



TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Russ Inbody, Administrator
Janice Eret, School Finance Specialist

SUBJECT: Grant the Commissioner the authority to approve a hearing draft for the proposed revised Rule 91 ("Regulations governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles"), to set a time and place for the hearing, and to appoint a hearing official to conduct the hearing on behalf of the State Board.

Proposed Board Action:

It is recommended that the State Board grant the Commissioner the authority to approve a hearing draft for the proposed revised Rule 91 ("Regulations governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles"), to set a time and place for the hearing, and to appoint a hearing official to conduct the hearing on behalf of the State Board.

Background Information:

Rule 91 was last revised in 2008 with an implementation date of June 7, 2008.

The proposed revised Rule 91 will include the following changes:

- Clarified definition of school bus by adding Activity and Multi-Function Activity Bus.
- Added language that modified 15-passenger vans do not qualify as small vehicles for pupil transportation and removed reference to the sunset language for these vans. Removed requirement for van driving courses for drivers of the modified 15-passenger vans.
- Added definition of Route.
- Added language to pre-trip vehicle inspection to clearly include transportation contractors.
- Revised language related to when bus driver activates hazard flasher lights at a railroad crossing to align with Commercial Driver License (CDL) requirements
- Added section requiring drivers using small vehicles on a route to pull off road when loading and unloading.
- Added section prohibiting drivers from "texting" (reading, typing, or sending) while operating a pupil transportation vehicle.
- Added section requiring drivers to remove keys to pupil transportation vehicle if they must leave the vehicle with students on board.
- Added section within the Safe Pupil Transportation Plan requiring schools to identify driver procedures when student drop-off seems unsafe to leave students.
- Added Sample Post Trip Check of Vehicle form to the appendix.

Estimated Cost:

\$600 - Combined cost for hearing notice for Rule 91 and Rule 92

Supporting Documentation Included:

12.07.11 State Board of Education Work Session
&
12.08.11 State Board of Education

2.4-1
&
7.3-1

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For Additional Information on this item:

Contact: Russ Inbody 402/471-4320

Proposed Rule Revisions

NDE Rule 91: Regulations Governing Driver Qualifications and Operational Procedures for Pupil Transportation

October 18, 2011

002.10	Definition of School Bus: Added language: “... [<u>Includes Activity Bus (as defined in this chapter) and Multi-Function School Activity Bus (MFSAB) as defined in 49CFR 571.3)</u>]....”
002.11A	Definition of Small Vehicle: Removed reference to the sunset language for the modified 15-passenger vans. Language now says 15 passenger vans do not qualify as small vehicles for pupil transportation.
002.14	NEW SECTION: Route: “ <u>Route shall mean a designated course regularly traveled by a pupil transportation vehicle to pick up students from home or pickup points and take them to school; or deliver students from school to their homes or designated drop-off points.</u> ”
002.15 003.01A1b	Van Driving Course: Deleted entire section requiring the Van Driving Course.
003.03B1	Behind the Wheel Training: Added language -- “...This evaluation shall be completed <u>within six months of completion of Level I Instructional Course and before a Level I Instructional Course Card is issued or before confirmation of completion is forwarded to DMV for inclusion in the Interactive Driver’s License Database maintained by the DMV.</u> ”
005.01	Pre-trip Vehicle Inspection: Added language – “ <u>Designated pupil transportation personnel or designated personnel employed by a contractor which contracts for pupil transportation services with any school district or nonpublic school shall perform a pre-trip inspection...</u> ” “... <u>An example of a Pre-trip Vehicle Inspection Form</u> appears in Appendix C of this Chapter...”
005.02	Post-Trip Check: Added language – “... <u>An example of a Post-trip Check of Vehicle form has been included for schools to use in Appendix G.</u> ”
005.03	Safe Stops for Loading and Unloading Children: Include statute language from §60-6,6175(7) and §60-6,176. §60-6,6175(7): “When a school bus is (a) parked in a designated school bus loading area which is out of the flow of traffic and which is adjacent to a school site or (b) parked on a roadway which possesses more than one lane of traffic flowing in the same direction and which is adjacent to a school site, the bus driver shall engage only the flashing stop warning signal lights when receiving or discharging pupils if a school bus loading area warning sign is displayed. Such signs shall not be directly attached to any school bus but shall be free standing and placed at the rear of a parked school bus or line of parked school buses. No school district shall utilize a school bus loading area warning sign unless such sign complies with the requirements of section §60-6,176.” §60-6,176: Pursuant to The Department of Roads shall, by rule and regulation, adopt and promulgate uniform standards for school bus loading area warning signs. Such standards shall include requirements for the size, material, construction, and required wording. No school shall use a school bus loading area warning sign unless such sign complies with all rules and regulations adopted and promulgated by the Department. The cost of any sign shall be the obligation of the school district.

