



Public Schools of North Carolina
State Board of Education
Department of Public Instruction

Report to the North Carolina General Assembly

Statewide Motorcoach Permit

Session Law 2009-451, Section 7.29(1)

Date Due: January 1, 2010

STATE BOARD OF EDUCATION

WILLIAM C. HARRISON Chairman :: Fayetteville	REGINALD KENAN Rose Hill	ROBERT “TOM” SPEED Boone
WAYNE MCDEVITT Vice Chair :: Asheville	KEVIN D. HOWELL Raleigh	MELISSA E. BARTLETT Roxboro
WALTER DALTON Lieutenant Governor :: Rutherfordton	SHIRLEY E. HARRIS Troy	PATRICIA N. WILLOUGHBY Raleigh
JANET COWELL State Treasurer :: Raleigh	CHRISTINE J. GREENE High Point	
KATHY A. TAFT Greenville	JOHN A. TATE III Charlotte	

NC DEPARTMENT OF PUBLIC INSTRUCTION

June St. Clair Atkinson, Ed.D., State Superintendent

301 N. Wilmington Street :: Raleigh, North Carolina 27601-2825

In compliance with federal law, NC Public Schools administers all state-operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.

Inquiries or complaints regarding discrimination issues should be directed to:

Dr. Rebecca Garland, Chief Academic Officer :: Academic Services and Instructional Support
6368 Mail Service Center :: Raleigh, NC 27699-6368 :: Telephone 919-807-3200 :: Fax 919-807-4065

Visit us on the Web:: www.ncpublicschools.org

STATEWIDE MOTORCOACH PERMIT REPORT OF FINDINGS AND RECOMMENDATIONS

January 1, 2010

1. INTRODUCTION: THE TASK

The North Carolina General Assembly (Session Law 2009-451) directed the State Board of Education (SBE), in conjunction with the Division of Motor Vehicles (DMV), to develop a plan for a statewide permit for commercial motorcoach companies that seek to contract with local education agencies (LEAs). The text of that legislation is shown below. This report provides a plan and the recommendations resulting from the study and development of that plan.

PLAN FOR STATEWIDE MOTOR COACH PERMIT

SECTION 7.29.(a) *The State Board of Education, in conjunction with the Division of Motor Vehicles, shall develop a plan for a Statewide permit for commercial motor coach companies that seek to contract with local school systems to transport students, school personnel, and other persons authorized by the school system on school-sponsored trips. The purpose of the permit shall be (i) to ensure student safety, (ii) to ensure safe operations by motor coach companies, (iii) to minimize paperwork, (iv) to minimize visits to the motor coach companies by local school systems, and (v) to minimize the need for motor coach companies to respond to multiple requests for information from multiple local school systems.*

SECTION 7.29.(b) *In developing the plan for a permit, the State Board of Education and the Division of Motor Vehicles shall consult with the North Carolina School Boards Association, the State Highway Patrol, the North Carolina Pupil Transportation Association, the North Carolina Motor Coach Association, the Federal Motor Carrier Safety Administration, and other interested parties.*

SECTION 7.29.(c) *The components of the plan shall include, but not be limited to, all of the following:*

- (1) Scope of the permit.*
- (2) Standards for issuing the permit.*
- (3) Duration of the permit.*
- (4) Process for required inspections.*
- (5) Entity to conduct required inspections.*
- (6) Conditions for revoking the permit.*
- (7) Renewal process.*
- (8) Schedule of fees to cover the cost of implementation and administration.*
- (9) Application form and other required documentation.*
- (10) Dissemination of current permit holders to school systems.*
- (11) Estimate of costs to implement and number of new positions required.*
- (12) Impact on motor coach companies that have interstate operations.*
- (13) Other related issues.*

SECTION 7.29.(d) *The State Board of Education and the Division of Motor Vehicles shall consult on the proposed plan to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by January 1, 2010. Before the plan is implemented, the Commission shall make any recommendations, including proposed legislation, to the 2009 General Assembly in 2010.*

2. BACKGROUND

The initial “SCHOOL CHARTER TRANSPORTATION: RECOMMENDED GUIDELINES AND PROCEDURES” document was issued by the School Charter Transportation Safety Committee (SCTSC) in June, 2001. The document, which provides guidance to school systems seeking to contract with charter motorcoach companies for school activity trips, was prepared by the SCTSC in response to a prior system in which most activity trips were initiated at the school building level by seeking out the lowest price, often without regard to safety and legal requirements.

