



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

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

SUBJECT: Proposed revised Rule 91 ("Regulations governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles").

**Proposed Board Action:**

Approve the proposed revised Rule 91 ("Regulations governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles").

**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:**

Hearing Officer Summary, errata sheets and Hearing Draft of Rule 91

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**For Additional Information on this item:**

Contact: Russ Inbody 402/471-4320



**Roger D. Breed, Ed.D., Commissioner**  
**Scott Swisher, Ed.D., Deputy Commissioner**

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PO Box 94987    Fax: (402) 471-0117  
Lincoln, NE 68509-4987    Web: [www.education.ne.gov](http://www.education.ne.gov)

TO: State Board of Education

FROM: Scott Summers, Legal Counsel, III Commissioner's Appointed Staff Person to Conduct a Rule Hearing on Title 92, Nebraska Administrative Code, Chapter 91, Regulations Governing Driver Qualifications & Operational Procedures for Pupil Transportation Vehicles *SS*

DATE: January 27, 2012

RE: Summary of rule-making hearing on Proposed Revisions to 92 NAC 91

*On December 12, 2011 the State Board of Education granted the Commissioner the authority to approve a hearing draft and set a hearing date and location as well as designate a staff person to conduct a hearing on behalf of the State Board on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 91. By a memorandum dated December 19, 2011, the Commissioner appointed me to conduct the hearing on this Rule on January 27, 2012, commencing at 10:00 a.m. After the proper legal notice was published, the hearing was held at the Nebraska State Office Building, Nebraska Department of Education, State Board Room, Centennial Mall South, Sixth Floor, Lincoln, Nebraska. Pursuant to State Board of Education Policy B9, what follows is a written summary of the hearing testimony.*

*An audio recording of the hearing is available if any members of the Board wish to hear it.*

**SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 91,  
Regulations Governing Driver Qualifications & Operational Procedures for Pupil  
Transportation Vehicles**

Scott Summers, Legal Counsel III and the hearing official, called the hearing to order, read into the record the names of the newspaper in which a legal notice of the hearing was published and the date the notice appeared, outlined the procedures for the hearing. Mr. Summers indicated that written testimony has been received and made part of the hearing (please see attached):

- Richard Casey, Bellevue Public Schools
- Trevis Sallis, Omaha Public Schools
- David Soule, Banner County School
- Frank Harwood, Bellevue Public Schools

Mr. Summers introduced **Russ Inbody, Administrator, Nebraska Department of Education, School Finance and Organization Services.**

**Mr. Inbody** introduced and explained the reason for the revisions to Title 92, Nebraska Administrative Code, Chapter 91 by reading his written testimony. A copy of Russ Inbody's testimony is attached to this memo.

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 now do not qualify as small vehicles for pupil transportation and removed the sunset language allowing use of these vans until June 9, 2011. 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.

Mr. Inbody indicated that one non-substantive change to the hearing draft is being proposed in Section 005.07M. An errata sheet is attached showing the proposed language.

**Richard Casey, Supervisor of Transportation, Bellevue Public Schools**, testified. His written testimony is attached. In summary, Mr. Casey has three concerns:

- Section 005.07M – Mr. Casey stated that Mr. Inbody's testimony has addressed the first concern and Bellevue agrees with the proposed change.
- Section 005.03 – Mr. Casey's overlying concern with the proposed revision is "what is the intent?" The proposed language is the current Nebraska statute as the law is written but Mr. Casey emphasized that the law was written in 1987 when buses were able to activate only the loading lights without deploying the stop arm. Since the early 1990s, buses are designed so that the stop arm and red alternating flashing warning lights are activated automatically when the service door is opened. Mr. Chuck Hall from Blair Public Schools is currently working with Sen. Brasch to correct the state law. Mr. Casey would suggest suspending the proposed language until the law is changed to clarify intent or NDE change the proposed wording to reflect what the real intent is.
- Mr. Casey testified in support of Mr. Soule's written testimony about handheld wireless communication devices. The Federal Motor Carrier Safety Administration this year implemented a federal regulation banning drivers of Commercial Vehicles from using hand-held wireless communication devices, whether it be for texting or talking. However, this regulation does not apply to operators of public, not-for-hire school buses. Both Mr. Casey and Mr. Soule believe that this ban should be extended to drivers of pupil transportation vehicles for the safety of students.

**No other oral or written testimony was received.**

## Russ Inbody's Testimony for the Rule 91 Hearing

January 27, 2012

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

The proposed revised Rule 91 includes 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 (the use of 15-passenger vans was prohibited after June 7, 2011 in the current version of Rule 91).
- Removed requirement for van driving courses for drivers of the modified 15-passenger vans as they are no longer allowed as a pupil transportation vehicle.
- 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.

A new section 005.05M of Rule 91 was proposed in the hearing draft as follows:

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Drivers of 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.

However, we intend to recommend to that State Board that the following clause be added to that section prior to final adoption:

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Unless a running engine is required to operate a power lift or ramp (see 92 NAC 92-007.07), drivers of 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.

The Department believes this to be a clarification statement and a non-substantive change to the original hearing draft approved by Commissioner Breed.

- Added section within the Safe Pupil Transportation Plan requiring schools to identify driver procedures if it would seem to be unsafe to drop student off or it would seem unsafe to leave students.
- Added Sample Post Trip Check of Vehicle form to the appendix.

## Eret, Janice

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**From:** Richard Casey [richcasey75@hotmail.com]  
**Sent:** Friday, January 20, 2012 5:25 PM  
**To:** Eret, Janice; frank.harwood@bpsne.net; ripj@hotmail.com  
**Subject:** Rule 91 Proposed Changes

Janice, I received the response on the requested changes to Rule 91. Thanks for the favorable consideration on section 005.07M (leaving Pupil Transportation Vehicle with Passengers on Board).

Concerning section 005.03A, I have a concern which I think requires action prior to this going to print as it is proposed. The bottom line is that what the proposed rule would require, and what Neb. Rev. Stat. Section 60-175(7) is apparently asking drivers to do, is not possible. If the wording (flashing stop warning signal lights) is referring to the Alternately Flashing Warning Lights as referred to elsewhere in Rule 91 and Rule 92, those lights cannot be activated without deploying the Stop Arm as they are interconnected. So--the requirement "the bus driver shall engage only the flashing stop warning lights" is not only confusing because there is no other reference to the term "Flashing Stop Warning Lights" in Rule 91 or Rule 92, but also if the term is meant to mean the "Alternately Flashing Warning Lights" which are commonly referred to as the "Loading Lights", that is not possible without also deploying the Stop Arm. For what it is worth, my original assumption was that the proposed change was referring to the "hazard warning flasher lights" as I believed the guidance was not asking that the driver stop traffic as what would happen if the Alternately Flashing Warning Lights (and Stop Arm) are deployed.

Although I understand your rationale that the wording is a quote from the Nebraska Statue...in this case the statute is clearly flawed as it is asking school districts to do something that is, depending on how one interprets what "flashing stop warning signal lights" are, at best confusing, and more likely not possible with the normal bus configuration (see Title 92, Chapter 92, 006.18C2).

The bottom line is we need to know if the intent of this change to Rule 91 is intended to stop traffic (which would require the use of the Alternately Flashing Warning Lights and Stop Arm) or is it meant to warn traffic (which would dictate the use of the Hazard Warning Flasher Lights). I look forward to testifying at the hearing on the 27th...but quite honestly I am not sure what to testify for or against as the rule is so unclear as it is currently written.

Rich



TRANSPORTATION DIVISION  
BUSINESS SERVICES DEPARTMENT

3833 NORTH 72 STREET OMAHA, NEBRASKA 68134-4403 (402)572-5985 FAX (402)557-2909



January 20, 2012

General Counsel's Office  
Nebraska Department of Education  
P.O. Box 94987  
Lincoln, NE 68509-4987

To Whom it may concern:

After reviewing proposed changes to NDE Rule 91 and in advance of scheduled public hearings on this rule the following requested change, along with justification, is submitted for your consideration.

Proposed Change

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Drivers of 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.

Justification

- The proposed change will require the District to place aides on all buses that will be left unattended with pupils aboard. A main point to consider regarding the proposed change is having the requirement to put an aide on each bus because leaving the units unattended poses an extreme safety hazard—giving the District no other option than to assign an aide to every wheelchair type C unit when having an aide may not be required for that unit other than for the reason of the proposed change. Such a necessity may affect budgetary constraints for the District.
- Another point to consider when turning off the ignition is having to turn off the unit's climate control which can adversely impact the pupil's health status in extreme weather conditions.
- Lastly, parking 'in a safe location' is relative to the situation and may not always be possible based on the location of the pupil's residence and the given distance between the bus and residence.

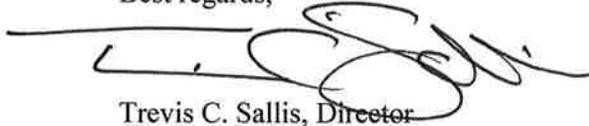
In summary of our points, we have presented a requested change which is as follows:

Requested Change

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Drivers of 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. This requirement is waived for those vehicles required to load a wheelchair bound student.

The District appreciates your consideration of the requested change as it would allow us to proceed with assigning aides to buses based on student needs. If you have questions, please feel free to contact me at (402) 557-2910.

Best regards,

A handwritten signature in black ink, appearing to read 'T. Sallis', written over a horizontal line.

Trevis C. Sallis, Director  
Transportation  
Omaha Public Schools

**Wid, Brenda**

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**From:** Summers, Scott  
**Sent:** Tuesday, January 17, 2012 12:43 PM  
**To:** Eret, Janice; Wid, Brenda  
**Subject:** FW: Testimony on cell phone use  
**Attachments:** new cell phone regs state working.doc

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**From:** David Soule [[mailto:dave\\_soule@hotmail.com](mailto:dave_soule@hotmail.com)]  
**Sent:** Tuesday, January 17, 2012 11:30 AM  
**To:** Summers, Scott  
**Subject:** Testimony on cell phone use

Scott,  
I have attached my testimony on cell phone use in pupil transportation vehicles. Rich Casey has agreed to give my testimony at the Rule 91 Hearing. Could you make sure he is listed as a presenter on my behalf at the hearing?

Sincerely,

David Soule  
Banner County School

January 17, 2012

Nebraska State Board of Education,

Due to the passage of FMCSA regulations (effective on January 1, 2012), the use of cell phones in Commercial Motor Vehicles will be banned. I feel that these regulations should be adopted in Rule 91 – 005.07L. This regulation should be adopted for all Pupil Transportation Vehicles, not just vehicles regulated by FMCSA. Justification for this change is that even though many vehicles used to transport students do not fall under FMCSA regulation, these vehicles are none the less used to transport students and should therefore be held to the same safety regulations.

FMCSA 390.3(f) **Exceptions.** Unless otherwise specifically provide, the rules in this subchapter do not apply to –

- (1) All school bus operations as defined in 390.5, except for the provisions of 391.15, and **392.82** of this chapter.
- (6) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that the motor carrier and drivers operating such vehicles are required to comply with 390.15, 390.19, 390.21(a) and (b)(2), 391.15(f), 392.80, and **392.82** of this chapter.

The regulations that are pertinent to pupil transportation are:

- 391.15 – Disqualification of drivers. (f) Disqualification for violation of a restriction on using a hand-held mobile telephone while driving a commercial vehicle---
- 392.80 – Prohibitions against texting.
- 392.82 – Using a hand-held mobile telephone.  
**(a)(1) No driver shall use a hand-held mobile telephone while driving a CMV.**  
(2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.  
(b) *Definitions.* For the purpose of this section only, *driving* means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved to the side of, off, a highway and has halted in a location where the vehicle can safely remain stationary.  
(c) *Emergency exception.* Using a hand-held mobile telephone is permissible by drivers of CMV when necessary to communicate with law enforcement officials or other emergency services.

Because FMCSA views the use of hand-held mobile telephones as a major safety risk, all Pupil Transportation Vehicles should use the regulations adopted by FMCSA governing their use as a guideline.

I propose that Rule 91- 005.07L read as follows;

**005.07L - Use of a Hand-held Wireless Communication Device.**

Drivers shall not use a hand-held wireless communication device while operating pupil transportation vehicles.

January 17, 2012

**Exceptions:** (1) If the use of a hand-held wireless communication device is necessary, the driver shall pull the vehicle onto the shoulder of the road or into a parking lot before using this device.

