus, it must have the approval of the Virginia Department of Education and must meet the following criteria: 1. The technology, equipment or component shall not compromise the effectiveness or integrity of any major safety system. 2. The technology, equipment, or component shall not diminish the safety of the interior of the bus. 3. The technology, equipment, or component shall not create	**Kingmor Supply, Inc. –** On March 24, 2009, Jim Jumonville, IC Bus, LLC, Steve Mitchell, Kingmor Supply, Inc. and Dave Preston, Kingmor Supply, Inc. attended a Specifications Committee meeting in Charlottesville, Virginia to voice our concern on the wording contained in Part IV, Section 8VAC20-70-460. Specifications. We feel that the wording in this section stating that buses must conform to the specifications relative to construction and design effective on the date of procurement should be worded to say that buses must conform to the specifications relative to construction and design effective on the date of manufacture. Our reasons is that the regulations and/or specifications could change between the date manufacture and date of procurement	No change to proposed language.

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additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone. 4. The technology, equipment, or component shall not require undue additional activity or responsibility for the driver. 5. The technology, equipment, or component shall generally increase efficiency or safety, or both, of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus, or shall generally assist the driver and make his many tasks easier to perform. School b~~B~~uses and school activity ~~vehicles~~ buses must conform to the specifications relative to construction and design effective on the date of procurement. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Department of Education, is prohibited. The Department of Education shall issue specifications and standards for public school buses to reflect desired technology	to the degree that to make the busses compliant as of the date of procurement would be cost prohibitive to the OEM, Dealer and the School Divisions. It would also make it difficult for the dealer to stock buses for rapid delivery to the School Divisions not knowing when the regulations would require extensive upgrades to meet the new requirements. We are also aware that the other School Bus Dealers in Virginia have expressed their concern on this same issue. Thank you for taking time to read this letter of our concern and request for change of verbiage.	

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or safety improvements for the then current model year.		
8VAC20-70-470. Adjustments. The Superintendent of Public Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.	**Fairfax** – We continue to face emerging technologies, changes in equipment capability and performance, and diminishing budgets. While we do not want to add any risk to the safety of students, we cannot sit idle or allow outdated policies to constrict us when opportunities to enhance safety or reduce cost are possible or should at least be studied. Neither can we afford to perform unnecessary duties or maintenance on equipment based on outdated information or regulations. For these reasons, the following changes are proposed for consideration in place of those offered by DOE. 8VAC20-70-470. Adjustments The Superintendent of Public Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components. <u>Further, the Superintendent may allow exceptions to regulations for</u>	No change to proposed language.

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	the purpose of study in the interest of safety and efficiency. Such exceptions would be for a specified period and limited in scope to allow for adequate study and analysis, but not to exceed the authority of the State Board of Education.	
Physical Form	**Craig County** – I viewed the physical form and think it is very good. We have been needing an up grade on that form for quite some time. **Spotsylvania County Transportation Director –** Please add "or nurse practitioner" behind physician: In center of page 1 (Comments on History of Applicant by Examining Physician); In center of page 2 (I am a duly license physician…); bottom of page 2 (note 1, The examining physician….); bottom of page 2, (note 3, …signed personally by a physician…) **Prince William Education Association –** Issues with annual physicals and clinics must use; differences in how clinics handle process for the physicals; state does not allow use of personal physician; Expand the number of physicians county will allow drivers to use; have right to use personal physician	No change to proposed language on form.
Preventive Maintenance Manual	**Prince William County Transportation Director – Driver's Daily Pre-Trip Inspection -** Under Section A, number 2	Proposed changes to the manual to be consistent with changes in the body of the regulations.

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	(In the Engine Compartment) recommend adding j. Windshield Washer Fluid. **Step-by-Step Daily Bus Pre-Trip Inspection –** Under Section A, number 2 (Check Engine Compartment) - recommend adding Check Windshield Washer Fluid Level. **Inspection Schedules and Guidelines** - Should read every 180 calendar days instead of operating days.	
General Comments	**Concerned Citizen** – Perhaps I overlooked it, but I did not see any restrictions placed on the activities of school bus drivers while transporting students. With recent public transportation tragedies, it seems incumbent to assure that distractions are kept to a minimum when students are being bussed. Restricting the use of cell phones and other portable electronic devices, whether it be making calls, texting, or heaven forbid, game playing, by including such prohibitions in these regulations just makes sense to me. Curiously, such prohibitions were added to the regulations requiring signaling personnel for heavy equipment without reverse signals. (See Labor Dept. NOIRAs) School children deserve equal safety measures.	No recommendations by the committee.
	Concerned Citizen – I have reviewed the	No recommendations by the committee.

