

# Legal *focus*

*Speak softly and carry a big stick...*

In January of 1900, Theodore Roosevelt was governor of New York when he first used the phrase, “speak softly and carry a big stick” when writing about a particular victory in local politics. The phrase later became the trademark of his foreign policy when he served as 26<sup>th</sup> President of the United States from 1901 to 1909. For Pennsylvania’s school bus contractors, their “big stick” is the good work done by the National Student Transportation Association (NSTA).



In July, I had the opportunity to attend the NSTA annual conference in Baltimore MD and to meet with the Executive Director, President, Board, and many of the members. I was impressed by the work they do and their recent achievements on behalf of school bus contractors across the country. I provide the following to share what I discovered and to encourage all PSBA members to support and join the NSTA.

## **Recent NSTA Accomplishments**

The NSTA has a long history of suc-

cessfully advocating for the interests of independent school bus contractors. Some of their successes include:

### **Denial of Federal Seatbelt Requirement**

– In March of 2010, a group of 22 trade organizations and individuals petitioned the National Highway Traffic Safety Administration (NHTSA) for a rule requiring the installation of three-point seatbelts for all seating positions on all school buses. In the fifteen months that followed the NSTA marshaled forces in opposition of this petition. Various studies have shown that it is the structure of bus seats, not the use of seat belts that provide children more security in times of a school bus collision (see, [National Highway Traffic Safety Administration, Report to Congress—School Bus Safety: Crashworthiness Research, April 2002](#)). On August 25, 2011 the NHTSA announced a denial of the petition for rulemaking. The petition was denied on the grounds that there has been no finding of a safety problem supporting a Federal requirement for lap/shoulder belts

on school buses. The NHTSA was also convinced that the cost and consequences would exceed the benefit. The NSTA was instrumental in this result.

### **Equity between Public and Private Operators**

- The Federal Motor Carrier Safety Regulations exempt public school districts, as government entities, from all requirements except Commercial Drivers’ License and controlled substance testing. Some of the more important safety regulations that school bus contractors and their drivers must meet, but public school districts and their drivers are exempt from include DOT medical certification, restrictions on hours of duty, mandatory training and record checks, insurance requirements, among others. In addition, to advocating for more equitable standards between public and private school bus operators, The NSTA fights a similar battle against the encroachment of public transit into the market segment traditionally served by independent school bus contractors. NSTA lobbyists are perpetually advocating against competition from subsidized public transit systems.



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In May 2011, the NSTA arranged for members to meet with their congressional representatives and to hear from congressional committee leaders who have jurisdiction over school bus transportation. The NSTA delegates focused on continued protections for school bus contractors, including the ban on transit encroachment. For more than 40 years, federal law has prevented federally-funded public transit systems from providing most home-to-school school bus transportation in competition with private operators. At this recent event, NSTA members made the case to continue to preserve these protections against transit encroachment on school bus service. Thanks to the organization of the NSTA, the voice of each individual member were heard.

**Fuel Tax Exemptions for School Bus Vehicles** – NSTA has also pushed for maintaining the federal fuel tax exemption for school buses and was the driving force behind obtaining the written opinion of Secretary of Treasury, Tim Geithner, in support of allowing the excise tax credit for school bus vans.

***Need more on this topic?***

For more information about the National Student Transportation Association call 800-222-6782 or visit their website at [www.yellowbuses.org](http://www.yellowbuses.org).

This letter has been instrumental in providing relief for some school bus contractors but the issue persists and the NSTA continues to provide support and direction.

**Why Join the NSTA?**

So, if all this is already happening, why join the NSTA? For the same reasons the PSBA has scheduled upcoming regional meetings to boost PSBA membership, the power of numbers. The PSBA's goal is to represent more than half of Pennsylvania's independent school bus contractors thereby giving us a stronger voice in Harrisburg. But, Harrisburg is only half the story. Often, the rules and regulations that increase costs and cause headaches and uncertainty come from the Federal government, not from Harrisburg. While the NSTA has certainly been an effective advocate for school bus contractors, they too need the power of many voices in order strengthen their representation for school bus contractors. The complete phrase from Theodore Roosevelt's letter of January 26, 1900 is "speak softly and carry a big stick; you will go far". I believe supporting the NSTA with your membership and involvement will help the entire industry "go far".

***Congratulations to the winners!***

Like our PSBA competition, NSTA hosts a **School Bus Driver International Safety Competition**. This year it was held on July 16 -17 at the Baltimore Washington International Airport (BWI) in Maryland.

***Conventional Winner***

1. Larry Hannon--Centennial School District, PA (This is Larry's 8<sup>th</sup> SBDISC win.)
2. Brent Carmen--Morgan Hill United School District, CA
3. Mark Koelbl--First Student Canada, AB

***Transit Winners***

1. Mark Miller--Bellingham Public Schools, WA
2. John J. Welsh--Lower Merion School District, PA
3. Jesse Hill--Academy School District #20, CO

***Small Bus Winners***

1. Russell Altizer--Montgomery County Public Schools, VA
2. James McMinn--First Student, KS
3. Karen Schoonover--Mountain Valley Transportation, VA



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