In 2004, the guidelines were modified with three main changes:

- Acknowledging the overall safety record of motorcoach transportation
- Clarifying that the pre-trip Review is *not* an Inspection
(drivers must complete a pre-trip inspection before arriving to pick up passengers)
- Pointing out the benefits of LEAs working with each other, or with a consortium
(development of joint lists of approved motorcoach companies)

Since that time, many LEAs began working cooperatively to develop “approved lists” and nearly half – either individually or as members of a consortium – contract with a third party to provide services leading to the recommendation of whether or not to include individual motorcoach companies on an approved list.

3. APPROACH

Due to the diversity of opinions and experience with the current guidelines among the parties designated in the legislation, the Department of Public Instruction initiated a contract to evaluate the current system and assist with the development of the statewide permit. The Institute for Transportation Research and Education (ITRE) at NC State was directed to facilitate meetings among the impacted parties and to assist in the development of DPI recommendations on the implementation of such a program.

Following the first meeting of all stakeholders, the government agencies - DPI, DMV, the State Highway Patrol (SHP), and the Federal Motor Carrier Safety Administration (FMCSA) – held an additional meeting to refine the mechanics of a state-government-issued statewide motorcoach permit.

A second stakeholder meeting resulted in consensus on the approach recommended in this report.

4. RESULTS

The representatives of the government agencies were united in their opinion that issuing a permit, in order to be meaningful, must be accompanied by a rigorous inspection of the companies seeking to provide transportation services to students. The framework for a statewide motorcoach permit was developed and is presented in APPENDIX 2. However, legal guidance would still be needed regarding potential liability associated with the state government issuing an endorsement of the safety qualifications of motorcoach companies.

Following the meetings facilitated by ITRE, a consensus was developed by the three key user groups that would be affected by the statewide permit:

North Carolina Motorcoach Association
North Carolina School Boards Association
North Carolina Pupil Transportation Association

Given the economic times and the relative success demonstrated by the LEAs that have formed consortia to contract with a third party inspection company, each of these associations recommended that, in lieu of a statewide permit, a preferable approach is for the State Board of Education (SBE) to adopt a policy requiring every LEA to adopt local policies that ensure appropriate procedures will be used when contracting with motorcoach companies for school activity trips.

A policy will be presented to the SBE for consideration early in 2010, a draft of which is shown in Appendix 3.

The letters from the three associations are included in the attached ITRE report.

5. RECOMMENDATIONS

As requested by the three impacted associations, the Department of Public Instruction, with agreement from the Division of Motor Vehicles, recommends that the State of North Carolina suspend plans to implement a statewide permit program.

Regardless of the status of any permit program, DPI recognizes the need for additional school district requirements to ensure student safety when traveling on school activity trips. DPI staff members have prepared for SBE consideration a draft plan that would require LEAs to adopt a local policy to ensure that appropriate procedures are followed when contracting for motorcoach transportation. Any final policy will consider the input of the North Carolina Motorcoach Association, the North Carolina Pupil Transportation Association and the North Carolina School Boards Association. The adoption of such a policy will help to achieve the goal of the original legislation – improved student safety – and will also eliminate the need for additional state bureaucratic obstacles for motorcoach companies. This approach also eliminates the need to request significant state funds for the implantation of a new permit program.

APPENDIX 1 – ITRE Report

DEVELOPMENT OF A STATEWIDE MOTORCOACH PERMIT FOR PROVIDING SERVICES TO THE NORTH CAROLINA LOCAL EDUCATION AGENCIES

Final Report

January 6, 2010

Institute for Transportation Research and Education
North Carolina State University

Background

In 2001, the North Carolina School Charter Transportation Safety Committee (SCTSC) was formed, composed of members from the NC Department of Public Instruction, NC Division of Motor Vehicle Enforcement, NC Motorcoach Association, local education agencies (LEAs) and the Federal Motor Carrier Safety Administration. In June of that year, the SCTSC released a set of guidelines and procedures for NC LEAs to use when contracting with motorcoach operators to transport students.

In January 2002, SCTSC conducted an open forum to assess the real-world experiences implementing the Guidelines that involved motorcoach operators, LEA transportation directors and staff, and other interested parties.