(2) Using a hand-held wireless communication device is permissible by drivers when necessary to communicate with law enforcement officials or other emergency services.

(3) When required for official business that would otherwise be communicated via a two-way radio, and in the absence of a two-way radio, the use of a hand-held wireless communication device is permitted. The device must be mounted in such a manner that requires the use of no more than a single button to initiate or terminate a voice communication with the driver seated in a normal driving position.

As a member of the re-write committee for Rules 91 and 92, I feel that it is our responsibility to provide the safest transportation possible for the students in Nebraska. Including these regulations will help to insure that our students are provided safe transportation. You may contact me at 308-641-2159.

Thank you for your time and consideration on this matter.

Sincerely,

David R. Soule  
Banner County Schools  
Harrisburg, NE



# BELLEVUE PUBLIC SCHOOLS

*"Proudly Serving the Bellevue/Offutt Community"*

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

January 9, 2012



Frank J. Harwood  
Bellevue Public Schools  
1600 Highway 370  
Bellevue, NE 68005-3591

General Counsel's Office  
Nebraska Department of Education  
P.O. Box 94987  
Lincoln, NE 68509-4987

To Whom It May Concern,

After reviewing proposed changes to NDE Rule 91 and in advance of scheduled public hearings on this rule the following requested changes, along with justification, are submitted for your consideration.

**Proposed Rule:** "005.03A 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..."

**Requested Change:** "005.03A 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 hazard warning flasher lights when receiving or discharging pupils..."

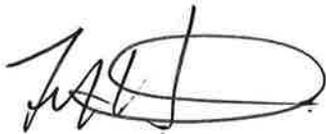
**Justification:** The proposed wording of "flashing stop warning signal lights" is misleading and not consistent with other references found in Rule 91. The term "stop warning signal" indicates that traffic is to stop which isn't required in this situation. In paragraph 005.04B when referencing procedures for crossing railroad tracks, the guidance states "activate the hazard warning flasher lights". In the interest of clarity and consistency, the term "hazard warning flasher lights" would better reflect the action the driver is to take.

**Proposed Rule:** “005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Drivers of 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.”

**Requested Change:** “005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Drivers of 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. This requirement is waived for those vehicles required to load/unload a wheelchair bound student.”

**Justification:** Most new wheelchair lift equipped vehicles require the engine to be running in order to operate the lift, to prevent battery drainage during lift operation. Although older vehicles do not have this feature installed, our experience is that without the engine running and operating at fast idle (an automatic feature on most new buses) the vehicle batteries will quickly deplete. Shutting the engine off while loading a wheelchair-bound student also turns off all climate control equipment as well as emergency radio communication while students are being loaded and secured on the bus. In order to comply with the proposed change, districts would be required to employ bus aides whose sole function would be to conduct the external loading and unloading functions of wheelchair-bound students. This would significantly increase the cost of transporting wheelchair-bound students. Finally, in most cases the loading of wheelchair-bound students takes place on a public street in the lane of traffic at the student’s residence. By definition this would not be considered a safe parking location making the requirement to park in a safe location before the driver leaves the vehicle to load a wheelchair-bound student impractical. The requested change would still provide for increased student safety without adding unnecessary costs to school districts.

Thank you for your consideration of this matter. Please feel free to contact me at (402) 293-4039 or Rich Casey at (402) 293-5041 with any questions.



Frank Harwood  
Superintendent  
Bellevue Public Schools

TITLE 92, CHAPTER 91 PROPOSED CHANGES

TESTIMONY

**Leaving Pupil Transportation Vehicle with Passengers on Board**

TITLE 92, CHAPTER 91

005.07M

**CURRENT PROPOSED READING:** “**Leaving Pupil Transportation Vehicle with Passengers on Board**. Drivers of 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 possession of the driver.”

NOTE: On January 9<sup>th</sup> we submitted a request to change the proposed rule to waive this requirement for those vehicles required to load or unload wheelchair-bound students. Finance and Organization Services responded with a revision that satisfactorily aligns with our request and is acceptable to Bellevue Public Schools, and in conversation with Omaha and Lincoln Public Schools, is also acceptable to them. This modification states “Unless a running engine is required to operate a power lift or ramp (see NAC 92-007.07), drivers of 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.”

I can provide a detailed argument to substantiate this requested change if you would like.

**ARGUMENT:** In most cases, requiring a driver to park in a safe location and remove the vehicle keys when leaving the bus with students on board makes total sense. However, there is one situation, that of loading and unloading a wheelchair student, where this requirement is not possible.

The primary reason this is not possible is that the loading and unloading of a wheelchair student takes place, in most cases, on a public street and in the lane of traffic. By definition this would not be considered a safe parking location.

Secondly, to prevent battery drainage during lift operation, most new wheelchair lift equipped vehicles require the engine to be running in order to operate the lift. Although older vehicles do not have this feature installed, our experience is that without the engine running and operating at fast idle (an automatic feature on most new buses) the vehicle batteries will quickly deplete. All newly manufactured school buses must now have an interlock installed which locks the transmission when the vehicle lift is being used.

Finally, shutting the engine off while loading a wheelchair-bound student also turns off all climate control equipment as well as emergency radio communication while students are being loaded and secured on the bus, which may be a critical factor when transporting medically fragile students.

In order to comply with the proposed change as it is currently proposed, districts would be required to employ bus aides whose sole function would be to conduct the external loading and unloading functions of wheelchair-bound students while the driver stayed in the driver's seat with the engine running. This would significantly increase the cost of transporting wheelchair-bound students.

**PROPOSED CHANGE:**

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board: Unless a running engine is required to operate a power lift or ramp (see NAC 92-007.07), drivers of 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."

TITLE 92, CHAPTER 91 PROPOSED CHANGES

TESTIMONY

**Bus Loading Zone Procedures**

TITLE 92, CHAPTER 91

005.03

**CURRENT PROPOSED READING:** 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 stop warning lights when receiving or discharging pupils if a school bus loading area warning sign is displayed....

**ARGUMENT:** Our overlying concern with this new verbiage is “what is the intent?”

Is it to stop traffic?

or is it to warn traffic that students are loading?

After submitting a change to this proposed Rule change I was advised that the Dept of Ed does not intend to make a change as this wording is a direct quote from state law. Although it is correct that this wording is a quote from state law, one needs to understand that this law was written in 1987 when buses were able to activate only the loading lights without deploying the stop arm. Since the early 1990s, buses are designed so that the stop arm and red alternately flashing warning lights are activated automatically when the service door is opened. As a matter of fact, in accordance with Rule 92, paragraph 006.18C1, “the system of red and amber signal lamps will be wired so that automatically energized (with amber lamps being automatically de-energized) when stop signal arm is extended or when bus service door is opened.” So Rule 92 is already in conflict with state

law. Mr. Chuck Hall from Blair Public Schools is working with Senator Brasch's office to correct the obvious erroneous wording in the law in light of newer technology and safety requirements found on today's buses.

So, if the proposed change is intended to warn traffic, but not cause traffic to stop, by the use of the amber school bus alternately flashing warning lights, then what is being asked is not possible because when the door is opened to allow students to board the bus, the red school bus alternately flashing warning lights will come on and the Stop Arm will be deployed, which will stop traffic.

In addition to this compelling reason to strike this proposed change from the rule, the terminology used is also incorrect and will lead to confusion to what the driver is suppose to do in this loading situation. The change states that the driver is to engage only the flashing stop warning lights. However, the term "flashing stop warning lights" is a term that is not referenced anywhere else in Rule 91, 92, the Nebraska Pupil Transportation Guide, the Commercial Drivers License Manual or in any other written guidance that I can find. As an example of how confusing the terminology is, I surveyed 14 drivers, asking them what "flashing stop warning lights" are. Six thought this term referred to the hazard flashers, 2 thought it was the amber loading lights, 4 thought it was referring to the red loading lights, and 2 didn't know what it meant. Failure to use common and accepted terminology will lead to confusion in the loading of students and create an unsafe environment.

Finally, I would remind the committee that this law has been on the books since 1987. It seems senseless to rush to update the Rule 91 after this many years, especially in light of the fact that the law has been superseded by technology and apparently different terminology which makes the original requirement obsolete.

So, our requested action on this proposed change is to either suspend any changes until the law can be changed to clarify the intent or the Department of Education change the proposed wording to reflect what the real intent is when

loading students in this situation; which we believe is to warn traffic but not stop traffic. Our proposed wording would read:

**PROPOSED CHANGE:**

“005.03A 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 hazard warning flasher lights when receiving or discharging pupils...””

TITLE 92, CHAPTER 91 PROPOSED CHANGES

TESTIMONY

**Use of Hand-held Wireless Communication Device**

TITLE 92, CHAPTER 91  
005.07L

My final testimony today is on behalf of David R. Soule with Banner County Schools and I believe he has submitted written testimony of this request. Instead of reading the justification leading to this proposed change, I would like to summarize this justification.

**CURRENT PROPOSED READING:** "Use of Handheld Wireless Communication Device. Except as otherwise provided in subsection (2) of 60-6,179.01 R.R.S., drivers shall not use a handheld wireless communication device (as defined in subsection (5) of 60-6,179.01 R.R.S.) to read a written communication, manually type a written communication or send a written communication while operating a pupil transportation vehicle which is in motion."

**ARGUMENT:** In 2010 the Federal Motor Carrier Safety Administration implemented a ban on texting for Commercial Vehicles. On January 1, 2012 FMCSA further banned the use of hand-held mobile telephones for voice communications while driving a Commercial Vehicle. Clearly there was, and is, compelling evidence that the use of personal wireless communication devices, whether it be for texting or talking, creates a significant distraction to a vehicle operator. However, this law does not apply to operators of public, non-for-hire school buses.

It is the contention of Mr. Soule that because the FMCSA views the use of hand-held mobile telephones as a major safety risk, all Pupil Transportation Vehicles should use the regulations adopted by FMCSA as a guideline.

**PROPOSED CHANGE:** With that said, the proposal is as follows:

**006.07L Use of Hand-held Wireless Communication Device.**

Drivers shall not use a hand-held wireless communication device while operating pupil transportation vehicles.

**Exceptions:** (1) If the use of a hand-held wireless communication device is necessary, the driver shall pull the vehicle onto the shoulder of the road or into a parking lot before using this device.

(2) Using a hand-held wireless communication device is permissible by drivers when necessary to communicate with law enforcement officials or other emergency services.

(3) When required for official business that would otherwise be communicated via a two-way radio, and in the absence of a two-way radio, the use of a hand-held wireless communication device is permitted. This device must be mounted in such a manner that requires the use of no more than a single button to initiate or terminate a voice communication with the driver seated in a normal driving position.

Mr. Soule goes on to say that as a member of the re-write committee for Rules 91 and 92, he feels that it is our responsibility to provide the safest transportation possible for the students in Nebraska. Including these regulations will help to insure that our students are provided safe transportation.

For the record, as a representative of Bellevue Public Schools, I wholeheartedly concur with Mr. Soule's proposed change. I would also say that every district I have spoke to regarding this matter already have policies in place that prohibit the use of personal communication devices while operating a School Bus. Placing a ban on the use of Handheld Wireless Communication Devices while operating a school bus in Rule 91 would validate the Department of Education's commitment to providing the safest transportation possible for the students whose safety we are entrusted with.

005.07I Use of Strobe Light. The white flashing strobe light shall be used only in adverse weather conditions, when the pupil transportation vehicle is in distress or to enhance the visibility of the pupil transportation vehicle when barriers inhibit such visibility.

005.07J Use of Headlights. Pupil transportation vehicles shall operate with headlights on at all times.

005.07K Small Vehicles Used on Routes. When a small vehicle is used to transport 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.

005.07L Use of Handheld Wireless Communication Device. Except as otherwise provided in subsection (2) of 60-6,179.01 R.R.S., drivers shall not use a handheld wireless communication device (as defined in subsection (5) of 60-6,179.01 R.R.S.), to read a written communication, manually type a written communication, or send a written communication while operating a pupil transportation vehicle which is in motion.

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board. Unless a running engine is required to operate a power lift or ramp (see 92 NAC 92-007.07), drivers of 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.

## 006 Safe Pupil Transportation

006.01 Transportation of Unsafe Items. Pupil transportation vehicles shall not transport any items, animals, materials, weapons or look-a-like weapons, or equipment which in any way would endanger the lives, health, or safety of the children, and other passengers and driver.

