

School Pupil Activity Bus

(1) **Definitions of terms used in this rule:**

(a) A school pupil activity bus (SPAB) is any motor vehicle, other than a school bus, operated by a common carrier, used under a contractual agreement between a school and a carrier to transport school pupils at or below the 12th grade level on activity trips in a motorcoach.

(b) An activity trip is transportation between a school or location to another school or location.

(c) Motor carrier means for hire carrier as defined in ORS 825.005 (7) or private carrier.

(d) Certificate of Carrier Approval means a certificate from the Department of Education that authorizes a carrier to transport students for Oregon school districts.

(e) Home to School means transportation between the student's resident, babysitter, daycare or designated pick up spot and their educational facility.

(f) Approved means a carrier that has been approved by the Department of Education for transportation of school children for activity trips.

(g) Provider of Motorcoach services means a motor carrier that provides passenger transportation service with a motorcoach for compensations, including per-trip compensation or chartered compensations.

(h) Motorcoach means over-the-road bus, having a GVWR or 26,000 lbs or more but does not include the following:

(A) Buses used in public transportation provided by a State or local government,

(B) School buses, including multifunction school activity buses.

(C) Vehicles owned or operated by a mass transport district created under ORS Chapter 267.

(2) Providers of Motorcoach services must receive Certificate of Carrier Approval from the Department of Education

The Department of Education shall issue a "Certificate of Carrier Approval" to a provider of motorcoach services if the provider meets the following criteria. The provider shall submit:

(a) A complete application form number ### annually,

(b) Copy of current certificate of insurance demonstrating \$5,000,000 public liability coverage per incident.

(c) Copy of letter indicating rating of:

(A) "Satisfactory" from the USDOT within the last 3 years, or

(B) "1, 2, or 3" from Pupil Transportation Safety Program (PTSP), or

(C) "1, 2, or 3" from Department of Defense (DOD), or

(D) Current copies of:

(i) Commercial Vehicle Safety Alliance (CVSA) sticker for each motorcoach, and

(ii) Annual inspection for each motorcoach used as a SPAB, and

(iii) Current list of drivers enrolled in a drug testing service and the name of the drug testing provider, and

(iv) Driver logs as requested by the Department of Education during the past 12 months.

(d) List of SPABs by license plate number that will be used for student activities.

(e) Department of Education may inspect records of vehicles and drivers at the carrier's facility. Failure to allow the Department of Education to inspect records could result in revocation of the "Certificate of Carrier Approval".

(f) The Department of Education may suspend or revoke a "Certificate of Carrier Approval" for failure to maintain or meet requirements of this rule.

(3) Operations

(a) A SPAB may:

(A) Only be used for intrastate transportation;

(B) Not be used for Home to School as defined in 1(d).

(b) Parent shall be notified if the district is using SPABs for pupil transportation.

(c) An adult chaperone is to be present on the SPAB any time students are present.

(d) Districts shall ensure that owners and operators of SPABs meet the requirements stated in this rule.

(e) Safety Instructions.

(A) Prior to departure the SPAB operator shall instruct passengers on the operation and location of all emergency exits;

(B) District should encourage students to:

(i) Limit the amount of time that they are out of their seat during vehicle operation

(ii) Have a good grip on seat back or designated hand grips when students are out of their seat during vehicle operation,

(iii) Not walk or stand during stop and go traffic circumstances or while the coach is traveling roads with many twists and turns.

(C) SPAB operators shall instruct students to:

(i) Keep hand and head inside the vehicle at all times, and

(ii) Keep aisle clear; and

(iii) Use caution when opening the overhead compartments, and

(iv) Use seat belts if equipped, and

(D) Other district policies.

(f) Districts shall keep a copy of the carrier's:

(A) Current "Certificate of Carrier Approval" issued by the Department of Education.

(B) List of SPAB qualified drivers.

(C) Districts shall document and keep evidence of required safety instructions for 2 years.

(g) Districts shall report to the Department of Education carriers or their drivers that have been observed by patrons, staff, parents or students engaging in any of the following:

(A) Violating speed laws, or

(B) Unsafe vehicle operation, or

(C) Unsafe or poorly maintained SPAB, or

(D) Inappropriate behavior, contact or language, or

(E) Students left or stranded because the carrier failed to perform duties of the contract or

(F) Unqualified SPAB driver is supplied.