In December 2004, a revised guideline was released by the SCTSC with members representing the NC State Highway Patrol, Federal Motor Carrier Safety Administration, NC DPI, NC Motorcoach Association, NC School Boards Association, motorcoach operators, LEAs, and one parent. In the revised guidelines, a recommended model for developing a list of approved motorcoach operators was through a consortium or other working group among LEAs to cooperatively establish a regional list.

In 2006, the NC House Bill 1155, Section 2 charged the NCDPI in cooperation with NCDOT to “develop a program for issuing a statewide permit to commercial motor coach companies that seek to contract with local school systems for the transportation of students, school personnel, and other persons authorized by the school system for school-sponsored trips. This program is intended to provide commercial motor coach companies with a single permit that can be used statewide and will be an alternative to the current system”.

Several meetings were held in 2006 in response to the NC House Bill 1155, Section 2 among affected parties. In order to meet the HB 1155 requirement, an in-house statewide inspection program of motorcoach operators administered by the NC Highway Patrol would require \$100,000 for equipment/setup costs and an addition of 6 officers with estimated annual personnel cost of \$360,000 plus travel and training expenses.

In 2009, Session Law 2009-451, page 37 directed NCDPI, in conjunction with NCDMV, to “develop a plan for a statewide permit for commercial motorcoach companies that seek to contract with local school systems to transport students, school personnel, and other persons authorized by the school system on school-sponsored trips.”

The NCDPI contracted with the Institute for Transportation Research and Education (ITRE) at the North Carolina State University to facilitate this project and make appropriate recommendations.

Peer Review

ITRE identified two states and two companies with processes that are relevant to this project. A brief description is contained below.

State of California

In the State of California, the School Pupil Activity Bus or SPAB certifications program is conducted by the California Highway Patrol (CHP). The California's SPAB program applies to any carriers who operate a vehicle transporting students on school related activities with a vehicle capacity of 10 or more. The CHP inspects and certifies every school pupil activity bus at least once each year to ascertain its compliances. SPAB certified drivers are required to have a minimum of 40 hours of training and must pass a written test and a behind the wheel test conducted by CHP. Additionally they are required to have 10 hours of a combination of classroom and behind the wheel training each year. The SPAB drivers must re-certify with the CHP every 5 years.

Some California school districts use SPAB certifications as their primary source of selecting motor carriers. Some school districts use the SPAB as the minimum requirement but develop their own, with more rigorous selection criteria. Northern California Schools Insurance Group is an example of an organization that provides liability and property insurance for public schools. The NCSIG maintains a list of pre-approved motorcoach carriers for their 135 members.

State of Oregon

The State of Oregon uses identical terminology as California, however not as a certification program. Instead the term SPAB in Oregon is used to describe a "motorcoach operated by a motor carrier, used under a contractual agreement between a district or school and a carrier to transport school pupils at or below the 12th grade level on activity trips". The Oregon State of Education issues "Certificate of Carrier Approval" authorizing a motor carrier to transport students for Oregon schools. The Certification program administrated by the Oregon State of Education relies on the Federal Motor Carrier Safety Administration's SAFER rating and required documentations. The Oregon Department of Education does not perform on-site inspections.

Consolidated Safety System

Consolidated Safety System, based in Fairfax Virginia, developed and administered a quality assurance program for passenger carriers for the US Department of Defense in 1990. The program expanded offering similar services to the public schools in 2004 and is currently working with 3 school districts in Maryland and 1 school district in Texas. Titled Pupil Transportation Safety Program (PTSP), it utilizes a combination of off-site, on-site, on-road, and no-notice visits to evaluate carrier's qualifications. The frequencies of the evaluations range from every six-month on-road performance evaluations (accidents, vehicle/driver out-of-service rates) to bi-annual

facilities, terminal, and equipment inspections. School districts or organizations participating in the PTSP are provided with a user ID and password for accessing an approved list of motor carriers.

Hines Fleet Safety Consulting Inc.

51 North Carolina LEAs contract with Hines Fleet Safety Consulting Inc. based in Mt. Olive, NC to develop a list of pre-approved motor carriers. The birth of this company was due to several LEAs collaborative effort as a “Consortium” hiring a professional to develop a list of approved motorcoach carriers. This concept was successful and was mentioned in the second version of the Guidelines released in 2004.