006.01A Look-a-like weapons associated with a school sponsored or approved activity may be transported with written permission of an administrator of the school district.

006.01B Any item or items that would break or could produce injury if tossed about the inside of pupil transportation vehicle when involved in an accident shall be secured.

006.02 Safe Pupil Transportation Plan. Each school district providing pupil transportation shall have a safe pupil transportation plan.

only the flashing ~~stop yellow~~ 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 R.R.S.:

005.03A1 Under Section 60-6,176 R.R.S., the Department of Roads, by rule and regulation, is to 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 district shall use a school bus loading area warning sign unless such sign complies with all rules and regulations adopted and promulgated by the Department of Roads. The cost of any sign shall be an obligation of the school district.

005.03B Additionally—The following procedure shall be observed when controlling traffic with a school bus during the process of loading and unloading:

005.03A B1 Use rearview mirror system to check all traffic.

005.03B2 Reduce the school bus speed with minimal brake usage and without greatly interrupting the flow of traffic.

005.03C Activate the ~~school bus alternately flashing amber yellow school bus alternately flashing warning signal~~ lights. (AM 1796 LB1039 page 5 Line 2)

005.03C1 Not less than 500 feet or more than 1,000 feet from the bus stop in any area outside the corporate limits of any city or village.

005.03C2 At least 300 feet and not more than 600 feet from the bus stop within the corporate limits of any city or village.

005.03D During the stopping process, allow sufficient area to the right of the bus so that children and other passengers may clear the bus safely.

005.03E After the school bus has stopped, place the transmission in "Park". If there is no "Park" shift point, place the transmission in "Neutral" and set the parking brake at each stop.

005.03F Check to see if traffic is able to stop, activate the alternating flashing ~~red warning signal~~ lamps, and extend stop arm. (AM 1796 LB1039 page 5 Line 10)

005.03G Check to see if road is clear in both directions or that all traffic is stopped. When the road is clear and all traffic has stopped, open door to load and unload children and other passengers.

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 91 - REGULATIONS GOVERNING DRIVER QUALIFICATIONS &  
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001 General Information

001.01 Statutory Authority. This Chapter is adopted pursuant to Section 79-318(13) of the Revised Statutes of Nebraska (R.R.S.)

"The State Board of Education shall: (13) With the advice of the Department of Motor Vehicles, adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) ~~the~~ the general design, equipment, color, operation, and maintenance of any vehicle with ~~the~~ a manufacturer's rated seating capacity of eleven or more passengers, used for the transportation of public, private, denominational, or parochial school children students; and (b) the equipment, operation and maintenance of any vehicle with a capacity of ten or less passengers, used for the transportation of public, private, denominational, or parochial school children students, when such vehicles are ~~either~~ either owned, ~~or~~ or operated, or owned and operated by any public, private, denominational, or parochial school district or privately owned or operated under contract with any school ~~district~~ district in this state, except for vehicles owned by individuals operating a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Similar rules and regulations shall be adopted and promulgated for operators of such vehicles as provided in 79-607;"

And pursuant to Section 79-602 of the Revised Statutes of Nebraska (R.R.S.) which states in part:

"In addition to the inspection requirements prescribed in this section, the driver of each pupil transportation vehicle shall make daily inspections of such vehicle to ensure that all lights and equipment are fully operational or repaired before his or her daily route. Reports of such daily inspections shall be kept by the driver in the vehicle and filed weekly with the head mechanic or administrator in charge of the transportation system. If the inspection reveals any significant defect in the lights or equipment, the driver shall immediately report the defect to the head mechanic or administrator in charge of the transportation system."

And pursuant to Section 79-608 of the Revised Statutes of Nebraska (R.R.S.) which states in part:

"(1) Any person, before operating a school bus, including any school bus which transports ~~pupils~~ students by direct contract with the ~~pupils~~ students or their parents and not owned by or under contract with the school district or nonpublic school, ~~before the opening of a school term or before operating a school bus~~, shall each year submit himself or herself to (a) an examination, to be conducted by a driver's license examiner of the Department of Motor Vehicles, to determine his or her qualifications to operate such bus, and (b) an examination by a licensed physician to determine whether or not he or she meets the physical and mental standards established pursuant to ~~Section~~ Section 79-607 and shall furnish to the school board or board of education or the governing authority of a nonpublic school and the Director of Motor

Vehicles a written report of each such examination on standard forms prescribed by the State Department of Education, signed by the person conducting the same, showing he or she is qualified to operate a school bus and that he or she meets the physical and mental standards, the director shall issue to. ~~If the Director of Motor Vehicles determines that the person is so qualified and meets such standards, a special school bus operator's permit, which shall expire each year on the date of birth of the holder, in such form as the director prescribes shall be issued to him or her. No contract shall be entered into until such permit has been received and exhibited to the school board or the governing authority of a nonpublic school. The holder of such permit shall have it on his or her person at all times while operating a school bus."~~

001.02 Scope and Application. This Chapter governs:

001.02A The qualifications and requirements for drivers of pupil transportation vehicles in public and non-public schools.

001.02B The issuance of licenses and permits to drivers is subject to the regulations and/or procedures of the Nebraska Department of Motor Vehicles.

001.02C The operational procedures for pupil transportation vehicles.

001.03 Related Regulations. An additional regulation promulgated by the Nebraska Department of Education dealing with pupil transportation vehicle drivers and equipment is Nebraska Department of Education Chapter 92, Regulations Governing the Minimum Equipment Standards & Safety Inspection Criteria for Pupil Transportation Vehicles. In addition, Nebraska Department of Motor Vehicles has promulgated Title 247, Nebraska Administrative Code, Chapter 7, Rules and Regulations Pertaining to the Vision and Medical Requirements for Class A and B Licenses, Learner's and School Permits and School Bus Driver's Permits.

001.04 Penalty Provisions. According to Section 79-607 of the Revised Statutes of Nebraska (R.R.S.):

"Any officer or employee of any school district who violates any of the traffic rules or regulations or fails to include obligations to comply with the traffic rules and regulations in any contract executed by him or her on behalf of a school district shall be guilty of a Class V misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such traffic rules and regulations shall be guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such school district."

And to Sections 79-608(1) and 79-608(3) R.R.S:

"(1) No contract shall be entered into until such [operators] permit ~~shall have~~ has been received and exhibited to the school board or ~~board of education~~ or the governing authority of a nonpublic school. (3) Any person violating this section shall be guilty of a Class V misdemeanor. His or her contract with the school district shall be canceled as provided in section 79-607."

001.05 Effective date and Implementation Date. Regardless of the effective date of this Chapter, the implementation (operative) date will be ninety (90) days after its effective date. Prior to that date, the provisions of 92 NAC 91 effective ~~December 28, 2003~~ March 9, 2008 shall remain in effect.

## 002 Definitions

002.01 Activity Bus shall mean a motor vehicle with motive power, except a trailer, designed or modified by the manufacturer, distributor or dealer for carrying eleven (11) or more passengers, excluding the driver, which at any time would be used to carry school children and school personnel exclusively on a school activity trip from a given location to a second location without stopping to load or unload children or control traffic on public highways, provided that such transportation service is sponsored and approved by the local school governing board. This includes Multi-Function School Activity Bus as defined in 49 CFR 571.3. The preceding definition is not intended to preclude the use of a school bus as an activity bus.

002.02 Activity Trip shall mean the transportation of children, pupils, and school personnel to and from a given location to a second or subsequent location or locations without stopping to load or unload the passengers on the public highways for the purpose of transporting the passengers to any activity or event sanctioned, authorized or sponsored by the school district or the school's governing board.

002.03 "Behind the Wheel" Training and Pre-Service Evaluation shall mean an orientation prescribed by the Nebraska Department of Education and conducted by any driver holding a current school bus permit. The person conducting this orientation documents participation of the candidate by completing the Pre-Service Evaluation Form (See Appendix F) and the School Transportation Maneuvers Road Test Examiner's Summary.

002.04 Coach Bus shall mean a vehicle not designed primarily for the transportation of school children to and from school and school related activities, but as a commercial motor vehicle for carrying eleven (11) or more passengers as a part of the operation of a common or contract carrier, as those terms are defined in ~~s~~Section 75-302 R.R.S., and which has front doors only, high back seats, under-the-floor storage and no rear emergency exit. Such buses are also commonly known as "motor coaches" or "over-the-road coaches."

002.05 Level I Instructional Course shall mean a minimum of an eleven (11) hour, in-class, instructional program for individuals who will be operating school buses or

small vehicles. The content will be prescribed by the Nebraska Department of Education and administered by an instructor approved by the Nebraska Department of Education.

002.06 Level I Waiver Examination shall mean an examination administered by an instructor approved by the Nebraska Department of Education that may be taken prior to attending the Level I Instructional Course. Achieving a passing score on the waiver examination temporarily fulfills the Level I requirement for all first time pupil transportation vehicle operator permit candidates. The applicant will be issued a Level I Waiver Card to carry while operating a pupil transportation vehicle or the applicant's information will be included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles. Sixty (60) days after being issued, the Waiver Card expires. The applicant must complete the entire Level I training program before the "Level I Waiver Card" expires.

002.07 Level II Instructional Course shall mean a minimum of a three (3) -hour in-class instructional program, the content of which is prescribed by the Nebraska Department of Education and administered by an instructor approved by the Nebraska Department of Education.

002.08 Level II Waiver Examination shall mean an examination administered by an instructor or an electronic method approved by the Nebraska Department of Education that may be taken prior to attending the Level II Instructional Course. Achieving a passing score on the waiver examination temporarily fulfills the Level II requirement. The applicant will be issued a "Level II Waiver Card" to carry while operating a pupil transportation vehicle or the applicant's information will be included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles. Sixty (60) days after issuance, the "Level II Waiver Card" expires. The applicant must complete the entire Level II training program before the "Level II Waiver Card" expires.

002.09 Students shall mean school students, pupils and children and will be used interchangeably throughout this Chapter.

002.10 School Bus shall mean a motor vehicle with motive power, except a trailer, designed or modified by the manufacturer, distributor or dealer for carrying eleven (11) or more passengers, excluding the driver, meeting or exceeding Nebraska Pupil Vehicle Minimum Standards (92 NAC 92); which at any time is used to carry school children and school personnel exclusively. This includes an Activity Bus (as defined in this Chapter) and a Multi-Function School Activity Bus (MFSAB) as defined in 49 CFR 571.3 except where otherwise provided in 92 NAC 92. Such transportation service must be sponsored and approved by the local school governing board. Vehicles that only carry school children along with other passengers as a part of the operation of a common carrier under the jurisdiction of the United States Department of Transportation, Nebraska Public Services Commission, Nebraska State Patrol

Carrier Enforcement, or the Nebraska Department of Motor Vehicles Division of Motor Carrier Services are not included with the definition of school bus.

002.11 Small Vehicle shall be a motor vehicle with motive power, except a trailer, designed or modified by the manufacturer, distributor or dealer for carrying ten (10) or fewer passengers, excluding the driver, meeting or exceeding Nebraska Department of Education minimum standards for small vehicles which at any time would be used to carry pupils exclusively. Such transportation service must be sponsored and approved by the local school governing board. If the seating capacity of the vehicle has been reduced to meet the definition of a small vehicle, the manufacturer, distributor, or dealer shall recertify the vehicle if required by 49 CFR 567.7. (See Appendix E.) The capacity of the vehicle shall be posted inside the vehicle in a conspicuous location. The preceding definition is not intended to include private motor vehicles used exclusively to carry members of the owner's household.

~~002.11A Effective three (3) years after the implementation date of this Chapter, vehicles that have an original manufacturer's vehicle type classification label under 49 CFR 567.4 of "bus" and that have an original manufacturer's designated seating capacity of 15 persons maximum (e.g. 15-passenger vans) shall not qualify as a small vehicle. regardless of alteration or modification that reduces the seating capacity to that of less than ten passengers, excluding the driver.~~

002.12 Pupil Transportation Vehicle shall mean any vehicle utilized to carry school children as sponsored and approved by the local school governing board and conforms to the Nebraska Department of Education definitions of pupil transportation vehicles listed as School Bus, Activity Bus, Small Vehicle or Coach Bus.

002.13 Pupil Transportation Vehicle Operator shall mean a driver of any pupil transportation vehicle, utilized to transport school children. Driver qualifications and requirements are defined in this Chapter.