(h) Districts shall not use a carrier that does not have a valid "Certificate of Carrier Approval".

(i) District shall not use SPAB drivers that have not been certified by the Oregon Department of Education.

(j) Contractors shall not subcontract with a carrier unless subcontractor has a "Certificate of Carrier Approval" to provided motorcoach services from the Oregon Department of Education.

(k) SPABs shall not exceed 55 mph.

(4) SPAB Training and Certification. No person shall transport pupils in a SPAB unless such person has completed all requirements for a SPAB and meets the standards established by the Department for issuance of certificates or holds a valid School Bus Certificate or Permit.

(a) SPAB Driver Certificate. The Oregon Department of Education shall issue a SPAB certificate to qualified individuals who meet the following requirements:

(A) Has filed with the Oregon Department of Education an application for a SPAB provided by the Department, signed by an official designated by the local employer certifying that the driver:

(i) Has demonstrated the knowledge and ability to perform the duties of a SPAB driver;

(ii) To the best of the local employer's knowledge, has not been convicted of any driving or criminal offense listed in OAR 581-053-0006(8) which could prevent certification.

(B) Applicants shall submit a copy of valid medical certificate.

(b) Applicants shall:

(A) Possess a valid Commercial Drivers License with the proper endorsements for the vehicle being driven. The Oregon Department of Education may approve an out of state operator's license if it is consistent in provisions with the required Oregon license;

(B) Possess a valid medical certificate.

(C) Pass a check of driving and criminal records by the Oregon Department of Education;

(c) SPAB certificates shall expire when the medical certificate expires.

(d) The driver shall not use to excess, or be addicted to alcoholic beverages, narcotics, or drugs. Compliance with any alcohol or drug screening requirements established by the Federal Highway Administration for commercial driver's license shall be maintained at all times.

(e) In cases of serious illness, injury, or change in physical or mental condition which may impair ability to fulfill the duties and responsibilities of a SPAB driver re-examination and medical approval are required prior to resumption of driving.

(5) Driving and Criminal Records: The Oregon Department of Education shall review the driving record of each applicant before a SPAB certificate is issued or renewed. Applicants who have held a driver's license in a state other than Oregon anytime during the preceding three-year period shall furnish, upon request, a copy of the driving record from such state or states to the Oregon Department of Education at time of application;

(a) The Oregon Department of Education shall review the criminal record of a driver upon application for a SPAB certificate or renewal;

(b) An applicant shall be refused a SPAB driver's certificate or a current certificate shall be suspended or revoked if the applicant or driver:

- (A) Has ever been convicted of crime listed in ORS 342.143;
 - (B) Has ever been convicted of a crime involving violence, threat of violence, or theft. This shall not apply if applicant or driver has been free from custody, probation and parole for the preceding three-year period from date of application;
 - (C) Has ever been convicted of a crime involving activity in drugs or alcoholic beverages. This shall not apply if the applicant or driver has been free from custody, probation, and parole for the preceding three-year period from date of application;
 - (D) Has had a driver's license suspended by the Division of Motor Vehicles of any state, within the preceding three year period, for a cause involving the unsafe operation of a motor vehicle or because of driving record;
 - (E) Has been convicted within the preceding three-year period of:
 - (i) Hit-and-run driving;
 - (ii) Driving under the influence of intoxicants as defined in ORS 813.010;
 - (iii) Reckless driving as defined in ORS 811.140;
 - (iv) Fleeing or attempting to elude a police officer while driving a motor vehicle;
 - (v) Failure to perform the legal duties of a driver involved in an accident or collision which results in injury or death of any person.
 - (F) Has had driving privileges revoked or suspended as a habitual offender under ORS 809.600. This shall not apply if applicant or driver has had driving privileges restored under ORS 809.660 for the preceding three years;
 - (G) Has a driving record for the preceding three-year period that has an accumulation of 31 or more points based upon the following point system:
 - (i) Each chargeable accident and each conviction for a moving violation of traffic laws shall have a value of 10 points. A chargeable accident is one in which the driver is answerable as the primary cause of, or chargeable with the result of an accident;
 - (ii) One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of driving record check; however, all subtracted points will be reinstated if any additional moving violation convictions or chargeable accidents occur within the three-year calculation period;
- (6) Refusals and Suspensions. The Oregon Department of Education may refuse, suspend or revoke the certificate of a SPAB driver for noncompliance with certification or physical requirements, giving false or incomplete information on application forms, or failure to comply with laws, rules and regulations applicable to SPAB drivers. Applications with obvious incomplete or inaccurate information will be returned to the employer with no action taken regarding denial or approval;
- (a) The Oregon Department of Education may reinstate a SPAB driver certificate or permit if a driver provides or demonstrates the following:
 - (b) Upon suspension or revocation, the certificate holder shall surrender the suspended or revoked certificate to the Oregon Department of Education;
 - (c) Hearings on appeal for refusal, suspension or revocation of SPAB driver's certificates shall be pursuant to ORS Chapter 183;
 - (d) A certificate may be suspended for any period up to 90 days. If conditions of the suspension have not been met within the suspension period, the certificate shall be revoked.
 - (7) Operator of SPAB's shall:

(a) Notify the Oregon Department of Education within 30 days of a change of name, address or employer . A duplicate certificate will be issued if necessary;

(b) Not use a cellular telephone while operating a motorcoach except under the following conditions:

(A) For the purpose of communication with any of the following regarding an emergency situation:

(i) An emergency system response operator or 911 public safety communications dispatcher;

(ii) A hospital or emergency room;

(iii) A physician's office or health clinic;

(iv) An ambulance or fire department rescue service;

(v) A fire department;

(vi) A police department;

(B) To call for assistance if there is a mechanical breakdown or mechanical problem impairing the operation of the bus or

(C) When the SPAB is parked.

(8) SPAB equipment requirements:

(a) Emergency exits shall be labeled with instructions to meet FMVSS 217.

(b) Shall have roof hatches that meet FMVSS 217.

(c) Shall have reflective material on both sides and rear that have reflective values equal or greater than 3 M Scotchlite Diamond Grade.

(d) A SPAB shall not have any flammable material exposed in rear wheel wells; or shall have pressure and temperature sending units mounted inside rear wheel rims that will activate an alarm in the drivers compartment when pressure or temperature are outside normal ranges.

(9) Emergency Equipment:

(a) Belt cutter: Each SPAB equipped with passenger seat belts or webbed restraining devices shall have a belt cutter mounted in the driver's compartment, readily accessible and in plain view of the driver. Device shall be of a design offering protected cutting edges to prevent accidental or intentional injury to drivers or passengers;

(b) Emergency road reflectors:

(A) Each SPAB shall be equipped with at least three DOT triangle reflectorized disabled vehicle warning devices;

(B) Reflectors must be in a container securely mounted with nut-and-bolt fasteners enhanced with large flat (fender) washers or held in place by a nut-and-bolt mounted metal bracket that also protects and secures the container lid. Both shall be located in an accessible location. Reflectors shall not be mounted in any engine compartment;

(C) If not mounted in plain view of the driver, the location shall be clearly designated.

(c) Body fluid cleanup kit: Each SPAB shall have a removable moisture proof and dust proof body fluid cleanup kit, mounted in an accessible place within the driver's compartment. This place shall be marked to identify its location. Contents shall include at least the following items:

(A) Two pair rubber/latex gloves;

(B) Two four-ounce packages of stabilized chlorine absorbent deodorant (or equivalent) capable of stabilizing at least 1 litre/36 fl. oz. of body fluids;

(C) One spatula for pick up of congealed fluid;
(D) One plastic bag in which to place congealed fluid;
(E) One red plastic bag with tie, identified for infectious waste and as a bio-hazard;
(F) One two-ounce bottle of germicidal detergent to apply to a contaminated area;
(G) Four paper towels to wipe up contaminated area;
(H) One one-ounce antiseptic alcohol hand rinse (or equivalent);
(I) One placard of step by step use instructions;
(J) Germicidal detergents, stabilized chlorine absorbent deodorant, alcohol hand rinse, or their equivalents shall provide documentation of EPA approval regarding their microbiological efficacy for at least the following:

- (i) Staphylococcus aureus;
- (ii) Pseudomonas aeruginosa;
- (iii) Salmonella choleraesuis;
- (iv) Streptococcus species;
- (v) Herpes simplex Type II;
- (vi) HIV (Associated with AIDS);
- (vii) Fungi (athlete's foot);
- (viii) Poliovirus; and
- (ix) Tuberculosis.