The qualification procedures implemented by the Hines Fleet Safety Consulting Inc. is very similar to what Consolidated Safety Systems uses. One major exception is that the Hines Fleet Safety Consulting Inc. conducts site review every 12 months whereas the CSS conducts reviews every 18 months.

Statewide survey

A statewide survey to LEAs was conducted during October and November 2009 by ITRE. The objective of the survey was to assess LEA practices in selecting and maintaining approved motorcoach carriers for school related field trips. The survey contained a part A and part B. Part A questions were intended for LEAs that belong to a Consortium. Part B was for LEAs who develop and maintain their own list of approved motorcoach carriers. The survey shown below was constructed in PDF's auto-complete format and distributed to LEAs using the NC School Bus list serve.

Page One

The purpose of this questionnaire is to capture a range of information and documents requested by LEAs to the motorcoach companies for school charter trips.

Please answer the questions on **THIS PAGE** if your LEA belongs to a regional Consortium who provides LEAs with a list of qualified motorcoach companies. You do not need to fill out questions on page two.

If your LEA **DOES NOT** belong to the Consortium and maintains your own list, please skip the questions below but answer questions on **PAGE TWO**.

LEA Name:

For LEAs belong to a regional Consortium

Does your LEA request any additional documents other than what were provided to you by the Consortium representative? If yes, please specify.

Does your LEA have any requirements that **exceed** the minimum requirements outlined in the "School Charter Transportation Recommended Guidelines and Procedures"? If yes, please specify.

Does someone in your LEA make a personal visit to the motorcoach companies? If so, please specify the number of companies visited and the number of times per year (ex: 6 companies, once per year)

Page Two

For LEAs that DO NOT belong to a Consortium and maintain a list of qualified motorcoach companies

Describe the process your LEA uses to develop a list of qualified motorcoach companies:

How often is this list updated and how do you learn about new companies or companies no longer in business?

Does your LEA require any additional documents other than what are outlined in the "School Charter Transportation Recommended Guidelines and Procedures"? If yes, please specify.

Does your LEA have any requirements that exceed the minimum requirements outlined in the "School Charter Transportation Recommended Guidelines and Procedures"? If yes, please specify.

Does someone in your LEA make a personal visit to the motorcoach companies? If so, please specify the number of companies visited and number of time per year (ex: 6 companies, once per year)

Under what condition is a motorcoach company eliminated from this list?

Survey Findings

Out of 115 LEAs in NC, 61 completed the survey. 38 LEAs indicated they are part of the Consortium, 23 LEAs do not belong to a Consortium. A summary of survey findings are described below.

The findings of the 38 LEAs that belong to the Consortium are:

- 26 LEAs do not require additional documents other than those provided by the Consortium. Proof of insurance is the most commonly requested additional document requested by LEAs.
- 31 LEAs do not have any requirements that exceed the minimum outlined in the Guidelines. 2 LEAs require that the driver sign a pre-trip review waiver, 1 LEA requires an additional \$5 million dollars of insurance coverage, and 1 LEA encourages schools to use the cancellation clause.
- None of the LEAs that belong to the Consortium makes a personal visit to the motorcoach companies.

The findings of the 23 LEAs that do not belong to a Consortium are:

- When asked how the list of approved motorcoach operators are developed:
 - 9 LEAs refer to the application process in the Guideline
 - 3 LEAs make an on-site visit
 - 2 LEAs rely on recommendations from individual schools, PTA, or from the public
- When asked how often is the list updated:
 - 12 LEAs update yearly
 - 5 LEAs update whenever there is a change
 - 2 LEA update every other year
- When asked if the LEA requires additional documents other than outlined in the Guideline:
 - 22 LEAs answered no
 - 1 LEA requires a copy of driver's medical certificate
- When asked if the LEA has requirements that exceed the minimum outlined in the Guideline:
 - 21 LEAs answered no
 - 2 LEAs require insurance coverage in an amount that exceeds the Guideline
- When asked the number of times they make a personal visit to the motorcoach companies:
 - 9 LEAs do not make visits
 - 4 LEAs visit once a year
 - 1 LEA visits twice a year
 - 7 LEAs only make a visit when the company is new to the approved list
 - 2 LEAs did not indicate frequency
- When asked under what condition is a company eliminated from the list:
 - 10 LEAs answered if the company failed the renewal process
 - 6 LEAs answered when a company failed FMCSA safety rating and inspection
 - 6 LEAs base elimination on complaints from schools that used the company

SCTSC Meetings

The SCTSC held four meetings. The full Committee met on October 22 to kick-off the project. The second wave of meetings was held separately; one by the state agency stakeholders and one by the association representatives. The final meeting was held on November 19.