Attachment A

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	Virginia Admin. Code 8VAC20-70-10 through 525 and cannot find regulations for gated and/or private communities wishing to have school buses enter premises. I live in a gated community in Louisa County which is in the process of reviewing this regulation to permit public school buses into community for reasons of child safety and creating one (1) pick up for all children in community. We have adequate turn radii for buses and parking for parents bringing children to bus stop. Can you please guide me in the right direction as to how to find proper documentation, concurring to VAC procedures to Louisa County School Board Pupil Transportation?	

Attachment B

PROPOSED REVISIONS – SECOND REVIEW (MAY 2010)

Regulations Governing Pupil Transportation

Virginia Administrative Code

8VAC20-70-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Classroom instruction" means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student.

"Color-black" means federal standard No. 595, black.

"Color-yellow" means national school bus yellow School Bus Manufacturers Technical Council (SBMTC) color standard 008.

"Multifunction School Activity Bus (MFSAB)"/(school activity bus) means a school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for school buses and meets all regulations for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements.

"Nonconforming bus" means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR Part 571, specific to school buses or multifunction school activity buses. These vehicles are not approved for transporting students to and from school or school-related activities.

"School bus" means any motor vehicle ~~described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D," which is designed and used for the transportation of pupils which is,~~ other than a station wagon, automobile, truck, or commercial bus that is: (i) designed and used primarily for the transportation of pupils to and from public, private, or religious schools, or for the transportation of pupils with disabilities to and from a sheltered workshop; (ii) painted yellow with the words "School Bus" in black letters of a specified size on the front and rear; and ~~which is~~ (iii) equipped with ~~the required~~ warning devices ~~as stated~~ prescribed in §46.2-~~100~~ 1090 of the Code of Virginia. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations and specifications of the Board of Education.

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~~Note: This definition includes school buses owned and operated by school boards, private contractors, local governments, and transit systems that are used for the transportation of public school pupils.~~

"Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs.

"Type A school bus" ~~means~~ is a ~~van~~ conversion ~~or~~ bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. ~~The entrance door is behind the front wheels.~~ This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) ~~less than or equal to 10,000~~ of 14,500 pounds or less; and Type A2, with a GVWR greater than 14,500 pounds but less than or equal to ~~greater than 10,000~~ 21,500 pounds.

"Type B school bus" ~~means a bus with a body~~ is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR ~~less than or equal to~~ of 10,000 pounds or less; and Type B2, with a GVWR greater than 10,000 pounds.

"Type C (Conventional) school bus" ~~means a bus with~~ is a body ~~constructed utilizing an~~ installed upon a flat-back cowl chassis with a hood and ~~front fender assembly~~ fenders. ~~The entrance door is behind the front wheels~~. This definition shall include two classifications: Type C1, with a GVWR range of 17,500 pounds with a design seating capacity range from 16 to 30 persons; and Type C2 with a GVWR of more than 21,500 pounds, designed for carrying more than 30 persons. The engine is in front of the windshield and the entrance door is behind the front wheels. Both Type C1 and Type C2 must be equipped with dual rear tires.

"Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels. This bus is also known as a rear engine or front engine transit style school bus.

"Vehicle" means any vehicle owned or operated by, or owned or operated by any person under contract with, a county, city, town or school board in which any school pupils or personnel are transported at public expense to or from any public school.

Attachment B

PROPOSED REVISIONS – SECOND REVIEW (MAY 2010)

Part II

General Regulations

8VAC20-70-20. Transportation of children.

The greatest care shall be exercised at all times in the transportation of school children.

8VAC20-70-30. Safe speeds.

A school bus transporting school pupils shall be operated at a safe speed as stated in §46.2-871 of the Code of Virginia.

8VAC20-70-31. Driving Time.

Driving time for operators of any school bus, school activity bus, or school activity vehicle shall be pursuant to Section 46.2-812, Code of Virginia.

8VAC20-70-40. Seating.