002.14 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 to deliver students from school to their homes or designated drop-off points.

002.44 15 School Bus Permit shall mean a permit that is required to be on the person of a vehicle operator driving a vehicle carrying school children. The operator of a small vehicle being used exclusively for extracurricular activities is not required to have a school bus permit.

~~002.15 Van Driving Course shall mean a minimum of a four (4) hour instructional course for individuals who operate a vehicle having an original seating capacity of 15 passengers which has been modified to carry a maximum of 10 passengers to transport school students for activities and route travel. Included in this training is~~

~~one (1) hour of hands-on training conducted in a vehicle having an original seating capacity of 15 passengers which has been modified to carry a maximum of 10 passengers. The instructor of this course shall be approved by the Department. Documentation of completion of the Van Driving Course shall be kept on file by the school district and by the driver. This training is not required for persons who, for each of the two most recently completed school years (September through August): (i) while having been employed by a Nebraska school district, Nebraska approved or accredited non-public school or an entity that provides pupil transportation to such school(s) by contract, have driven pupils on activity trips or regular route transportation in such vehicles; and (ii) have not been convicted of a traffic infraction for a violation of the Nebraska Rules of the Road (see 60-682 R.R.S.).~~

~~002.15 A — Drivers of vehicles having an original seating capacity of 15 passengers which have been modified to carry a maximum of 10 passengers and who hold a valid Level I or II Instructional Course Card or have their information included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles are required to only take the one (1) hour "hands-on" portion of the Van Driving Course.~~

~~002.15B — Beginning one (1) year from the implementation date of this Rule, all drivers of vehicles having an original seating capacity of 15 passengers which have been modified to carry a maximum of 10 passengers must successfully complete the Van Driving Course before operating such vehicles.~~

~~002.15 C — This requirement (002.15 A – B) will expire when vehicles that have an original manufacturer's vehicle type classification label under 49 CFR 567.4 of "bus", have an original manufacturer's designated seating capacity of 15 persons maximum (e.g. 15-passenger vans), and have been modified to carry a maximum of 10 passengers are no longer considered small vehicles. (See Section 002.11A).~~

### 003 Driver Qualification & Licensure

#### 003.01 When a School Bus Permit is Required.

003.01A A school bus permit issued by the Nebraska Department of Motor Vehicles (see Section 004) is required for the driver of all vehicles used to transport one or more school children provided that such transportation service is sponsored and approved by a school's governing board. A permit is also required for those drivers independently contracted by a military base to transport one or more children to school. This regulation is not intended to include: legally licensed operators of "coach buses" which operate under the jurisdiction of the United States Department of Transportation, State Patrol Motor Carrier Enforcement Division of Motor Carrier Services or Nebraska Public Service Commission when used for activity trips as described in Section 002.02 of this Chapter; private motor vehicles used exclusively to carry members of the vehicle owner's household; small vehicles (cars and vans) used for activity purposes only; or the

operation of small vehicles (cars and vans) in emergency situations, when approved by the school administrator or person designated by the governing school board.

003.01A1 Drivers of small vehicles on activity trips shall be provided the following training by the appropriate local school, agency or contractor prior to such transportation activity:

003.01A1a Instruction in emergency evacuation procedures, first aid and other instruction applicable to the group of pupils being transported

~~003.01A1b Van Driving Course. This training is required for drivers of small vehicles having an original seating capacity of 15 passengers which have been modified to carry a maximum of 10 passengers (see Sections 002.11 and 002.15). This training is not required for persons who, for each of the two most recently completed school years (September through August): (i) while having been employed by a Nebraska school district, Nebraska approved or accredited non-public school or an entity that provides pupil transportation to such school(s) by contract, have driven pupils on activity trips or regular route transportation in such vehicles; and (ii) have not been convicted of a traffic infraction for a violation of the Nebraska Rules of the Road (see 60-682 R.R.S.).~~

003.01B Substitute pupil transportation vehicle operators shall meet the same driver requirements and qualifications as a regular pupil transportation vehicle operator. A pupil transportation vehicle operator shall not have the authority to assign a substitute without the prior approval of any school administrator or person designated by the governing school board.

003.01C The pupil transportation vehicle driver shall carry the following documentation while operating any pupil transportation vehicle (except those exempted under Section 002.14):

003.01C1 A Nebraska Department of Motor Vehicles school bus permit. (Section 79-608(1) of the ~~Revised Statutes of Nebraska~~ R.R.S.)

003.01C2 A current and valid Level I or II Instructional Course Card or be included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles.

003.01C3 A current and valid United States Department of Transportation Medical Examiner's Certificate.

003.02 When a Commercial Driver's License is Required.

003.02A A commercial driver's license is required for the driver of a pupil transportation vehicle with a gross vehicle weight rating of twenty-six thousand one pounds (26,001) or more and/or designed to transport sixteen (16) or more passengers, including the driver. The holder of a commercial driver's license shall obtain any endorsements to operate a school bus required by the Motor Vehicles Operator's License Act (Section 60-462 et. seq. R.R.S.). An LPC-Learner's Permit for commercial vehicles is required prior to the commercial driver's license for the first school bus permit if operating a bus on a public roadway while preparing for the commercial driver's license exam pursuant to Section 60-4,141(2) R.R.S.

003.02B Substitute pupil transportation vehicle operators shall meet the same driver requirements and qualifications as a regular pupil transportation vehicle operator.

003.03 Requirements for Driver Qualification & Licensure

003.03A Drivers Eligibility. The following requirements shall be met by the permit applicant prior to applying for an initial school bus permit, and for the renewal of a school bus permit required by the Nebraska Motor Vehicles Operator's License Act (Section 60-462 et. seq. R.R.S.).

003.03A1 The individual shall possess a valid Motor Vehicle operator's license.

003.03A2 The individual shall be able to read and comprehend driving regulations and written test questions.

003.03A3 The school district, governing body, or employing agency shall verify or obtain a record at least annually of satisfactory driving as determined by the local school governing board policy. It is required that a copy of the individual's driving record be on file with the employing agency before employment as a pupil transportation vehicle operator, this includes drivers of small vehicles (cars and vans) for activity trips as described in Section 002.02 of this Chapter.

003.03A4 The individual shall be a minimum of 18 years of age.

003.03A5 The individual shall be of good moral character. The school district, governing body or employing agency shall obtain and keep on file a criminal history record of the driver applicants through the Nebraska State Patrol and local law enforcement agency before employment as a pupil transportation vehicle operator. Each driver's criminal history record shall be updated during the calendar year that coincides with the expiration of the

individual's motor vehicle operator's license. This includes drivers of small vehicles (cars and vans), school buses, or activity buses whether for transporting pupils to and from school or for activity trips as described in Section 002.02 of this Chapter.

003.03A5a The school district, governing body or employing agency is not required to obtain a criminal history record for drivers who are also certificated Nebraska school administrators or teachers.

003.03B Requirements for the First Permit. Prior to issuance of a school bus permit, when an applicant has never held such a permit, the following requirements shall be met:

003.03B1 Successfully complete a "Behind the Wheel" training and pre-service evaluation. This evaluation is administered by a driver with a valid school bus permit. Upon completion of the evaluation, the administering driver will issue a completed Pre-Service Evaluation Form (see Appendix F) and School Transportation Maneuvers Road Test Examiner's Summary to the applicant. The applicant must hold an LPC-Learner's Permit for commercial vehicles before attempting to complete this training and evaluation pursuant to Sections 60-4,141 through 60-4,143 R.R.S. which is required if operating a bus on a public roadway. This evaluation shall be completed within six (6) 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 the Nebraska Department of Motor Vehicle for inclusion in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles.

003.03B2 Successfully complete a Level I Instructional Course consisting of at least eleven (11) hours of class time. An applicant may waive the Level I requirement for sixty (60) days if the applicant receives at least the minimum score on the Level I waiver examination. Within sixty (60) days, the applicant must complete the Level I class. Upon completion of the Level I Instructional Course, the applicant shall receive a "Level I Instructional Course Card" issued by the Nebraska Department of Education or will be included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles.

003.03B3 Pass a prescribed physical examination administered by a medical examiner who has been approved by the school district, governing body or employing agency. All physical examinations are to be conducted according to the Department of Transportation Federal Motor Carrier Safety Regulation Section 391.41 (49 CFR 391.41) and a record maintained as set forth in Department of Transportation Federal Motor Carriers Safety Regulation Section 391.43 (49 CFR 391.43). The physical examination is valid for ninety (90) days from the date of exam for Department of Motor Vehicles purposes.

003.03B3a Each school district or governing body shall have a valid Medical Examiner's Certificate for each driver it employs or contracts for on file. If the Medical Examiner's Certificate is valid for less than one (1) year, the school district, governing body, or employing agency shall require an updated valid Certificate prior to the expiration of the previous Certificate.

003.03B3b Any pupil transportation vehicle driver required to pass a physical exam who fails to maintain a valid Medical Examiner's Certificate with the school district, governing body, or employing agency shall be reported to the Department of Motor Vehicles and his or her permit shall be subject to recall.

003.03B3c Whenever it comes to the attention of a school official, member of the governing body of the school, employing agency, law enforcement officer, or medical examiner that the driver's Medical Examiner's Certificate has expired or becomes invalid, that person must provide notification to the Department of Motor Vehicles about the driver's invalid or expired medical certificate. The permit shall become subject to recall upon receipt of notification to the Department of Motor Vehicles.

003.03B4 Pass the examinations administered by the Nebraska Department of Motor Vehicles.

003.03C Requirements for the Renewal of a Permit. A school bus permit shall be renewed annually. Prior to the issuance of a renewal permit, the following requirements shall be met:

003.03C1 The individual shall pass the prescribed annual physical examination on the form approved by the Department of Transportation as described in Section 003.03B3. The individual shall provide a Medical Examiner's Certificate to the employing school, school's governing body or governing agency. The physical is valid for ninety (90) days from date of exam for Department of Motor Vehicles Purposes.

003.03C2 The individual shall pass the annual vision test administered by the Department of Motor Vehicles. On the year that coincides with the expiration of the individual's motor vehicle operator's license, the individual shall pass a written exam, skills test, and vision test.

003.03C3 The individual shall hold a valid Level Instructional Course Card or the individual's information is included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles. Within five (5) years of completing a Level I Instructional Course and each subsequent five (5) year period, the driver shall successfully complete a Level II Instructional Course administered by an instructor approved by the

Nebraska Department of Education. Upon completion of the Level II Instructional Course, a Level II Instructional Course Card will be issued by the Nebraska Department of Education or the individual's information will be included in the Interactive Driver's License Database maintained by the Nebraska Department of Motor Vehicles.

003.03C4 If a driver has either a Level I or Level II Instructional Course Card which has expired, the Level I Instructional Course shall be taken again.

004 Types of Permits and Licenses.

004.01 The Nebraska Department of Motor Vehicles shall test and issue the following school bus permits and commercial driver's licenses:

Permit Class	<u>School Bus Permit</u> Type	Capacity/Activity (Passengers only; count does not include the driver)	License Type Required
A	Small Vehicle/Van	1-10 passengers	Class O
B	School Bus	Up to 14 passengers	Class O
C	School or Activity Bus/MFSAB	Up to 14 passengers/Activity only	Class O
D	School Bus	15 or more passengers	CDL
E	School or Activity Bus/MFSAB/Coach Bus	15 or more passengers/Activity only	CDL

004.02 School Bus Permit (Permit Class B, C, D, and E). The applicant shall be given a school bus driver written examination and road proficiency test emphasizing the ability to perform all necessary safety functions during the process of pupil transportation route operations. The holder of a school bus permit may operate a school bus, activity bus, and small vehicle.

004.03 School Bus Permit – Activity (Permit Class C and E). The applicant shall be given a written examination and shall be required to demonstrate vehicle driving ability, excluding the process of controlling traffic and the loading and unloading of pupils on a public highway. The school bus (activity only) permit is not intended to include drivers operating vehicles under the United States Department of Transportation or Nebraska Public Service Commission regulations. The holder of school bus permit-activity may operate an activity bus and small vehicle.

004.04 School Bus Permit - Small Vehicle/Van (Permit Class A). The applicant shall be given a written examination and driving proficiency test. The holder of a small vehicle operator's permit may operate a small vehicle only.