In the first meeting held on October 22, 2009 representatives from the following attended: FMCSA, NC State Highway Patrol, NC DOT Division of Motor Vehicles, NCDPI, NC School Board Association, NC Pupil Transportation Association, local LEA's, local Motorcoach companies, NC Motorcoach Association, and Hines Fleet Safety Consulting Inc.

After the meeting was opened with a review of the history and the charge given to this committee, each representative was given the opportunity to give his/her perspective of this issue. The general consensus was that the motorcoach companies principal issue was with the overall differences of requirements between LEAs to obtain approval to provide their services to them. It was brought to the attention of the panel by the NC School Board Association that the local school boards do reserve the right to add requirements above and beyond what is required to obtain the 'permit' if such a 'permit' came to be. The LEAs that are a part of the consortium with Hines Fleet Safety Consulting Inc. stated that they were very satisfied with the process, and that even if a statewide permit came to be they might still use Hines Fleet Safety Consulting.

Other questions came to light in discussing the possibility of a permit requirement. One was the agency who has permit issuance authority is NCDMV however the agency with inspection authority is NC Highway Patrol. How would an inter-agency process work? What would be the cost be for the process and where would the funds come from? It was decided that the state level agency should hold a separate meeting to address these issues.

Another question raised by the NC Pupil Transportation Association and participating LEAs is that the proposed permitting process might be much less rigorous than what is being conducted through the Consortium. LEAs would like to have additional discussions with Hines Fleet Safety Consulting about expanding its services to cover all 115 LEAs.

The second meeting was held on November 9th, 2009. In this meeting there were representatives from NCDPI, NC Pupil Transportation Association, local LEA's, NC Pupil Transportation Association, NC Motorcoach Association, Consolidated Safety Services and Hines Fleet Safety Consulting Inc. present.

There was a brief update given by Jeff Tsai on the first meeting. Subsequent discussions took place between the Motorcoach Association, DPI and Reggie Hines concerning the Motorcoach Association's wish to come to an agreement without having to go through a legislated permit, particularly in light of the current economy. The Motorcoach Association is happy with the services provided by Hines Fleet Safety Consulting, and would like to see how it could expand to

all 115 LEAs. Jim Harris of the NC Motorcoach Association emphasized that the LEAs not taking advantage of the Consortium and not following the Guideline are their primary concerns, both in terms students' safety and the burden placed on motorcoach carriers due to varying forms of requests.

Derek Graham from NCDPI mentioned the possibility of proposing a State Board of Education policy requiring LEAs to document a local school board policy on the hiring of motorcoach companies.

There are still some questions about funding and other issues to be worked out, but the Motorcoach Associations representative, Jim Harris voiced that he was aware that not 100% of the LEA's will participate. However, he feels that if an agreement can be made to standardize the process, more LEA's will participate. He also stated that he didn't want this process to be a financial burden on anyone.

Phil Hanley from the Consolidated Safety Services made a brief presentation on the Pupil Transportation Safety Program which is similar to the service offered to the Department of Defense since 1990.

The NCDPI, NC Division of Motor Vehicle, and NC Highway Patrol met on November 18th, 2009 and held a state agency level meeting. They discussed who would be charged with issuing a permit and the extra staff that would be required to do so. They are concerned that this would be seen as additional regulation on an industry already being regulated. They estimate that it would cost \$900,000 per year to initiate and administer such a program to issue statewide permits.

During the final meeting held on November 19th, 2009 representatives from NCDMV, NCDPI, NC School Board Association, NC Motorcoach Association, local Motorcoach carriers, local LEA's, NC Pupil Transportation Association, LEAs, and Hines Fleet Safety were present.

A brief review of all previous meetings was given and the meeting was opened up for new discussion. It was agreed among all parties that having a statewide process selecting and maintaining a list of qualified motorcoach carriers would be the preferred approach instead of a statewide permit. This can be done through a State Board of Education policy requiring every LEA to adopt local policies and procedures for selecting motorcoach companies for school activity trips.