The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment, and shall not exceed the manufacturer's capacity. ~~During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat.~~ Pupils may not be permitted to stand ~~after the first 30 instructional days~~, except under unforeseen temporary emergency conditions and for short distances as identified in policy by the local school board.

8VAC20-70-50. Written employment agreement.

A written employment agreement shall be made by the school board with all regular school bus drivers before they begin their duties. Substitute drivers shall meet the requirements prescribed for regular bus drivers and shall be approved and paid by the local school board.

8VAC20-70-60. Entrance door.

The school bus driver shall open and close the entrance door and keep it securely closed while the bus is in motion. This responsibility shall not be delegated to any other person.

8VAC20-70-70. Traffic warning devices.

Every school bus operated at public expense for the purpose of transporting school children shall be equipped with traffic warning devices as stated in §§46.2-1090 and 46.2-1090.1 of the Code of Virginia.

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8VAC20-70-80. Loading or discharging pupils.

When loading or discharging pupils on the highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. Pupils shall be picked up and discharged only at designated school bus stops approved by the local school division except in the case of an emergency. While stopped, the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and wait for a hand signal from the bus driver before starting across the highway.

On dual highways divided by a physical barrier, unpaved area, or five lane highway with turning lane, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live. (See §§46.2-893 and 46.2-918 of the Code of Virginia.)

8VAC20-70-90. Safety belts.

Persons operating a school bus shall wear the appropriate safety belt system while bus is in motion.

8VAC20-70-100. Passenger restraint belts.

Pupils riding in school buses required by federal law to be equipped with passenger restraint belts shall wear them as required by state or federal law while the bus is in motion. ~~See Federal Motor Vehicle Safety Standards No. 209 and 210.~~

8VAC20-70-110. Pupil ~~rider~~ <u>transportation</u> safety instruction.

Pupil ~~rider safety~~ transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.

1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. ~~Students in grades 9–12 shall receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle.~~

2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester, <u>and shall include the school bus driver.</u> Summer session evacuation drills should be performed as needed.

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3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

8VAC20-70-120. Insurance.

Every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident as stated in §22.1-190 of the Code of Virginia.

8VAC20-70-130. Maintenance Inspection.

All school buses and school activity ~~vehicles and school vehicles~~ buses used to transport public school pupils to and from school and school activity events shall ~~undergo a Level 2 maintenance inspection as prescribed in the Preventive Maintenance Manual for Virginia School Buses~~ be inspected and maintained by competent mechanics ~~immediately before being used for each new school year, and a Level 1 inspection~~ at least once every 30 ~~45 operating days operating~~ school days, as denoted by the school division's approved yearly calendar, or every ~~2,500~~ 3,000 miles ~~traveled calendar days after the start of the new school year~~. In no case shall the occurrence of preventive maintenance on the per 3,000 mile schedule exceed 90 regular calendar days. Any bus that is removed from service so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~" and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. School division compliance with the foregoing maintenance inspection requirement shall be subject to verification by the Department of Education.

Subject to funds being available, the Department of Education shall conduct random operational assessments during the school year of school divisions' pupil transportation operations to ensure statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the random operational assessments.

Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.

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8VAC20-70-140. Crash~~/incident~~ reporting.

A report, on forms or in a format furnished by the Department of Education, of any crashes ~~or incidents~~ involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash ~~or incident~~ and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash ~~or incident~~ involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash ~~or incident~~.

A bus crash occurs when property damage is ~~$1,000~~ $1,500 or more or when persons are injured. ~~An incident occurs when property damage is $999 or less and there are no injured individuals.~~

The Department of Education shall publish on its Web site an annual report of the number of crashes involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) in each division.

8VAC20-70-150. Route schedule.

All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, ~~and~~ the time of arrival at school, and the time of drop off in the afternoon. One copy of such schedule shall be kept in the bus ~~and secured when the bus is unattended~~, and one copy shall be kept in the office of the division superintendent or designee and shall meet student records and information security requirements as stated in federal, state, and local policy.

8VAC20-70-160. Review of routes.

School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least ~~once~~ ~~twice each year, once each semester~~ once a year and as changes occur. ~~Bus~~ R~~r~~outes shall be reviewed for safety hazards, fuel conservation, and to assure ~~maximum~~ the most efficient use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results annually to the school board. Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes.

A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.

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8VAC20-70-170. Railway crossings.

