

110TH CONGRESS
2D SESSION

S. 3590

To provide grants for use by rural local educational agencies in purchasing new school buses.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide grants for use by rural local educational agencies in purchasing new school buses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bus Utility and Safety
5 in School Transportation Opportunity and Purchasing Act
6 of 2008”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) school transportation issues remain a con-
10 cern for parents, State and local educational agen-

1 cies, lawmakers, the National Highway Traffic Safe-
2 ty Administration, the National Transportation
3 Safety Board, and the Environmental Protection
4 Agency;

5 (2) many rural local educational agencies are
6 operating outdated, unsafe school buses that are
7 failing inspection, resulting in a depletion of the
8 school bus fleets of the local educational agencies;

9 (3) many rural local educational agencies are
10 unable to afford newer and safer buses;

11 (4) the rising cost of fuel has further strained
12 the budgets of local educational agencies across the
13 country; and

14 (5) millions of children face potential future
15 health problems because of exposure to noxious
16 fumes emitted from older school buses.

17 (b) PURPOSE.—The purpose of this Act is to estab-
18 lish within the Department of Transportation a Federal
19 cost-sharing program to assist rural local educational
20 agencies with older, unsafe school bus fleets in purchasing
21 newer, safer school buses.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) RURAL LOCAL EDUCATIONAL AGENCY.—

25 The term “rural local educational agency” means a

1 local educational agency, as defined in section 9101
2 of the Elementary and Secondary Education Act of
3 1965 (20 U.S.C. 7801), with respect to which—

4 (A) each county in which a school served
5 by the local educational agency is located has a
6 total population density of fewer than 10 per-
7 sons per square mile;

8 (B) all schools served by the local edu-
9 cational agency are designated with a school lo-
10 cale code of 7 or 8, as determined by the Sec-
11 retary of Education; or

12 (C) all schools served by the local edu-
13 cational agency have been designated, by official
14 action taken by the legislature of the State in
15 which the local educational agency is located, as
16 rural schools for purposes relating to the provi-
17 sion of educational services to students in the
18 State.

19 (2) SCHOOL BUS.—The term “school bus”
20 means a vehicle the primary purpose of which is to
21 transport students to and from school or school ac-
22 tivities.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Transportation.

1 **SEC. 4. GRANT PROGRAM.**

2 (a) IN GENERAL.—From amounts made available
 3 under section 5311(j) of title 49, United States Code, for
 4 a fiscal year, the Secretary, in consultation with the Sec-
 5 retary of Education, shall provide grants, on a competitive
 6 basis, to rural local educational agencies to pay the Fed-
 7 eral share of the cost of purchasing new school buses.

8 (b) APPLICATION.—

9 (1) IN GENERAL.—Each rural local educational
 10 agency that seeks to receive a grant under this Act
 11 shall submit to the Secretary for approval an appli-
 12 cation at such time, in such manner, and accom-
 13 panied by such information (in addition to informa-
 14 tion required under paragraph (2)) as the Secretary
 15 may require.

16 (2) CONTENTS.—Each application submitted
 17 under paragraph (1) shall include—

18 (A) documentation that, of the total num-
 19 ber of school buses operated by the rural local
 20 educational agency, a majority of these buses
 21 entered service prior to 1998;

22 (B) documentation of the number of miles
 23 that each school bus operated by the rural local
 24 educational agency traveled in the most recent
 25 9-month academic year;

1 (C) documentation that the rural local edu-
2 cational agency is operating with a strained
3 fleet of school buses;

4 (D) a certification from the rural local
5 educational agency that—

6 (i) authorizes the application of the
7 rural local educational agency for a grant
8 under this Act; and

9 (ii) describes the dedication of the
10 rural local educational agency to school
11 bus replacement programs and school
12 transportation needs (including the num-
13 ber of new school buses needed by the
14 rural local educational agency); and

15 (E) an assurance that the rural local edu-
16 cational agency or State educational agency will
17 pay the non-Federal share of the cost of the
18 purchase of new school buses under this Act
19 from non-Federal sources.

20 (c) PRIORITY.—

21 (1) IN GENERAL.—In providing grants under
22 this Act, the Secretary shall give priority to rural
23 local educational agencies that, as determined by the
24 Secretary—

1 (A) are transporting students in a bus
2 manufactured before 1977;

3 (B) have a strained fleet of school buses;
4 or

5 (C) serve a school that is required, under
6 section 1116(b)(9) of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 6316(b)(9)), to provide transportation to stu-
9 dents to enable the students to transfer to an-
10 other public school served by the rural local
11 educational agency.

12 (d) PAYMENTS; FEDERAL SHARE.—

13 (1) PAYMENTS.—The Secretary shall pay to
14 each rural local educational agency having an appli-
15 cation approved under this section the Federal share
16 described in paragraph (2) of the cost of purchasing
17 such number of new school buses as is specified in
18 the approved application.

19 (2) FEDERAL SHARE.—The Federal share of
20 the cost of purchasing a new school bus under this
21 Act shall be 75 percent.

22 (e) FORMULA GRANTS UNDER SAFETEA-LU.—

23 Section 5311 of title 49, United States Code, is amended
24 by inserting at the end the following:

1 “(j) RURAL SCHOOL TRANSPORTATION.—The Sec-
2 retary may expand not to exceed 5 percent of amounts
3 made available under this section to carry out the Bus
4 Utility and Safety in School Transportation Opportunity
5 and Purchasing Act of 2008.”.

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