Jeff Tsai requested supporting letters from the NC Motorcoach Association, NC School Board Association, and NC Pupil Transportation Association.

Recommendation

The three key user groups (NC Motorcoach Association, NC School Board Association, and NC Pupil Transportation Association) are all in agreement that the consortia jointly supported by LEAs to develop and maintain a list of qualified motorcoach carriers for school related trips has worked well in North Carolina. The consortia model would provide the consistency throughout the state on the motorcoach carrier selection process while maintaining the high level of safety standards to which participating LEAs are accustomed. LEAs not currently participating in consortia should consider its merits in terms of saving in personnel time and access to highly specialized resources and expertise.

The key user groups also recommend that the State Board of Education adopt a policy requiring every LEA to adopt local policies and procedures to be used when contracting with motorcoach companies for school related trips. Including the benefits of participating in a consortium should be considered as part of the State Board policy.

Supporting letters from the key user groups are attached.



December 22, 2009

Mr. Jeff Tsai, Program Director
Institute for Transportation Research and Education, NCSU
Centennial Campus Box 8601
Raleigh, NC 27695-8601

Dear Mr. Tsai:

Representatives of the North Carolina Motorcoach Association (NCMA) participated in the meetings convened by the Institute for Transportation Research and Education (ITRE) to discuss the development of a state issued permit for student charter transportation as required by legislation passed by the General Assembly during the 2009 Session.

We now believe that a state-issued permit may not correct the issues. NCMA does agree, in concept, that the best way to resolve the issues is for the State Board of Education (SBE) to require each LEA to have a written policy including guidelines and procedures for contracting with motorcoach operators for student trips. NCMA additionally supports the concept of the LEAs participating in a consortium for purposes of inspection of motorcoach operations to assure safety of the students traveling by chartered motorcoach. There is a consortium in place and has proven effective for many LEAs. It is reasonable to assume that this process would work for the LEAs not currently participating in a consortium. A consortium would provide the *consistency throughout the state*, which has been the basic issue initiating the legislation.

Representatives of NCMA would welcome the opportunity to work with the NC School Boards Association (NCSBA), DPI and the SBE on the policy.

Sincerely,

A handwritten signature in black ink, which appears to read 'Jim Harris', is placed below the word 'Sincerely,'.

Jim Harris, President
(Cardinal Coach, Warsaw)

JH:lcm

cc: NCMA Board of Directors



North Carolina Pupil Transportation Association

Binford Sloan IV Nash-Rocky Mount President 252-462-2480	Jerry Wynne Beaufort County Vice President 252-946-6209	Charles McDowell Moore County Secretary 910-947-5481	Cynthia Phillips Cumberland County Treasurer 910-678-2590	Cindy Carlisle Cleveland County Past President 704-482-3438
-------------------------------------------------------------------	------------------------------------------------------------------	---------------------------------------------------------------	--------------------------------------------------------------------	----------------------------------------------------------------------

Advisory Council

District 1
Harold Laflin
Buncombe County

Gary Proffitt
Madison County

District 2
Bill Barr
Mecklenburg County

Bobby Wilson
Gaston County

District 3
Frankie Floyd
Ashe County

Terry Campbell
Redell County

District 4
Brad Lankford
Stokes County

Bob Gauldin
Rockingham County

District 5
Rachel Hussey
Moore County

George Douglas
Cabarrus County

District 6
Jeff Moore
Wake County

Laura Flye
Nash-Rocky Mount

District 7
Dianne Grumelot
Cumberland County

Chris Jones
Robeson County

District 8
Lizima Dickens
Bertie County

David Twiddy
Dare County

District 9
Joey Weathington
Pitt County

John Barbour
Carteret County

December 10, 2009

Mr. Jeff Tsai
Program Director
Institute Transportation Research Education
NC State University
PO Box 8601
Raleigh, NC 27695-8601

Dear Mr. Tsai:

The North Carolina Pupil Transportation Association (NCPTA) as requested by Session Law 2009-0451 participated in meetings at the Institute for Transportation Research and Education (ITRE). Our mission was to discuss the legislation requiring the North Carolina Department of Public Instruction (DPI) and the Division of Motor Vehicles (DMV) to develop a required state-issued permit for providing student transportation on motor coaches.