School buses shall stop, as required by law, at railway grade crossings. School buses equipped with a non-sequential lighting system must have these lighting systems deactivated when approaching a railroad grade crossing and ~~T~~ the 4-way hazard lights shall be activated when approaching the railway grade crossing and shall be deactivated before crossing the track. The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a ~~police~~ law enforcement officer or a ~~green~~ traffic-control signal as stated in §46.2-886 of the Code of Virginia.

8VAC20-70-180. ~~Driver reports~~. Ridership and Miles Report.

School boards shall require that a report on the number of pupils transported and miles traveled be ~~made by all school bus drivers to principals or other designated school officials.~~ submitted to designated school officials.

8VAC20-70-190. Policies.

Local school boards shall adopt policies, consistent with provisions of the Code of Virginia, before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the pro rata cost of the trip may be denied the opportunity to participate. See §22.1-176 of the Code of Virginia. Each disabled child enrolled in and attending a special education program provided by the school division shall be entitled to transportation at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs and opportunities. See §22.1-221 A. of the Code of Virginia.

8VAC20-70-200. Identification and lights covering.

The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when ~~they~~ school buses are used for purposes other than to transport pupils on regular routes to and from school, ~~or~~ on special trips to participate in contests of various kinds, ~~and~~ or for supplementary education purposes as required by §22.1-183 of the Code of Virginia. This does not apply when the bus is being used to transport elderly or ~~mentally or physically handicapped~~ persons with disabilities.

8VAC20-70-210. Advertising material.

The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses unless permitted by law.

8VAC20-70-220. Passage restriction.

No object shall be placed on any bus carrying passengers that will restrict the access to any exit, or restrict the freedom of motion of the driver for proper operation of the vehicle.~~, or where displacement of such objects may result in personal injury to passengers.~~ Drivers shall be observant of any objects that may cause personal injury to passengers and take reasonable precautions to secure such objects before the bus is in motion.

8VAC20-70-230. Required materials.

All vehicles used primarily to transport students to and from school or school-related activities shall carry reflective triangles, first aid kit, body fluid clean-up kit and fire extinguisher.

8VAC20-70-235. Funding for pupil transportation.

Funding for pupil transportation shall be pursuant to the provisions of the appropriation act.

8VAC20-70-240 to 8VAC20-70-270. [Repealed]

8 VAC 20-70-271. Records Retention

School division documents related to pupil transportation shall be retained in accordance with local policy and guidelines from the Virginia State Library.

Part III

Requirements For School Bus Drivers

8VAC20-70-280. Requirements for school bus drivers both for employment and continued employment.

Sections 22.1-178, ~~46.2-339, and 46.2-340~~ of the Code of Virginia require drivers of school and activity buses to:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnished on a form prescribed by the Board of Education showing the results of such examination.

a. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed

by the applicant and the doctor or a licensed nurse practitioner for the applicable employment period.

b. The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.

2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to §18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to §46.2-~~497~~ 498 of the Code of Virginia.

3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.

4. Exhibit a license showing the person has successfully undertaken the examination prescribed by §46.2-339 of the Code of Virginia.

5. Be at least 18 years old.

6. Submit to testing for alcohol and controlled substances that is in compliance with the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143, Title V) as amended and that is in compliance with 49 CFR Parts 40 and 382.

8VAC20-70-290. First aid course.

Any school board may require successful completion of the American Red Cross first aid course or its equivalent as a condition to employment to operate a school bus transporting pupils as required by §22.1-178 of the Code of Virginia.

8VAC20-70-300. Required documents.

The documents required pursuant to 8VAC20-70-280, parts 1 and 2, shall be furnished annually prior to the anniversary date of the employment to operate a school bus.

8VAC20-70-310. Filing. [Repeal]

~~The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.~~

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8VAC20-70-320. Forms for applicants.

The Department of Education shall furnish to the division superintendents the necessary forms for applicants to use to provide the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistakes, and furnish all parties involved with a complete and accurate record of the information required.

8VAC20-70-330. Health certificate.

As a condition to employment, every school and activity bus driver shall submit a certificate signed by a licensed physician or nurse practitioner stating that the employee appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

8VAC20-70-340. Highway driving.

