

**Proposed Regulations Governing Pupil Transportation
Virginia Administrative Code (8VAC20-70)
September, 2010**

(Presented to the Board of Education after Second Comment Period)

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~~ School Bus Manufacturers Technical Council (SBMTC) color standard 008.

“Multifunction School Activity Bus (MFSAB)” [or “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) owned and operated by a public school division for the purposes of transporting students to and from school and for any other purposes authorized by law; designed and used primarily for the transportation of pupils to and from public, private or religious schools, or for the transportation of pupils who are physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears 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 §46.2-1090 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 promulgated of 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 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 ~~10,000~~ 14,500 pounds but less than or equal to 21,500 pounds.

"Type B school bus" means a bus ~~with a body~~ 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 a body constructed utilizing a~~ 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 [with a design seating capacity for 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 by a county, city, town or school board in which any school pupils or personnel are transported at public expense from any public school [or public school activity].

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.

8VAC 20-70-31. Driving [time] [more than thirteen hours in a twenty four hour period prohibited.]

~~[Pursuant to § 46.2-812, of the Code of Virginia, 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 than 13 hours in any 24 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.]~~

[Driving time for operators of any school bus, school activity bus, or school activity vehicle shall be pursuant to § 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.

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 ~~riders~~ safety transportation safety instruction.

Pupil ~~riders~~ 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 through 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, 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.

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 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 in the fall for each new school year and a Level 1 inspection at least once every 30 operating days or every 2,500 miles traveled 45 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" (November, 2008) 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.~~

All school buses and school activity buses used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent

mechanics at least once every 45 school days, with “school days” as determined by the school division’s approved yearly calendar or modifications in the calendar as approved by the division superintendent or designee, or every 5,000 miles. Any bus that is removed from service or deadlined so as to disrupt the scheduled maintenance shall be inspected prior to being returned to service. At no point shall any bus go without an inspection during the school semester and such inspections shall be no more than 90 days apart excluding summer sessions. The inspections and maintenance shall be conducted in accordance with provisions of the Preventive Maintenance Manual for Virginia School Buses, and recorded on the prescribed inspection forms or in a format approved by the Department of Education. Additional Original Equipment Manufacturer (OEM) inspection and maintenance recommendations should be maintained during the service life of each bus to ensure safety and warranty requirements are met. Maintenance consideration should be given to buses operated during the summer session. 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 requirements shall be subject to verification by the Department of Education.

Subject to funds being available, the Department of Education shall conduct on an on-going basis operational assessments of school divisions’ pupil transportation operations to ensure applicable statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the operational assessments and shall conduct the assessments in school divisions on a periodic cycle as resources permit. As part of the operational assessments, the Department of Education shall provide technical assistance to school divisions in a manner that will assist them with achieving and maintaining compliance with applicable statutes, regulations, and specifications.

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.]

8VAC20-70-140. ~~Crash/incident~~ Crash 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 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 vehicle 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 website 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 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 [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 a year, once each semester~~ once a year and as changes occur.] [~~Bus routes shall be reviewed for safety hazards [, and] fuel conservation, and to assure maximum~~ the most efficient use of buses. Routes shall be reviewed for safety hazards, fuel conservation, and to assure 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.

8VAC20-70-170. Railway crossings.

School buses shall stop, as required by law, at railway grade crossings. The School buses equipped with a nonsequential 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 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~~ 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.

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.~~ exit, or restrict the freedom of motion of the driver for proper operation of the vehicle. Drivers shall be observant of any objects that may cause injury.]

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~~ Section 22.1-178, 46.2-339, and 46.2-340 of the Code of Virginia ~~require~~ 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 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~~ §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 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 subdivisions 1 and 2 of 8VAC20-70-280 shall be furnished annually prior to the anniversary date of the employment to operate a school bus.

8VAC20-70-310. ~~Filing.~~ [Repealed]

~~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.~~

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 bus and transportation of students with special needs.~~ 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 qualifies as classroom instruction] if it does not involve actual operation of a school bus and its components by the [student- trainee]. Behind-the-wheel training does not include time spent riding in a school bus or observing [the] operation of a school bus when the [student trainee] 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. (Repealed)]

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

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

~~In-service training [(at least two hours before opening before the opening of schools the school year and at least two hours during the second half of the school year) (at least two hours before the opening of the school 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 should] include, but is 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 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 [in the school division].~~

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.

~~The~~ 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 in the Preventive Maintenance Manual for Virginia School Buses [(November, 2008)] 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.

[~~Driver~~ Behind-the-wheel driver] trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and [~~have at least two years experience operating a Class B vehicle~~ must have maintained a Class B license for two years prior to functioning as a behind-the-wheel driver trainer.]

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.

~~Buses~~ School buses 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.

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.

~~Activity vehicles~~ A. School activity 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. B.~~ B. Exceptions, general regulations.

~~An activity vehicle~~ 1. Pursuant to §46.2-871 of the Code of Virginia, an activity bus transporting school pupils shall be operated at a safe, legal speed ~~not in excess of 55 miles per hour.~~

~~b. 2.~~ 2. No standees shall be permitted.

~~e. 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.~~

~~d. 3.~~ 3. Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

~~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~~ [November 2008,] Virginia Department of Education.