The NCPTA is in agreement with other members of the North Carolina School Charter Transportation Safety Committee that the objective of providing safer transportation for students can be met without a state-issued permit. Regardless, though, we believe that it would be in the best interest of student safety for the State Board of Education to require each public school system to have written policies in place to be used when contracting with motor coaches for student trips. We suggest that the policy reflect the objectives of the "Recommended Guidelines" published by the North Carolina School Charter Transportation Safety Committee.

School systems that currently contract with professionally trained personnel in Federal Motor Vehicle Carrier regulations have benefited knowing that the carriers transporting their students do meet guidelines. Providing no hardship for any school systems we would further endorse expanding the current practice of contracting with trained professionals.

Please let me know if you have any further questions regarding this matter.

Sincerely,

Binford Sloan IV, CDPT
NCPTA President



PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

LEANNE E. WINNER
Director of Governmental Relations

OFFICERS

PRESIDENT

Wendell Hall
Hertford

PRESIDENT-ELECT

Coach White
Charlotte-Mecklenburg

VICE PRESIDENT

Chuck Francis
Haywood

TREASURER

Evelyn Bulluck
Nash-Rocky Mount

IMMEDIATE PAST

PRESIDENT

Dorothy Witherspoon
Ashe

DIRECTORS

Randy Barnett
Cherokee

Wallace Collins
Washington

Becky Coltrane
Randolph

Dr. Jim DiMuzio
Whiteville City

Norris Ebron
Columbus

Karen Hart
Mooreville

Carr Ipock
Craven

Walter Leigh
Perquimans

Tom Manning
Alamance-Burlington

Sharon Martz
Currituck

Shearra Miller
Cleveland

Shelia Norman
Transylvania

Priscilla Owenby
McDowell

Marilyn Parker
Winston-Salem/Forsyth

Dr. Altheria Patton
Anson

Paige Sayles
Franklin

Evelyn Wilson
Edgecombe

G. H. Wilson
Sampson

PAST PRESIDENTS'

COUNCIL

Kenneth Lanier, 2007-08

Almetta Armstrong, 2006-07

Linda Cranford, 2004-05

Larry Lancaster, 2002-03

Leonard Peace, 2000-01

Emily Manning, 1999-00

Dr. Christine Fitch, 1996-97

December 15, 2009

Mr. Jeff Tsai

Program Director

Institute for Transportation Research and Education

North Carolina State University

Dear Mr. Tsai:

The North Carolina School Boards Association (NCSBA) participated in the meetings convened by the Institute for Transportation Research and Education (ITRE) to discuss the development of a state-issued permit for providing student transportation on motorcoaches as required by legislation passed by the General Assembly during 2009. NCSBA believes that a state-issued permit does not rectify the issues. NCSBA does agree, in concept, that the best way to resolve the issues is for the State Board of Education (SBE) to require each LEA to have written policies including guidelines and procedures on contracting with motorcoaches for student trips. NCSBA looks forward to working with DPI and the SBE on the policy.

Sincerely,

Leanne E. Winner
Director of Governmental Relations
North Carolina School Boards Association

APPENDIX 2 – Statewide Permit for Motorcoach Companies

Following are the details of a statewide permit for motorcoach companies that seek approval to transport students on school-related trips. The key components of the permit are the on-site inspection, records review and periodic “spot check” inspections. By all accounts, the “spot checks” are valuable in keeping the list current and providing an acceptable level of comfort to LEAs that motorcoach companies are remaining in compliance with federal safety requirements.

1. **INSPECTING AGENCY.** The only state agency that has the capability and understanding of the aforementioned inspection components is the State Highway Patrol – a division of the Department of Crime Control and Public Safety (CCPS). According to G.S. 20-383, “only designated inspectors and officers of the Department of Crime Control and Public Safety shall have the authority to enforce the provisions of this Article and provisions of Chapter 62 applicable to motor transportation...” Currently, the SHP staff that inspects trucks and buses is funded by the Motor Carrier Safety Assistance Program of the Federal Motor Carrier Safety Administration (FMCSA) and locked into the federal plan, which currently does not include a paperwork review. There are civilian employees – “New Entrant Auditors” – that perform inspections and reviews that most closely resemble the company reviews needed by the motorcoach permit program.