No person shall drive a school or activity bus upon a highway in the Commonwealth unless such person has had a reasonable amount of experience in driving motor vehicles, and shall have passed a special examination indicating the ability to operate a school bus without endangering the safety of pupil passengers and persons using the highway as stated in §46.2-339 of the Code of Virginia. To prepare for the examination required by this section, any person holding a valid operator's license and Commercial Driver's License (CDL) Instruction Permit issued under the provisions of §46.2-325 of the Code of Virginia, may operate, under the direct supervision of a person holding a valid school bus license endorsement, a school bus that contains no pupil passengers. The Department of Motor Vehicles is required to adopt such rules and regulations as may be necessary to provide for the examination of persons desiring to qualify to drive such buses in this Commonwealth and for the granting of permits to qualified applicants.

8VAC20-70-350. Training.

No person shall operate a school or activity bus transporting pupils unless the person has:

1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with a program developed by the Department of Education pursuant to §22.1-181 of the Code of Virginia.

2. Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 of the 24 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the direct on-board supervision of a designated bus driver trainer. ~~Drivers of Type D buses must complete eight additional hours of training behind-the-wheel.~~ All drivers shall receive training in the operation of ~~a Type D~~ buses representative of the type used in the school division in which they will be

employed and in the transportation of students with special needs. Classroom instruction means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student. Behind–the-wheel training does not include time spent riding in a school bus or observing operation of a school bus when the student is not in control of the vehicle.

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school or activity bus.

3. New transportation directors/supervisors employed by school divisions shall complete the "Train the Trainer" class conducted by the Department of Education within a year after being employed in this position.

~~8VAC20-70-359. Requirements for School Bus Driver Instructors/Trainers.~~

~~Instructors must meet the requirements of a school bus driver, the training, and have at least 2 years experience operating a Class B type vehicle.~~

8VAC20-70-360. In-service training.

In-service training ~~(~~of at least two hours before the opening of the school year and of at least two hours during the second half of the school year~~)~~ devoted to improving ~~the~~ skills, attitudes, and knowledge, including orientation to maximize benefits of using safety programs and safety components, shall be provided to all school or activity bus drivers. In-service training shall include, but not be limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, student information and confidentiality, and local policies and procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file.

8VAC20-70-370. Supervision.

The drivers of school and activity buses shall be under the general direction and control of the division superintendent or designee, and shall also be accountable to the principal of the school to which pupil transportation is provided.

8VAC20-70-380. Pre-trip safety inspection.

Prior to the initial transporting of children each day, t~~T~~he drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle. ~~prior to transporting children.~~ The items checked and recorded shall be at least equal to the pre-trip inspection

procedure ~~as prescribed by~~ in the Preventive Maintenance Manual for Virginia School Buses issued by the Department of Education.

8VAC20-70-390. [Repealed]

8VAC20-70-400. Evaluation.

Each school and activity bus driver shall be evaluated by the transportation director or designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

8VAC20-70-410. Emergency equipment.

The driver of activity or extracurricular trip buses shall advise the pupils and/or sponsors of the location of the required emergency equipment and exits prior to the beginning of any such trip.

8VAC20-70-411. Driver Trainers.

Behind-the-wheel driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least 2 years experience operating a Class B vehicle.

8VAC20-70-420. Instructor course certificate.

Local school bus driver training instructors shall hold a certificate for completion of an instructor course conducted or approved by the Department of Education and shall attend a recertification course every five years. Certification expires at the end of the calendar year five.

8VAC20-70-430. Driver data.

The names and driver license numbers of persons operating school and activity buses and other vehicles used to transport pupils shall be submitted to the Department of Motor Vehicles annually as required by §46.2-340 of the Code of Virginia.

8VAC20-70-435. Filing.

The documents required pursuant to 8VAC20-70-280, 8VAC20-70-350, 8VAC20-70-360, 8VAC20-70-400 and 8VAC20-70-420 shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

8VAC20-70-440. Responsibility for compliance.

The responsibility for compliance with the school bus and activity vehicle specifications issued by the Department of Education rests with dealers and manufacturers. If any dealer

or manufacturer sells school buses or school activity vehicles that do not conform to any or all of the specifications issued by the Department of Education, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

Dealers and manufacturers shall be given at least 30 days' notice of any changes in the specifications.

Part IV

General Requirements for School Buses In Virginia

8VAC20-70-450. Minimum ~~standards~~ specifications.

