



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

August 24, 2004

MEMORANDUM

TO: Community Transportation Systems

FROM: Miriam S. Perry, Director

SUBJECT: Policy Guidance for School Transportation Service

This policy clarification is guidance to public transportation systems regarding federal/state requirements related to exclusive public school transportation service. Federal law does not provide exceptions to regulations for discipline problem students being transported to alternative schools or to special needs students. Charter schools are also included in this policy. These guidelines relate directly to transportation services to or from instructional programs that are provided during the regularly organized school day. This policy also applies to transportation services provided during the day other than to and from home for students to go from their base school to another school or program facility such as mental health, vocational rehabilitation, day care center, etc. Note that Head Start is not defined as a school by the Federal Transit Administration (FTA). Transportation to Child Development Centers is classified as human service transportation and therefore is not affected by the exclusive school transportation service regulations.

Federal and state requirements prohibit the use of vehicles, facilities and equipment funded by federal or state grant programs for the provision of exclusive school transportation service. Exclusive school transportation service is defined as any trip provided by a transportation system for which passengers are restricted **only** to students being transported to or from school or to or from school activities. The transportation system **must immediately cease** operating any exclusive public school transportation service operated with federal or state funded vehicles, equipment or facilities. The leasing of vehicles for the purpose of public school transportation will not be allowed. Future federal and state grant-funding eligibility may be denied if exclusive school transportation service is not ceased immediately.

Community Transportation Systems are to review any current exclusive public school transportation service(s) to ensure that no federal or state funded vehicles, equipment, and facilities are used for the provision of such service(s). Review existing and pending contracts with public schools to ensure that contract language does not limit the service exclusively to the public school(s). As verified by the Federal Transit Administration, any transportation service provided to or from a public school must be open to the general public and advertised as such. FTA has advised that any services that do not meet these conditions must cease immediately.

The National Highway Traffic Safety Administration (NHTSA) and the National Transportation Safety Board (NTSB) emphasize that school buses are one of the safest forms of transportation in the country, and therefore strongly recommend that all vehicles used to transport school children be certified as meeting NHTSA's school bus safety standards. Passenger vans are not required to be manufactured to the same federal motor vehicle safety standards as traditional yellow school buses. Using passenger vans that do not meet NHTSA's school bus standards to transport students could result in increased liability in the event of a crash as the risk of a serious injury or fatality is significantly higher.

#### SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1E “Non-Urbanized Area Formula Program Guidance and Grant Application Instructions” effective October 1, 1998, Section VIII
2. 49 U.S.C. 5323(f) School Bus Transportation
3. 49 CFR 605 School Bus Operations

MSP/cwg

cc: Derek Graham, Transportation Services, NC Department of Public Instruction  
Charles Glover, NCDOT-PTD