(K) Documentation of efficacy for Hepatitis B may be hospital or test studies. The certified effective shelf life of these products shall be a minimum of 12 months. Product expiration date shall be clearly displayed on all time-sensitive products.

(d) Fire extinguishers: Each bus shall be equipped with at least one pressurized, dry, chemical type fire extinguisher, mounted in a bracket. A pressure gauge shall be mounted on the extinguisher so as to be readily read without removing the extinguisher from its mounted position;

(A) A fire extinguisher shall be of a type approved by the Underwriters Laboratories, Inc., with a rating of 5 BC or more: or

(B) two fire extinguishers, each of which has Underwriters Laboratories, Inc., rating of 4 BC or more.

(C) Extinguishers with plastic heads are not permitted.

(e) First aid kit: Each SPAB shall have a readily removable, moisture proof and dustproof first-aid kit container mounted in an accessible place within driver's compartment. If not mounted in plain view of the driver, the location shall be clearly designated;

(B) The first aid kit contains a minimum of 24 units that shall include the following:

- (i) One 1" adhesive compress -- 16 per unit;
- (ii) Two 2" bandage compress -- 4 per unit;
- (iii) Two 3" bandage compress -- 2 per unit;
- (iv) Two 4" bandage compress -- 1 per unit;
- (v) Two 3" x 3" plain gauze pads -- 4 per unit;
- (vi) Two 2" x 6 yards gauze roller bandage -- 1 per unit;
- (vii) Three 1/2 square yard gauze;
- (viii) Three 24" x 72" gauze;
- (ix) Four Triangular bandage;
- (x) One 1/2 x 5 yard adhesive tape-one per unit;

(xi) One round nose scissors and tweezers. Latex gloves-one pair; and
(xii) One microshield for mouth to mouth airway (to lay on top of other contents).
(C) Specific local requirements may be substituted in lieu of 2 units of 1/2 square yard gauze.

(10) Maintenance and inspections:

(a) SPABs shall be maintained in safe operating condition and shall meet or exceed the minimum standards in effect at the time of purchase, plus any subsequent rules applicable to the vehicle.

(b) Vehicle maintenance records shall be kept for each vehicle used to transport students. These records shall be available to Department of Education personnel upon request. The following minimum information shall be kept for each vehicle by date and mileage at the time of service, adjustment or repair:

(A) Chassis lubrications;
(B) Engine oil and filter changes;
(C) Major engine tune-ups and repairs;
(D) All adjustment, service and repair of brake system;
(E) All adjustment, service and repair of steering mechanism and other related parts;

(F) Tires; and

(G) Drive train components.

(c) Motorcoach carriers shall have all vehicles used in transporting pupils inspected annually, and certify to the Oregon Department of Education that all deficiencies have been corrected before the SPAB is used to transport students. Copies of the Annual Vehicle Inspection Report shall be sent to the Oregon Department of Education.

(d) The Oregon Department of Education shall furnish forms for the certification reports.

(e) Oregon Department of Education personnel may make pupil transporting vehicle inspections at any time or upon request of the motorcoach carrier. The Department may investigate accidents and examine pupil transporting vehicles involved in accidents as the Department considers necessary.

(f) Upon inspection of pupil transporting vehicles by Oregon Department of Education personnel, motorcoach carrier shall be notified in writing of deficiencies. Such deficiencies shall be corrected within 30 days. If the carrier is unable to cause the deficiency to be corrected within 30 days, the carrier may submit a written request for an extension of time to the Oregon Department of Education. Such request may be granted, provided the deficiency does not affect the safety of students or public, and is not contrary to Oregon Motor Vehicle Laws.

(g) Oregon Department of Education personnel may issue a written order that a vehicle is unsafe and shall not be used to transport students when there is reason to believe that a deficiency is such that continued operation of the vehicle may jeopardize the safety of students or public.

(h) The motorcoach carrier shall notify the Oregon Department of Education in writing that the deficiency is corrected before transporting students in a vehicle that has been declared unsafe in section (g) of this rule.