004.05 Commercial Driver's License (Permit Class D and E). The applicant shall be subject to the regulations and testing procedures administered by the Department of Motor Vehicles. The holder of a Commercial Driver's License may drive a school/activity bus designed to seat 15 or more passengers, not including the driver.

004.06 Operator's License (License Class O). The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle.

## 005 Operational Procedures

005.01 Pre-trip Vehicle Inspection. 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 prior to placing the vehicle in service once each day of operation at a minimum and shall promptly report in writing to the school administrator or person designated by the local school governing board any defects or deficiencies discovered that may affect the operational safety of the vehicle or result in its mechanical breakdown. The pre-trip inspection procedures require the conduction of both stationary and operating inspections. The daily inspection shall be conducted according to the procedures established by the Nebraska Department of Education, ~~which,~~ An example of a Pre-Trip Vehicle Inspection Form appears in Appendix C of this Chapter and ~~are~~ is also available from Nebraska Department of Education, or its designee, in the publication, "Pupil Transportation Guide."

005.02 Post-Trip Check. School bus drivers shall conduct an interior walk-through inspection for students that may remain on a school/activity/coach bus at the end of each route or activity trip. Drivers of small vehicles shall do a visual inspection for students that may remain on the vehicle at the end of each route or activity trip. An example of a Post-Trip Check of Vehicle Form has been included for schools to use in Appendix G.

005.03 Safe Stops for Loading and Unloading Children. No school bus shall stop to load or unload pupils unless there is at least four hundred (400) feet of clear vision in each direction of travel (Section 60-6,175(2) R.R.S.). ~~Additionally, the following procedure shall be observed when controlling traffic with a school bus during the process of loading and unloading:~~

005.03A 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 R.R.S.:

005.03A1 Under Section 60-6,176 R.R.S., the Department of Roads, by rule and regulation, is to 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 district shall use a school bus loading area warning sign unless such sign complies with all rules and regulations adopted and promulgated by the Department of Roads. The cost of any sign shall be an obligation of the school district.

005.03B Additionally—The following procedure shall be observed when controlling traffic with a school bus during the process of loading and unloading:

005.03A B1 Use rearview mirror system to check all traffic.

005.03B2 Reduce the school bus speed with minimal brake usage and without greatly interrupting the flow of traffic.

005.03C Activate the amber school bus alternately flashing warning lights.

005.03C1 Not less than 500 feet or more than 1,000 feet from the bus stop in any area outside the corporate limits of any city or village.

005.03C2 At least 300 feet and not more than 600 feet from the bus stop within the corporate limits of any city or village.

005.03D During the stopping process, allow sufficient area to the right of the bus so that children and other passengers may clear the bus safely.

005.03E After the school bus has stopped, place the transmission in “Park”. If there is no “Park” shift point, place the transmission in “Neutral” and set the parking brake at each stop.

005.03F Check to see if traffic is able to stop, activate the alternating flashing red warning lamps, and extend stop arm.

005.03G Check to see if road is clear in both directions or that all traffic is stopped. When the road is clear and all traffic has stopped, open door to load and unload children and other passengers.

005.03H The operator of a school or activity bus shall require that when the children and other passengers have left the bus, they walk to a distance of approximately twelve (12) feet in front of the bus before crossing the roadway.

005.03I 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. All passengers shall remain seated while the bus is in motion.

005.04 Railroad Crossing Procedure. The following sequence of actions apply to all school buses, activity buses, and Multi-Function School Activity Buses (MFSAB), either loaded or unloaded, during the process of approaching and crossing railroad tracks except at any such crossing where a police officer or a traffic control flagman (railroad employee) directs traffic to proceed.

005.04A Approach the tracks with caution and decelerate the vehicle.

005.04B Activate the hazard warning flasher lights at a distance of not less than 500 ~~200~~ 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 300 feet and not more than 600 feet from the nearest railroad track within the corporate limits of a city or village.

005.04C Stop the school bus within 50 feet, but not less than 15 feet from the nearest rail. Place the transmission in "Park. If there is no "Park" shift point, place in "Neutral" and press down on the service brake or set the parking brakes.

005.04D Command the cooperation of passengers in an effort to provide maximum quietness. Demand cooperation if necessary.

005.04E After quietness aboard the stopped school bus has been achieved, open the service door and driver's window, listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. If no train is approaching, proceed in a gear low enough to permit crossing the tracks without having to shift gears. Vehicles with automatic transmissions should put the transmission in the drive gear. The door must be closed by the time the rear bumper of the bus is clear of the track.

005.04F When two (2) or more tracks are to be crossed, do not stop unnecessarily a second time unless the rear bumper of the school bus 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 Railroad tracks ~~should~~ shall 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.

005.04H Deactivate warning hazard lights after the bus completely crosses the railroad tracks.

005.05 Emergency Evacuation Drill Procedure. At least twice during each school year, each pupil who is transported in a school bus shall be instructed in safe riding practices and participate in emergency evacuation drills. The emergency evacuation drill procedure should be conducted according to the guidelines established by the Nebraska Department of Education (see Appendix B). The chief administrative officer or chairperson of the board of education representing a public school district or the chief administrative officer or chairperson of the governing authority representing any nonpublic school shall annually certify, by a written verification statement, to the Department of Education that the evacuation drills required pursuant to this section have been conducted. Such verification statement shall be sent to the Department of Education no later than June 30.

005.06 Accident Procedures and Prevention

005.06A The following procedures shall be observed in the case of an accident involving a pupil transportation vehicle.

005.06A1 Stop the vehicle immediately.

005.06A2 Remain at the scene of the accident. There is a severe penalty for a person convicted of leaving the scene of an accident in which they are involved. Render any person injured in the accident reasonable assistance.

005.06A3 Make certain all pupils are in a safe place away from traffic and that they are not permitted to leave the assigned area without permission.

005.06A4 Notify the law enforcement agency immediately. As necessary, inform the school administrator and request medical assistance.

005.06A5 Information such as names, license numbers, registration numbers, location, time, road and weather conditions shall be obtained and accurately written down.

005.06A6 Three flares or reflectors shall be set to warn traffic, as follows:

005.06A6a On the traffic side of the vehicle, within ten (10) feet of the rear corner to mark the location of the vehicle.

005.06A6b On the shoulder of the road or in the lane the vehicle is stopped in, about 100 feet behind and ahead of the vehicle. (See Appendix A, Figure 1)

005.06A6c Back beyond any hill, curve, or other obstruction that prevents other drivers from seeing the vehicle within 500 feet. (See Appendix A, Figure 2)

005.06A6d If the vehicle must stop on or by a one-way, or divided highway, place warning devices 10 feet, 100 feet, and 200 feet toward the approaching traffic.

005.06A7 Provisions shall be made for transporting pupils to their homes or to school as determined by local school policy.

005.06A8 The operator of any pupil transportation vehicle, which is in any manner involved in an accident within the state, in which any person is killed or injured, or in which damage to an apparent extent in excess of \$1,000.00 is sustained to the property of any one person, including such operator shall within ten (10) days report the matter in writing on prescribed forms to the Nebraska Department of Motor Vehicles.

005.06B Procedures for Other Accidents. When a pupil transportation vehicle operator approaches a scene of an accident in which the pupil transportation vehicle is not involved and no other assistance is available, the vehicle operator shall stop, put on four (4)-way flashers to warn approaching traffic and determine the necessity of being of assistance, provide reasonable assistance and thereafter immediately continue on the route schedule.

#### 005.07 Additional Pupil Transportation Vehicle Operating Regulations

005.07A Speed Limits. The maximum pupil transportation vehicle speed limit shall be as posted or as otherwise provided by applicable laws or ordinances; however, speed should be governed by reasonable individual judgment and existing operating conditions.

005.07B Convoy Distance. A pupil transportation vehicle shall not follow another vehicle within 475 feet when traveling outside the corporate limits of a town or city. The preceding is not intended to prevent a pupil transportation vehicle from passing another motor vehicle.

005.07C Tobacco Products. Smoking and/or the use of any tobacco product in a pupil transportation vehicle shall be prohibited at all times.

005.07D Backing. The operator of a school, activity, or coach bus owned and operated by a school shall not drive backwards on the school grounds unless the rear of the bus is observed and directed by a second responsible person. The

operator of any pupil transportation vehicle shall not back such vehicle on any roadway unless such movement can be made with safety and without interfering with other traffic.

005.07E Towing. Pupil transportation vehicles shall not be operated with a trailer or other vehicle attached while children are being transported.

005.07F Occupant Protection Systems. The operators of pupil transportation vehicles shall be required to wear lap belts whenever the vehicle is in motion. When occupant protection systems are provided in the pupil transportation vehicle, passengers shall wear the occupant protection systems. Children shall use child passenger restraint systems as required by Revised Statutes of Nebraska Section 60-6,267 R.R.S.

005.07G Hourly Driving Limitation. It shall be unlawful for any person operating a pupil transportation vehicle to be or remain on duty for a longer period than sixteen (16) consecutive hours. When any person operating a pupil transportation vehicle shall have been continuously on duty for sixteen (16) consecutive hours, he or she shall be relieved and not be permitted or required to again go on duty without having at least ten (10) consecutive hours off duty, and no such operator, who has been on duty sixteen (16) hours in the aggregate in any twenty-four (24) hour period, shall be required or permitted to continue or again go on duty without having had at least eight (8) consecutive hours off duty.

005.07G1 For purposes of this Section, “on duty” means time spent doing any of the following: driving, loading, unloading, or supervising or assisting in loading or unloading persons or property from or into vehicles, or repairing, inspecting or otherwise attending to a vehicle or its passengers.

005.07G2 When transportation of pupils is subject to the hourly driving limitation of the Federal Motor Carrier Safety Regulations (49 CFR Part 395), then such requirements shall govern.

005.07H Seating. Seating shall be provided that will permit each occupant to sit in a seat as intended by the manufacturer. Neither the manufacturer's rated seating capacity nor the manufacturer's gross vehicle weight (GVW) shall be exceeded at any time the pupil transportation vehicle is in motion. In addition, the aisle and exit and entry areas shall be clear and unobstructed while the pupil transportation vehicle is in motion. Routing and seating plans shall be coordinated so as to eliminate standees when a school vehicle is in motion. There shall be no auxiliary seating accommodations such as temporary or folding jump seats in pupil transportation vehicles. If permanent seats are removed or added to a pupil transportation vehicle, such installation shall be completed by the dealer or manufacturer.

005.07I Use of Strobe Light. The white flashing strobe light shall be used only in adverse weather conditions, when the pupil transportation vehicle is in distress or to enhance the visibility of the pupil transportation vehicle when barriers inhibit such visibility.

005.07J Use of Headlights. Pupil transportation vehicles shall operate with headlights on at all times.

005.07K Small Vehicles Used on Routes. When a small vehicle is used to transport 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.

005.07L Use of Handheld Wireless Communication Device. Drivers shall not use a handheld wireless communication device to read written communication, type written communication, or send written communication while operating pupil transportation vehicles. If the use of a handheld wireless communication device is necessary, the driver shall pull onto the shoulder of the road or parking lots before using this device. (This does not preclude the use of a two-way communication device required by 91 NAC 92-Section 006.08.)

005.07M Leaving Pupil Transportation Vehicle with Passengers on Board.. Drivers of 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.

## 006 Safe Pupil Transportation

006.01 Transportation of Unsafe Items. Pupil transportation vehicles shall not transport any items, animals, materials, weapons or look-a-like weapons, or equipment which in any way would endanger the lives, health, or safety of the children, and other passengers and driver.

006.01A Look-a-like weapons associated with a school sponsored or approved activity may be transported with written permission of an administrator of the school district.

006.01B Any item or items that would break or could produce injury if tossed about the inside of pupil transportation vehicle when involved in an accident shall be secured.

006.02 Safe Pupil Transportation Plan. Each school district providing pupil transportation shall have a safe pupil transportation plan.

006.02A The Plan may be incorporated or addressed in a school's safety and security plan adopted pursuant to 92 NAC 10 or can be a separate plan. At minimum, the plan shall address:

006.02A1 Weapons

006.02A2 Pupil behavior

006.02A3 Terroristic threats

006.02A4 Severe weather

006.02A5 Hazardous materials

006.02A6 Medical emergencies

006.02A7 Driver/passenger procedures in the event of mechanical breakdowns of the vehicle

006.02A8 Driver procedures in the event that the drop-off location is uncertain or appears unsafe to leave students.