005.03I	<i>Safe Stops for Loading and Unloading Children:</i> Added language -- “When children and other passengers are safely across the road, or on their way home, retract stop arm, turn off alternately flashing warning lights, check the traffic and proceed. When loading, do not put bus in motion until door is closed and children and other passengers are seated. <u>All passengers shall remain seated while the bus is in motion.</u> ”
005.04	<i>Railroad Crossing Procedure:</i> Added language -- “The following sequence of actions apply to all school buses, <u>activity buses, and Multi-Function School Activity Buses (MFSAB)</u> either loaded or unloaded, during the process of approaching and crossing railroad tracks....”
005.04B	<i>Railroad Crossing Procedure:</i> Deleted language – “Activate the hazard warning flasher lights at a distance of not less than 500 <u>200</u> feet, and not more than 1,000 feet from the nearest railroad track in areas outside the corporate limits of any city or village and at least 200-300 feet and not more than 600 feet from the nearest railroad track within the corporate limits of a city or village. ”
005.04F	<i>Railroad Crossing Procedure:</i> Added language – “When two (2) or more tracks are to be crossed, do not stop unnecessarily a second time unless the <u>rear bumper of the school bus</u> is completely clear of the first track and has at least 15 feet clearance in front and at least 15 feet clearance from the track to the rear.”
005.04G	<i>Railroad Crossing Procedure:</i> Deleted & added language – “Railroad tracks should <u>shall</u> not be crossed unless absolutely certain there would be at least 15 feet of clearance from the rear bumper of the school bus to the nearest rail should the bus need to stop after crossing the railroad tracks. “
005.07K	<i>NEW SECTION: <u>Small Vehicles Used on Routes.</u></i> When a small vehicle is used to transport <u>students on a route, the driver shall pull off the road into a driveway, parking lot, or other appropriate safe location prior to loading and unloading students.</u>
005.07L	<i>NEW SECTION: <u>Use of Handheld Wireless Communication Device.</u></i> Drivers shall not read <u>written communication, type written communication, or send written communication while operating pupil transportation vehicles.</u> If an emergency exists which requires the use of a handheld wireless communication device, the driver shall pull onto the shoulder of the road or parking lots before using this device.
005.07M	<i>NEW SECTION: <u>Leaving Pupil Transportation Vehicle with Passengers on Board.</u></i> Drivers of <u>pupil transportation vehicles shall not leave a pupil transportation vehicle when passengers are on board unless the vehicle is parked in a safe location, the engine is in the off position, the keys have been removed and in the possession of the driver.</u>
006.02A8	<i>NEW SECTION WITHIN <u>Safe Pupil Transportation Plan:</u></i> “ <u>Driver procedures in the event that the drop-off location appears unsafe to leave students.</u> ”
Appendix C	<i>Daily Vehicle Inspection Procedures:</i> Added language -- “This suggested form is to <u>document is provided as an example of a pre-trip/Daily Inspection Form – schools should adapt to suit the district individual needs. Completed forms should be kept for your school records. ...”</u>
Appendix F	<i>Pre-Service Evaluation Form:</i> Added language -- (1) <u>“Verification of the completion of the Level 1 Training Course can only be Issued upon providing documentation of the successful completion of this pre-service evaluation.”</u> (2) <u>“This first page of the form should be submitted to the Level Instructor or NE Safety Center as a completion record and a requirement of Level 1 Certification.”</u>

Appendix F	Pre-Service Evaluation Form Loading and Unloading Section of Pre-Service Form: (1) Added & deleted Language – “ Activates amber warning lights not less than <u>200 feet, 500’ or more than 1,000’ in a rural area.”</u> (2) Activates amber warning lights not less than 300’ in urban areas
Appendix G	NEW APPENDIX: <u>Post Route Check of Vehicle</u>

This document is provided as a suggested form- schools should adapt to suit the district’s individual needs. Completed forms should be kept for your school records.

Do not submit this form to the Nebraska Department of Education.

POST ROUTE CHECK OF VEHICLE

Minimum Requirements

Week of: _____

Vehicle # _____

Drivers are to initial the appropriate box indicating the following Post Check of the vehicle has been completed:

- No students remain on the vehicle
- Damage due to vandalism
- Vehicle keys have been removed
- Vehicle is secured

	<u>Sunday</u>			<u>Monday</u>			<u>Tuesday</u>			<u>Wednesday</u>			<u>Thursday</u>			<u>Friday</u>			<u>Saturday</u>			
	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	<u>AM</u>	<u>PM</u>	<u>Other</u>	
<u>Driver</u> <u>Initials</u>																						
<u>Confirmed</u> <u>by</u>																						
<u>Notes</u>																						

Post Trip inspection sheets should be submitted on a weekly basis to school administration.