Minimum ~~standards~~ specifications are applicable to all school buses and school activity ~~vehicles~~ buses, new or used, procured by purchase, lease, or operational contract from another person or entity.

8VAC20-70-460. Specifications.

It is the intent of the Board of Education to accommodate new equipment and technology that will better facilitate the safe and efficient transportation of students. When a new technology, piece of equipment, or component is desired to be applied to ~~the~~ a school bus, it must have the approval of the Virginia Department of Education and must meet the following criteria:

1. The technology, equipment, or component shall not compromise the effectiveness or integrity of any major safety system.

2. The technology, equipment, or component shall not diminish the safety of the interior of the bus.

3. The technology, equipment, or component shall not create additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone.

4. The technology, equipment, or component shall not require undue additional activity or responsibility for the driver.

5. The technology, equipment, or component shall generally increase efficiency or safety, or both, of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus, or shall generally assist the driver and make his many tasks easier to perform.

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School b~~B~~uses and school activity ~~vehicles~~ buses must conform to the specifications relative to construction and design effective on the date of procurement. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Department of Education, is prohibited. The Department of Education shall issue specifications and standards for public school buses to reflect desired technology or safety improvements for the then current model year.

8VAC20-70-470. Adjustments.

The Superintendent of Public Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. This includes the issuance of chassis specifications by size, type and model year. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.

8VAC20-70-480. Bus identification.

All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the ~~standards and~~ specifications.

8VAC20-70-490. Purchase.

The responsibility for purchasing school buses and school activity ~~vehicles~~ buses which meet state and federal requirements rests with division superintendents and local school boards.

A schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.

8VAC20-70-500. Sale of surplus school buses.

A. Before a surplus school bus is sold or released for nonschool transportation purposes, the bus shall have the traffic warning signal system and crossing control arm removed and all school bus lettering shall be covered by an opaque paint. A written notice shall be attached to the Certificate of Title stating that the vehicle does not meet the requirements of §§46.2-100 and 46.2-1089 and that its operation on the highway would be in violation of §46.2-917 of the Code of Virginia.

B. In the event that the bus is sold to a private school or a licensed dealer, the written notice shall contain a reminder that the bus shall be painted a different color, and shall have the bus signal systems and lettering removed before release for nonschool transportation purposes.

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8VAC20-70-510. Vehicles powered by alternative fuels.

A. The Board of Education will continue to promote the use of alternative fuels for school buses. Any vehicle powered by alternative fuels will be subject to inspection and approval by the Virginia Department of Education.

B. Local school divisions, in consultation with the Department of Education, may purchase and use school buses using alternative fuels as covered in §22.1-177 of the Code of Virginia.

C. Installation of alternative fuel tanks and fuel systems shall comply with all applicable Federal Motor Vehicles Safety Standards (FMVSS) 301, 49 CFR Part 571, and all applicable fire codes.

~~D. A sign with black letters on clear or school bus yellow background, indicating the type of alternative fuel being used, may be placed on the side of the bus near the entrance door. No sign shall be more than 4-3/4 inches long or more than 3-1/4 inches high.~~

8VAC20-70-520. [Repealed]

Part V

School Activity ~~Vehicles~~ Buses

8VAC20-70-525. Regulations and standards.

School a~~A~~ctivity ~~vehicles~~ buses owned or operated under contract by or for the school board, which are used solely to transport pupils to and from school activity events, shall comply with all applicable regulations and standards prescribed for school buses except as noted in this part.

1. Exceptions, general regulations.

a. Pursuant to §46.2-871 ~~A~~an activity ~~vehicle~~ bus transporting school pupils shall be operated at a safe, legal speed ~~not in excess of 55 miles per hour~~.

b. No standees shall be permitted.

~~c. The eight-inch school bus lettered identification and traffic warning devices shall be removed by the local school division as required by §§46.2-100 and 46.2-1090 of the Code of Virginia. The name of the school division or individual school shall be placed on both sides of the vehicle.~~

c. Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

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~~2. Exceptions, minimum standards for school buses in Virginia.~~

~~a. School activity vehicles shall not be painted national school bus yellow.~~

~~b. Other types of seats and increased spacing may be used provided all provisions of FMVSS 222, 49 CFR §571.222, are met.~~

8VAC20-70-530 to 8VAC20-70-1510. [Repealed].

DOCUMENTS INCORPORATED BY REFERENCE

Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~, Virginia Department of Education.