In order to expand this staff to accommodate the recommendations of motorcoach companies to be authorized to transport students, state-funded positions would need to be created by the North Carolina General Assembly. The SHP estimates that 5-6 additional “New Entrant Auditor – type” positions would be needed as well as support staff, vehicles, equipment, and significant training. The on-going cost of such an undertaking was roughly estimated by SHP staff to be \$900,000 - \$1,000,000.

The SHP currently does not issue permits similar to the proposed Statewide Motorcoach Permit.

2. **PERMITTING AGENCY.** The decision on whether or not to issue or revoke a permit would hinge on the report of the inspecting agency – presumably the SHP. Any unaffiliated agency that would take input from the SHP and process additional paperwork in order to maintain a statewide list and issue a permit would need to be designated by the General Assembly. There was no consensus about which agency should be given this assignment.

3. **PERMIT COMPONENTS.** The following are components of the proposed permit.

- a. Scope of permit. North Carolina Motorcoach Companies (SHP not authorized to enter/inspect out-of state companies)
- b. Standards for issuing the permit. The permit would be issued based on an acceptable on-site inspection of vehicles, procedures and paperwork
- c. Duration of the permit. The permit would be good for one calendar year.
- d. Process for required inspections. The process would be similar to the current Compliance Review/Inspection. The state could only put its “stamp of approval” on motorcoach company operations “at the time of inspection”
- e. Entity to conduct required inspections. Department of CCPS – SHP. Inspectors would be required to levy any applicable fines or penalties based on their findings.
- f. Conditions for revoking the permit. The permit would be revoked upon a failed annual or random inspection.
- g. Renewal process. The permit would be renewed annually and would be subject to the same review as the initial issuance.

- h. Schedule of fees to cover the cost of implementation and administration. The significant state cost cannot be offset by carriers and LEAs. It would be appropriate for the issuing agency to recoup a fee for processing the permit, but the inspecting agency should receive no funds from the companies seeking approval to avoid any perception of “buying” a permit.
- i. Application form and other required documentation. The required documentation would be the same as that required for a compliance review. The application form would be very basic, to be designed by the permitting agency.
- j. Dissemination of current permit holders to school system. The Department of Public Instruction would receive regular updates from the permitting agency and make available to all LEAs and other schools via their website.
- k. Estimate of costs to implement and number of new positions required. CCPS would require 6 to 8 people to implement the inspection process at a total estimated cost of \$900,000 - \$1,000,000.
- l. Impact on motorcoach companies that have interstate operations. FMCSA expressed concerns that such a state permit may be perceived as over-regulation of an industry that is already heavily regulated by the federal government. Further, legal opinions are needed to determine the authority of the SHP to visit, inspect and approve/disapprove out-of-state companies.
- m. Other issues.
 - An agency must be designated to issue the permit based on the recommendations of the SHP following the annual inspection.
 - Attorney General’s office should be requested to address potential civil liability of a state agency certifying and permitting a motor carrier, thereby implying that it can safely transport students.

APPENDIX 3

PROPOSED STATE BOARD OF EDUCATION POLICY DRAFT 12/23/09

Policy Identification

Priority: Twenty-First Century Systems

Category: Transportation

Policy ID Number: TCS-H-009

Policy Title: Policies governing LEA rules and regulations related to charter transportation for school-related events and activities

Current Policy Date:

Other Historical Information:

Statutory Reference: GS 115C-240(a)

LEAS shall maintain a list of approved companies (the “approved list”) authorized to provide transportation services for school-related events.

LEAs may work cooperatively with other LEAs as members of a consortium to develop and utilize regional or statewide lists of approved companies.

LEAs shall adopt and keep on file in the office of the superintendent rules, regulations and policies to assure the safety of students when contracting for services to provide transportation for students and school groups attending school-related events. These rules, regulations and policies shall, at a minimum, address the following:

1. Procedures for development of the approved list of transportation providers.
2. Procedures for ensuring that a contract for any trip is made only with companies on the approved list and ensures the appropriate number of vehicles and drivers for the trip.
3. Procedures to provide safety and evacuation training to all students prior to any trip.

In adopting rules, regulations and policies, LEAs should consult the Recommended Guidelines and Procedures developed by the School Charter Transportation Safety Committee.