006.02B Documentation under Safe Pupil Transportation Plan. Each school district providing pupil transportation shall develop a procedure that requires pupil transportation vehicle operators to document and submit to designated school authorities the occurrence of any events covered by the Safe Pupil Transportation Plan adopted under Section 006.02, that involved the pupil transportation vehicle operated by the driver, or any pupils transported in it.

006.03 Authorized Passengers. No one except school personnel, supervisory personnel, monitoring personnel and pupils assigned to a school bus for a particular route schedule or for an activity trip as defined in 92 NAC 91- Section 002.02 may ride in such vehicles.

006.03A This section shall not limit the types of passengers that may otherwise be transported in a school bus when used for other than to or from school purposes under Section 13-1208 R.R.S., Section 60-6,175(6) R.R.S., or as otherwise authorized. See Appendix D.

**APPENDIX A - PLACEMENT OF WARNING FLARES/REFLECTORS**

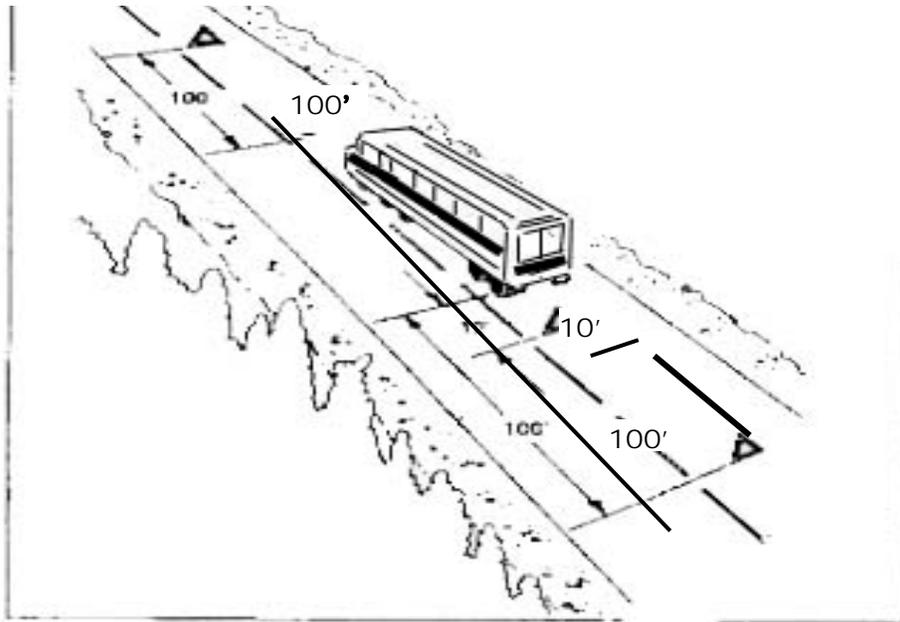


Figure 1

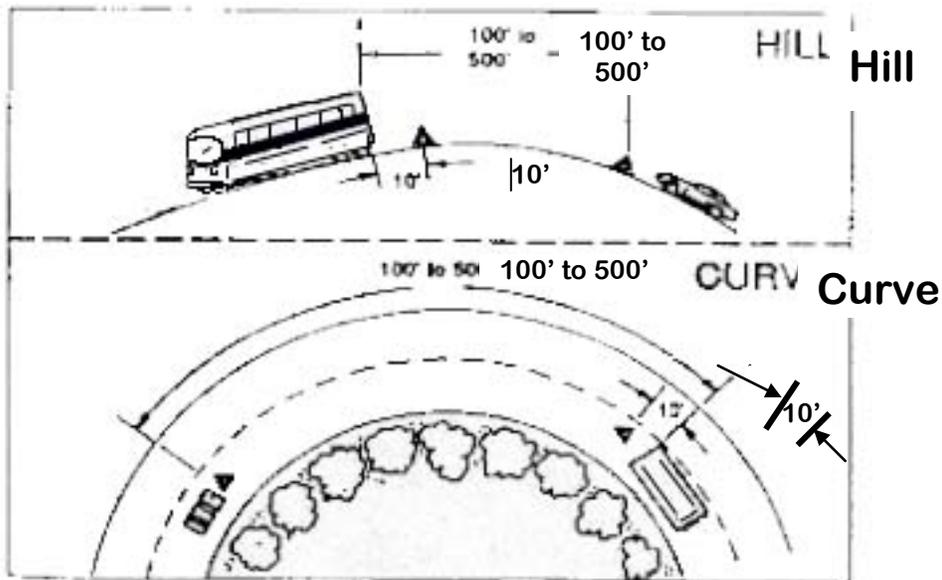


Figure 2

## **APPENDIX B - EMERGENCY EVACUATION DRILL PROCEDURES**

In a school bus accident or emergency situation, the school bus driver must use his/her best judgment to decide what action shall be taken. The primary responsibility is pupil safety. In an emergency it may be necessary that the bus be evacuated. This procedure requires a definite plan followed by periodic practice in emergency evacuation drills.

### **1. Reasons for Emergency Evacuation of School Buses**

A. Fire or danger of fire – If any portion of a school bus is on fire, it shall be stopped and evacuated immediately. Passengers shall move to a point 100 feet or more upwind from the bus and remain there until the bus driver has determined that no danger remains. If a school bus is unable to move and is close to existing fire or highly combustible materials, the “danger of fire” shall be assumed and all passengers evacuated.

B. Unsafe Location – In the event that a school bus is stopped in an unsafe location and is unable to proceed, the driver must determine immediately if it is safer for passengers to remain on the bus or to evacuate.

C. Driver must evacuate a school bus if its final stopping position:

1. is in the path of any train, or on or closely adjacent to any railroad tracks;
2. could change and increase the danger. For example, if a bus were to come to rest near a body of water or precipice where it could slide into the water or over a cliff, it must be evacuated;
3. is such that there is danger of collision. Under normal traffic conditions, the bus should be visible for a distance of 300 feet or more. A position over a hill or around a curve where such visibility does not exist should be considered reason for evacuation.

### **2. Important Factors in School Bus Evacuation**

A. The safety of the pupils is of utmost importance and must be given first consideration. During an evacuation, pupils should be led to a safe place at least 100 feet off the road in the direction of oncoming traffic. If there is a risk from spilled hazardous materials, lead the pupils upwind of the bus at least 300 feet.

B. Prior to evacuation, place the transmission in park (neutral), activate the hazard warning light, set the emergency brakes, turn the ignition off, and remove the ignition key.

C. The driver shall stay in the bus during evacuation to guarantee smoothness of evacuation procedures.

D. Evacuations shall be conducted with “deliberate speed.” A time interval of 1½ to 2 seconds per passenger has proven to be the safest and most efficient.

E. To insure a safe exit, passengers must have their hands free. They shall leave lunch boxes, books, and other personal belongings on the bus.

F. Passengers selected and trained in advance shall be assigned to serve as:

1. Leaders - will lead passengers to safety from each door utilized for evacuation. (Passengers shall be directed to a safe point at least 100 feet from the bus and remain there until given further directions.)
2. Helpers - two pupils shall be stationed to aid passengers as they leave the bus through the rear emergency exit.

**3. Common Types of School Bus Emergency Evacuation.**

A. Evacuations utilizing the front or service door shall be conducted using the same techniques as a routine unloading. The driver will choose whether to evacuate the bus one side at a time or on a staggered seat basis.

B. Evacuations utilizing only the rear exit door have some distinctive features.

1. The bus driver shall walk back through the bus to the rear exit and direct the pre-assigned leader and helpers to take their positions.
2. The leader will open the rear emergency door, exit, and stand clear, ready to lead exiting passengers to a safe location set by the driver.
3. The helpers will exit and take their position, one on each side of the rear emergency exit to assist passengers in exiting the bus in a safe and orderly manner.
4. Passengers shall remain in their seats until directed by the driver to leave the bus. The driver may choose whether to evacuate the bus one side at a time or on a staggered seat basis.
5. The driver shall advise all passengers to have their hands free and coats buttoned. Each passenger shall be two steps away from the bus before the next person exits. Taller passengers would be reminded to duck their heads in order to exit safely.

C. Evacuations utilizing roof hatches, side emergency doors, and side/rear emergency windows. Should the bus be on its side, utilize the roof hatches and side door. The side door is located on the left side, the street side, of the bus. Use caution exiting, as belongings will be tossed around and might be a hazard underfoot. Evacuation procedures are the same as if utilizing the 5 step rear door exit evacuation. Follow the instructions for opening the side/rear window emergency exits. Instructions are displayed on the door and below the window.

D. Evacuation of pupils with disabilities - Each bus route shall have its own written emergency evacuation plan.

E. School Bus Pupil Representatives

1. The school bus driver is responsible for the safety of pupils. However, in an emergency a driver might be incapacitated, unable to direct evacuation. Therefore, school bus representatives (school safety patrol members or appointed pupil) should be selected, trained and prepared to direct the evacuation.
2. School bus representatives should be: a) mature pupil – maturity is more important than age; b) good citizens – a desire to serve is most important; c) on the bus for the entire route. Choosing pupils who live near the end of the route might be helpful. They must also have written parental permission in advance.
3. Training programs shall prepare pupils, school bus representatives to: a) turn off ignition switches; b) set emergency brakes; c) summon help when and where needed (instructions and telephone numbers shall be available on buses); d) use windows for evacuation in emergencies; e) set flags and reflectors or reflective triangles; f) open and close service and emergency exit doors; g) direct school bus evacuations; h) perform other duties as directed by the driver.

F. School Bus Evacuation Drills

1. All pupils who are transported in a school bus shall be given an opportunity to participate in evacuation drills.
2. All pupils shall be instructed in school bus passenger safety and procedures for emergency evacuation prior to participation in evacuation drills.
3. Drills should be held in restricted off-street areas and not on bus routes.
4. All types of emergency evacuations should be practiced with emphasis on utilizing the rear emergency exit.
5. Section IV, subsection C-2 of Standard 17 of the Federal Highway Safety Act of 1966 and Section 79-609(2)(a) R.R.S. states: “At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices and participate in emergency evacuation drills.”

## **APPENDIX C - DAILY INSPECTION PROCEDURES**

The school bus driver must perform a daily inspection of the school bus and equipment before transporting pupils. This pre-trip inspection consists of the following:

- a. Bus exterior
- b. Bus interior
- c. Operating – Daily Road Check

The driver of a small vehicle must perform a daily inspection before the vehicle is used for transporting pupils.

### **CARE & INSPECTION**

#### **Exterior Inspection or the “Daily Walk-Around”**

Before conducting the daily walk-around, start the engine and allow the vehicle to warm-up. Do not leave the vehicle while it is warming up. Set the parking brake and put the transmission in neutral. Then get out and inspect the vehicle thoroughly – top to bottom and end to end. Walk completely around it, alert to faulty equipment. Carry supplies to clean the lights, mirrors, signs, and windows. When the vehicle lights and signs are not visible because of dirt, other motorists can come too close to the vehicle before reacting. If the headlights, mirrors, or windows are dirty, reaction time is reduced due to poor visibility.

Listed below is each piece of equipment to be inspected for proper working order and warnings, which point to potential problems.

[Pre-trip inspection for small vehicles consists of inspecting the items below which have been indicated by an asterick (\*).]

- **Lights\*** – Check all lights applicable to the vehicle: back-up lights, brake lights, directional signals, hazard flashers, headlights, lighted school bus sign, reflectors, running lights, stop arm lights, taillights, and warning lights. Any lights or reflectors exhibiting such problems as inconsistent flashing, cracks, or other damage, should be reported in writing and repaired.
- **Mirror\*** – Mirrors should be aimed and tightly adjusted. Make certain you have a safe view.
- **Windows\*** – All windows, especially the windshield and rear window, should be clear of dirt, ice, road film, and snow that can cause glare or impair visibility. Do not clear just a “peephole.” Inspect windows for cracks and report any problems to the administration.
- **Emergency Rear Door** – Check to see that it opens easily from the outside. The emergency door-warning buzzer should sound when the door is opened and the ignition key is on. This door must always be ready for emergencies, yet tightly sealed when closed to prevent possible entrance of carbon monoxide fumes.

- **Exhaust System\*** – Carbon monoxide poisoning occurs the most frequently when a vehicle is standing still or is in an enclosed space with the engine running. Look for visible exhaust and listen for excessive noise and vibration. Check for leaks in the exhaust system and holes in the body of the vehicle. Leaks should immediately be reported and repaired. The exhaust system should also be checked for sagging tailpipes (exhaust pipes) and mufflers.
- **Fluid Leaks\*** – Examine inner wheels and tires and the area under the vehicle for wetness. Leaks can be engine oil, coolant, fuel, rear axle fluid, or grease, as well as brakes, clutch, or transmission fluid. Leaks should immediately be reported and repaired.
- **Tires\*** – Check the tires and see to if they are under inflated, flat, excessively worn or damaged. Don't drive the vehicle unless the tires are in good shape. One flat rear tire can place a dangerous weight on the companion tire of a dual set.
- **Wheels\*** – Look for loose or missing nuts, excessive corrosion, cracks or other damage. Don't drive with a damaged wheel or with loose wheel nuts.
- **Under the Hood\*** – Before starting the engine for the daily walk-around, you should check the coolant and/or antifreeze and oil to make sure they are at the proper level. Also, look for cracked, loose, or worn drive belts, hoses, and hose clamps.

### **Interior Inspection**

After the exterior inspection is complete, the vehicle should be checked thoroughly on the inside. All driver's instruments and controls must be functioning properly. All of the following items should be checked before operating the vehicle.

- **Lights\*** – Check the panel light and the interior dome lights. They should be clean and work properly.
- **Mirrors\*** – They should be adjusted, aimed and cleaned so your visibility is unobstructed.
- **Windows\*** – These should be cleaned from the inside as well as the outside, for total visibility, especially the windshield and rear window. Check for cracks in the windows and report any problems to the administration.
- **Defroster, Fan and Heater\*** – The vents should be unobstructed; i.e., do not cover them with coats, books, papers, etc., to insure that air moves through properly.
- **Driver's Seat and Seat Belts\*** – These should be adjusted so that the driver's feet reach the pedals, the doors, mirrors, and windows are in comfortable viewing distance, and the steering wheel is easily grasped without stretching or reaching. Seat belts for all passengers (including the driver) shall be in working order.

- **Emergency Door and Buzzer** – The door should be tightly sealed from the inside, but ready for emergency use. The buzzer should sound when the door is opened.
- **Emergency Equipment\*** – All emergency equipment should be easily accessible, yet out of the pupil's reach. Emergency equipment consists of the first aid kit, fire extinguisher, and reflectors. The fire extinguisher should be undamaged and properly stored. Replace cracked or broken hoses, keep nozzles unobstructed and make sure locking pins and sealing wires are in place. Periodically, shake the fire extinguisher to loosen the powder.
- **Horn\*** – It should sound clearly without the horn or horn button sticking.
- **Stop Arm Control and Service Door Control** – Check to see that the controls coordinate with the actions of the stop arm and door. If there is a problem, it should be reported and repaired.

\*The windshield wipers and washers, the steering wheel, and neutral safety switch should also be checked to make sure they are in proper working order.

The following equipment of the Interior Inspection should be checked with the engine running:

- **Air Pressure or Vacuum Gauge** – This gauge indicates the proper capacity of pressure to operate the brakes. Do not operate the vehicle until the pressure reaches the proper capacity. Loss of pressure indicates a leak in the system.
- **Voltmeter Gauge**– The voltmeter gauge indicates the voltage of the electrical charging system. This meter should show about 14 volts with the engine running. If it shows a higher or lower voltage, the vehicle should be checked.
- **Brake Pedal and Warning Light** – If the light comes on during a hard brake application, in a vehicle equipped with a dual brake system, it indicates that at least one of the brake systems is not working properly.
- **Fuel Gauge\*** – It should indicate a safe margin of fuel for operating, never less than  $\frac{1}{4}$  full.
- **Oil Pressure Gauge\*** – The oil pressure gauge indicates the proper oil pressure. If it does not, the engine should be turned off. Learn what the proper oil pressure is for the vehicle.
- **Water Temperature Gauge\*** – The water temperature gauge indicates the temperature of the coolant in the engine. It should read COOL or WARM. If it reads HOT, the engine should immediately be turned off and the problem reported.

Be sure to check the passenger compartment; inspecting seats and windows, making sure there are no potential missiles (such as lunch boxes, toys, or school books) laying on the seats or floor.

### **Operating - Daily Road Check**

The operating inspection is performed while the vehicle is being driven. A daily road check, both before and after loading the pupils, allows the driver to evaluate the working condition of that equipment which can only be inspected while the vehicle is in motion.

A driver should be constantly aware of the weight and motion of the passengers and how the vehicle is affected (as in pick-up characteristics, the tendency to drift, how the vehicle handles on curves, etc.) by always monitoring how the engine performs under load. The operating inspection consists of checking the following:

- **Brakes \*** – Do not wait until the vehicle is on the road to test the brakes. They can be tested in the yard at the bus garage. Moving at a low speed, come to a complete stop. The vehicle should stop in a straight line without pulling to one side, skidding, or swerving. The brakes should not grab, lock, or make excessive noise such as squeaking or squealing. The brake pedal should not feel grabby, over sensitive, or spongy. When the brakes are not in use, watch for dragging which causes the vehicle to pull to one side.
- **Clutch** (if applicable) – When changing gears, the driver should control the speed of the engine so the shift can be completed easily and smoothly without jerking or slipping. Careless shifting wears out the clutch and reduces its service life. When the shift is completed, remove foot from the clutch-do not “ride” the clutch. When the pedal is released, the clutch should have some “free play.” Watch for dragging, grabbing, or lack of free play on the pedal. Listen for unusual sounds. If you smell an odor like burning rubber, the vehicle should immediately be stopped.
- **Emergency Parking Brake** – To test both air and mechanical brakes with a manual transmission, slowly engage the clutch while the parking brake is on. If the vehicle moves easily, the parking brake is not holding and should immediately be reported. With air brake systems, the parking brake will remain applied if there is partial or complete air loss in the service brakes. Release the parking brake when the vehicle is in motion. Driving with the parking brake on is a frequent cause of failure of the emergency brake.
- **Engine\*** – Do not race the engine when it is cold. Increase the engine’s speed slowly so that all the parts can be lubricated. Do not exceed the maximum rpm. Listen for unusual sounds such as backfire, light tapping, occasional misfire, piston slap, rapid hammering, or whistling. Be alert to slow engine warm-up, lack or normal response, vibrations of the chassis, or failure of warm engine to start.
- **Steering\*** – The steering should be easy to handle, precise, responsive, and steady in turns and over rough roads. Power steering should be exceptionally quiet. The steering should not have excessive “play,” jerking, “kickback” or rattles.
- **Suspension\*** – Improper suspension can cause “bottoming,” excessive bounce, swaying and weaving on curves or rough roads, or one end of the vehicle to sag. Check for broken springs or faulty shock absorbers.

- **Transmission\*** – With the transmission in a moving gear, the vehicle should move smoothly in response to depressing the accelerator. An automatic or manual transmission should slip into gear and have easy and smooth gear changes throughout the shifting range. Do not exceed the manufacturer's recommended speed for each specific gear (rpm). Exceeding speed recommendations could damage the transmission or reduce its service life. Any metallic or unusual sounds or shifting difficulty should be reported immediately.

Continue to check all equipment throughout the day being alert to warning signs which will indicate potential problems. Be aware that the condition of the vehicle changes during the day.

At the end of the operating period check the passenger compartment for remaining passengers, lost articles such as books, lunch boxes, clothing, or toys. Inspect the seats for damaged upholstery and the window for cracks or breaks. Clean the vehicle, sweeping the floor, washing the seats, windows, and exterior.

**APPENDIX C - DAILY VEHICLE INSPECTION PROCEDURES**

*This suggested form is to 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 .Do not submit this form to the Nebraska Department of Education.*

**Daily Vehicle Inspection Form**

Vehicle No.		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Other
Under the Hood	1. Water Level							
	2. Oil Level							
	3. Belts & Hoses							
	4. Fluid Leaks							
Inside Vehicle	5. Floor Clean							
	6. Seats & Windows							
	7. Emergency Equipment							
Start Engine	8. Oil Pressure							
	9. Air/Vacuum Pressure							
	10. Fuel Level							
	11. Heaters & Defrosters							
	12. Wipers & Washer							
	13. Service Door							
	14. Low & High Beam Indicator							
	15. Left Signal Indicator							
	16. Amber Warning Lights							
	17. Emergency Exit & Buzzer							
Outside Vehicle	18. Rear Clear Lights							
	19. Amber Warning Lights							
	20. Left Turn Signal, Rear							
	21. Brake & Taillights							
	22. I.D. Lights							
	23. Exhaust System							
	24. Tires & Wheels, Rear							
Move to Front	25. Headlights, High Beam							
	26. Clear Lights							
	27. Amber Warning Lights							
	28. Left Turn Signal, Front							
	29. Front Tires & Wheels							
	30. Crossover Mirror							
Re-Enter Vehicle	31. Both Rear View Mirrors							
	32. Low Beam Indicator							
	33. Right Signal Indicator							
Outside Vehicle	34. Red Warning Lights							
	35. Right Turn Signal, Front							
Move to Front	36. Red Warning Lights							
	37. Right Turn, Signal							
Re-Enter Vehicle	38. Red Warning Lights							
	39. Service Brakes							
	40. Parking Brake							

(Suggestion: Sign your initials at the top of each day to confirm the inspections have been completed for that day)

**Odometer**

Mon. Tues. Wed. Thurs. Fri. Date:

Regular Route	Before	Am						Activity Trips	Before	Am				
	After	Pm							After	Pm				

Signature: \_\_\_\_\_

Provided by NDE

**APPENDIX D**

**Nebraska State Statute Section 13-1208 R.R.S.:**

***Municipality, county, or qualified public-purpose organization; powers; municipality or county; contract with school district; conditions.***(1) Any municipality, county, or qualified public-purpose organization may lease, purchase, construct, own, maintain, operate, or contract for the operation of public transportation, including special transportation for the elderly or handicapped, and apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or any public or private sources for the purpose of providing a public transportation system. Any special transportation system for the elderly or handicapped shall include transportation of necessary personal escorts of such elderly or handicapped riders.(2) Any municipality or county in providing public transportation for the elderly under subsection (1) of this section may contract with the school board or board of education of a public school district for the use of a school bus at times other than during the normal school day or on days when school is not in session if all costs incurred by such municipality or county are paid for with money generated from passenger fees or federal or state funds. The contract shall provide that such municipality or county shall be liable for costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such bus. No district shall be liable for any damages to any person riding in a school bus under a contract entered into pursuant to this subsection unless such damage is proximately caused by the gross negligence of the district. No district shall be required to modify or alter any school bus because of a contract entered into pursuant to this subsection. Any municipality or county when using a school bus upon a highway under a contract entered into pursuant to this subsection shall cover or conceal all school bus markings on such bus as required by section 60-6,175.(3) Any municipality or county may contract with the school board or board of education of any public school district for the use of school buses for emergency evacuation of members of the public by qualified law enforcement personnel during emergency or crisis situations that pose a threat to the health, safety, or well-being of the individuals to be evacuated. The contract shall provide that such municipality or county shall be liable for the costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such buses. No district shall be liable for any damages to any person riding in a school bus under a contract entered into pursuant to this subsection unless such damage is proximately caused by the gross negligence of the district. No district shall be required to modify or alter any school bus because of a contract entered into pursuant to this subsection.

**Nebraska State Statute Section 60-6,175(6) R.R.S.:**

***School bus; safety requirements; use of stop signal arm; use of warning signal lights; violations; penalty.*** (1) Upon meeting or overtaking, from the front or rear, any school bus on which the stop warning signal lights are flashing, the driver of a motor vehicle shall reduce the speed of such vehicle to not more than twenty-five miles per hour, shall bring such vehicle to a complete stop when the school bus stop signal arm is extended, and shall remain stopped until the stop signal arm is retracted and the school bus resumes motion or until signaled by the bus driver to proceed. This section shall not apply to approaching traffic in the opposite direction on a divided highway or to approaching traffic when there is displayed a sign as provided in

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subsection (7) of this section directing traffic to proceed. Any person violating this subsection shall be guilty of a Class IV misdemeanor. 2) Except as provided in subsection (7) of this section, the driver of any school bus, when stopping to receive or discharge pupils, shall turn on flashing stop warning signal lights at a distance of not less than three hundred feet when inside the corporate limits of any city or village and not less than five hundred feet nor more than one thousand feet in any area outside the corporate limits of any city or village from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the bus driver shall bring the school bus to a stop and extend a stop signal arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning signal lights, retract the stop signal arm, and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least four hundred feet of clear vision in each direction of travel. (3) All pupils shall be received and discharged from the right front entrance of every school bus. If such pupils must cross a roadway, the bus driver shall instruct such pupils to cross in front of the school bus and the bus driver shall keep such school bus halted with the flashing stop warning signal lights turned on and the stop signal arm extended until such pupils have reached the opposite side of such roadway. (4) The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. (5) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high. (6) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating school bus shall be covered or concealed. The stop signal arm and system of alternately flashing stop warning signal lights shall not be operable through the usual controls. (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.

**APPENDIX E**

**Code of Federal Regulations 49 CFR 567.7**

[Code of Federal Regulations]  
[Title 49, Volume 6]  
[Revised as of October 1, 2006]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 49CFR567.7]

[Page 189-190]

TITLE 49--TRANSPORTATION

CHAPTER V--NATIONAL HIGHWAY TRAFFIC  
SAFETY ADMINISTRATION, DEPARTMENT  
OF TRANSPORTATION

**PART 567 CERTIFICATION**

Sec. 567.7 Requirements for persons who alter certified vehicles.

(a) With respect to the vehicle alterations it performs, an alterer:

(1) Has a duty to determine continued conformity of the altered vehicle with applicable Federal motor vehicle safety, Bumper, and Theft Prevention standards, and

(2) Assumes legal responsibility for all duties and liabilities for certification under the Vehicle Safety Act.

(b) The vehicle manufacturer's certification label and any information labels shall remain affixed to the vehicle and the alterer shall affix to the vehicle an additional label in the manner and location specified in Sec.567.4, in a manner that does not obscure any previously applied labels, and containing the following information:

(1) The statement: ``This vehicle was altered by (individual or corporate name) in month and year in which alterations were completed)and as altered it conforms to all applicable Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards affected by the alteration and in effect in (month, year).'' The second date shall be no earlier than the date of manufacture of the certified vehicle (as specified on the certification label), and no later than the date alterations were completed.

(2) If the gross vehicle weight rating or any of the gross axle weight ratings of the Vehicle as altered are different from those shown on the original certification label, the modified values shall be provided in the form specified in Sec. 567.4(g)(3) and (4).

(3) If the vehicle as altered has a different type classification from that shown on the original certification label, the type as modified shall be provided.

**APPENDIX E (cont'd)**

**Code of Federal Regulations 49 CFR 567.3**

**PART 567 CERTIFICATION**

**Sec. 567.3 Definitions.**

Altered vehicle means a completed vehicle previously certified in accordance with Sec. 567.4 or Sec. 567.5 that has been altered other than by the addition, substitution, or removal of readily attachable components, such as mirrors or tire and rim assemblies, or by minor finishing operations such as painting, before the first purchase of the vehicle other than for resale, in such a manner as may affect the conformity of the vehicle with one or more Federal Motor Vehicle Safety Standard(s) or the validity of the vehicle's stated weight ratings or vehicle type classification.

Alterer means a person who alters by addition, substitution, or removal of components (other than readily attachable components) a certified vehicle before the first purchase of the vehicle other than for resale.

**APPENDIX F Pre-Service Evaluation Form**

**PRE-SERVICE EVALUATION FORM  
"Behind the Wheel" Evaluation**

The "Behind the Wheel" training and pre-service evaluation is a required part of the Level I Pupil Transportation Driver Training Program. The driver candidate must be evaluated by a driver holding a current pupil transportation vehicle operator's permit. ~~The school bus driver candidate must be evaluated by a driver holding a current School Bus permit.~~ This evaluation can be conducted at the local school district. (Title 92, NAC, Chapter 91, ~~002.03~~ 003.03B1 ).

This evaluation will provide the Level I Instructor and/or employer with valuable information as to the candidates' skill deficiencies that may need to be addressed.

~~Completing the attached "Checklist for In-Bus Driving Maneuvers/Road Test" documents completion of the evaluation of the candidate. This form lists the individual criteria that must be successfully completed by each school bus driver candidate. Three columns are provided for checking each criteria in the event that more than one attempt is necessary for successful performance.~~

The attached evaluation form lists the individual criteria that must be successfully completed by each driver candidate. Three columns are provided for checking each criteria in the event that more than one attempt is necessary for successful performance.

~~Upon providing documentation of the successful completion of this pre-service evaluation, a Level I training card will be issued, or notification of completion of the Level I Training Course will be forwarded to the Nebraska Department of Motor Vehicles (DMV) for inclusion in the Interactive Driver's License Database maintained by DMV.~~

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.

*Please note: If you are submitting this documentation after you have completed the Level 1 Course, please also provide the following and fax to 308-865-8257. Form must be submitted within six months of completion of the Level 1 Course.*

Level I Instructor:

Level Class Location:

Level Class Ending Date:

**CHECKLIST FOR PRE-SERVICE "BEHIND THE WHEEL" EVALUATION  
IN-BUS DRIVING MANEUVERS/ROAD TEST SCHOOL TRANSPORTATION  
MANEUVERS/ROAD TEST  
EXAMINER'S SUMMARY**

School/Contractor Providing  
Transportation: \_\_\_\_\_

Evaluator's Examiner's Name (print) \_\_\_\_\_ DMV School Bus Permit # \_\_\_\_\_

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Candidate's Driver's name: \_\_\_\_\_ Signature NE Driver's License # \_\_\_\_\_

Passenger Capacity of Bus/Vehicle used in Test Drive: \_\_\_\_\_

Circle type of vehicle driven: (BUS) (SMALL VEHICLE)

As driving examiner, I have observed this driver to be competent in the skills required to drive a student / passenger vehicle as a requirement of the Level 1 Instructional Course.

EXAMINER'S SIGNATURE: \_\_\_\_\_ Date of Observation: \_\_\_\_\_

Submit the completed Examiner's Summary to the Level I Instructor or to the Nebraska Safety Center

When complete, this Pre-Service Checklist is to be kept by the driving examiner or the employer of the driver.

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.

NOTE: ~~Evaluator should use pre-determined course to administer this evaluation sheet.~~

INSTRUCTIONS:

Evaluate the performance of the driver ~~candidate~~ for each item within all categories to be tested. Using the following codes, indicate the driver's performance in the appropriate column:

P = PASS

N/I = NEEDS IMPROVEMENT

F = FAIL

Evaluate the items as many times as are indicated whenever possible. The PASS, NEEDS IMPROVEMENT or FAILS spaces should be left blank only if the task described does not occur during the road test.

NOTE: A = Ahead; B = Behind; R = Right; L = Left

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<u>INITIAL START</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Pre-trip inspection						
Positions or checks seat and mirrors, fastens lap belt						
Checks gear position, puts in neutral or park						
Disengages clutch (if applicable)						
Starts engine – pushes button or turns key, releases button, uses clutch						
Warms up engine without racing						
Checks instruments						
Observes conditions – traffic						
Releases holding brake						
Signals intent to pull out						
Waits if necessary						
Engages starting gear						
Drives about 50' – stops to check brakes						
Accelerates smoothly into traffic lane						
Moves to proper following distance						

<u>BACKING / STRAIGHT</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Stops bus in correct position to back						
Using mirrors, checks that way is clear to back						
Puts transmission in reverse						
Using mirrors, back slowly and smoothly in a straight line						
Stops at desired point without hitting markers						

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LEFT TURN	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Observes conditions – A, B, traffic and pedestrians						
Activates left signal, moves to left turn lane at safe distance from turn						
Re-activates left turn signal at not less than 100' from turn						
Reduces speed to safe level						
Observes conditions – A, B, L-R-L, traffic pedestrians; stops if necessary						
Obeys traffic signs/signals/officers						
Turns when there is clearance in lane he/she will enter						
Turns smoothly, at safe speed, into correct lane of side street clearing center line and other obstacles						
Deactivates left turn signal						
Observes conditions – A, B, traffic						
Activates right turn signal						
Moves to furthest right traffic lane						
Deactivates right turn signal						
Maintains proper following distance						

RIGHT TURN	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Observes conditions – A, B, traffic and pedestrians						
Activates right turn signal at not less and 100' before turn						
Reduces speed to safe level						
Observes conditions- A, B, L-R-L, traffic pedestrians; stops if necessary						
Obeys traffic signs, signals and officers						
Turns when there is clearance in lane he/she will enter						
Turns smoothly, at safe speed, as far to left of side street as necessary to clear obstacles						
Returns to right traffic lane immediately						
Deactivates right turn signal						
Maintains proper following distance						

<u>RAILROAD CROSSING</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Stops the bus approximately 15 feet from the crossing <ul style="list-style-type: none"> <li><u>Place transmission in "Park" – or if there is no "Park" shift point, place in "Neutral" &amp; press down on the service brake or set the parking brake.</u></li> </ul>						
Turns off noisy motors and fans						
Opens bus door <ul style="list-style-type: none"> <li><u>Open the service door and driver's window while the transmission is in "Park" or "Neutral."</u></li> </ul>						
Looks L-R-L, listens for at least 5 seconds <ul style="list-style-type: none"> <li><u>Listen &amp; look both directions along the track for any approaching trains.</u></li> </ul>						
Closes bus door, shifts to low gear <ul style="list-style-type: none"> <li><u>If no train is approaching, place in a gear low enough to permit crossing the tracks without having to shift gears if driving a vehicle with manual transmission. Vehicles with automatic transmissions should be in "Drive".</u></li> </ul>						
Observes conditions – A, B, L-R-L, for clearance on other side of tracks, train and traffic						
When safe, proceed across tracks without stopping						
Double track, train passing on near side; driver waits for 15 seconds before crossing tracks						
<u>Deactivate hazard warning flasher lights after crossing last rail.</u> <ul style="list-style-type: none"> <li><u>The entrance door must be closed by the time the bus is clear of the final track.</u></li> </ul>						

<u>CURVES</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Maintains proper following distance						
Observes conditions – A, B, traffic roadway						
Decelerates before curve, down shifts if necessary						
Maintains safe speed through curve, accelerating slightly						
Maintains correct position in lane						

<u>INTERSECTIONS/STRAIGHTAWAY</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Approaches intersection at safe speed						
Maintains proper following distance						
Observes conditions – A, B, L-R-L, traffic and pedestrians						
Yields right-of-way to pedestrians						
Obeys traffic signs, signals, officers						
Stops completely at rural and blind intersections						
Before starting from stop, observes conditions – A, B, L-R-L						
Crosses intersections at safe speed, staying in lane						
Does not cross until there is clearance on other side of the intersection						

<u>HILLS</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	N/I
A. Stopping and Starting Maintains proper following distance						
Applies brakes as needed						
Observes conditions – A, B, traffic						
Comes to full stop at safe distance from vehicle or intersection ahead						
Shifts to N, holding bus with foot on brake only						
Observes conditions; A, B, L-R-L						
Shifts to low gear						
Releases clutch to engage engine and accelerates						
Releases foot brake and slowly accelerates						
Maintains proper following distance						
B. Shifting, Accelerating, Decelerating Checks brakes before beginning ascent or descent						
Shifts to a low gear						
Maintains safe speed						
Uses brakes as needed						
Does not shift while on hill						

<u>LOADING AND UNLOADING</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Activates amber warning lights not less than <u>200 feet from stop</u> <u>500'</u> or more than 1,000' in a rural area						
<del>Activates amber warning lights not less than 300' in urban areas</del>						
Stops vehicle in the lane nearest the right <i>side</i> of the roadway at bus stop						
Deactivates amber flashing warning lamps						
Activates red flashing warning lamps; extends stop arm; places transmission in neutral; keeps foot on brake during loading and unloading procedure						
Deactivates warning lamps on leaving bus stop; retracts stop arm						
Loads or unloads pupils with at least 400' of clear vision in each direction						

<u>SECURING THE BUS</u>	TIME 1		TIME 2		TIME 3	
	P	N/I	P	N/I	P	F
Set parking brake						
Shift to a low gear						
Check instruments						
Turn off all accessories						
Turn off all ignition and remove key						
Does post-trip inspection						
Upon leaving bus, secure door						

Comments:

**APPENDIX G**

*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>			
<b><u>Driver Initials</u></b>																								
<b><u>Confirmed by</u></b>																								
<b><u>Notes</u></b>																								

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