

proposed requirements would not be burdensome to them because we are providing a three year phase-in period for compliance with one exception pertaining to training for current Head Start drivers, for which we propose a 90 day compliance period. The financial burden on grantees who acquire vehicles that meet the standards in these proposed regulations will be eased by a new provision in the Head Start Act which authorizes the Secretary to allow Head Start grantees to use grant funds to pay the cost of amortizing the principal and the interest on loans to finance the purchase of vehicles (42 U.S.C 9839(g)(2)(C)). We also believe that as grantees become more familiar with these requirements, there will be no ongoing burden. For these reasons, the Secretary certifies that these rules will not have a significant impact on substantial numbers of small entities.

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record-keeping requirement inherent in a proposed or final rule. This NPRM contains new information collection requirements at § 1310.10(b). We will submit this section to OMB for review and approval.

Organizations and individuals desiring to submit comments on this NPRM's compliance with the Paperwork Reduction Act should direct them to the agency official designated for this purpose, whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3002), Washington, DC. 20503, Attention: Desk Officer for the Administration for Children and Families, HHS.

#### **List of Subjects in 45 CFR Part 1310**

Driver qualifications, Driver training, Head Start, Safety education, Transportation, Vehicles.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: June 9, 1995.

**Mary Jo Bane,**

*Assistant Secretary for Children and Families.*

For the reasons set forth in the preamble, a new part 1310 is proposed to be added to 45 CFR chapter XIII to read as follows:

## **PART 1310—HEAD START TRANSPORTATION**

### **Subpart A—General**

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### **Subpart B—Transportation Requirements**

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1310.22 Children with disabilities.

1310.23 Coordinated transportation.

**Authority:** 42 U.S.C. 9801 *et seq.*

### **Subpart A—General**

#### **§ 1310.1 Purpose.**

This part prescribes regulations implementing section 640(i) of the Head Start Act (42 U.S.C. 9801 *et seq.*) as it applies to grantees and delegate agencies operating Head Start programs under the Act. It prescribes new requirements for the transportation of Head Start children to and from the classroom and to special events, such as field trips and other group events, which take place away from the classroom but are an integral part of the scheduled activities for children. It describes the safety standards for vehicles used in the regular transportation of Head Start children, as well as the qualifications and training requirements for operators of those vehicles. It includes general training requirements for drivers in their overall responsibilities regarding children and parents in the daily operation of the program. It also defines the role of Head Start agencies in achieving greater cost effectiveness in the overall cost of providing transportation through participation in local efforts to develop coordinated transportation systems under the authority provided by section 644 (a) and (c).

#### **§ 1310.2 Applicability.**

(a) This rule applies to all Head Start grantees and delegate agencies that provide transportation services to enrolled children.

(b) Except for § 1310.13(f) which becomes effective 90 days from final publication, Head Start grantees and delegate agencies have up to three years from the effective date of this part to comply with all of the requirements of this part.

#### **§ 1310.3 Definitions.**

*Crossing control arm* means a device installed in the right side of the front bumper of the bus such that, when the door of the bus is opened to admit or discharge passengers, the control arm swings out for a distance of several feet and becomes an obstacle that children must walk around in crossing in front of the bus.

*Stop signal arm* means a device installed in the left side of the bus, octagonal in shape with white letters and border and a red background, and with a flashing lamp which is connected to the alternately flashing signal lamp circuits.

*Reverse beeper* means a device which automatically sounds an intermittent alarm whenever the bus is engaged in reverse.

*Type I seat belt* means a lap belt for pelvic restraint.

*Type II seat belt* means a combination of belts for pelvic and upper torso restraint.

*Driver* means a person authorized by the responsible Head Start program official to operate a school bus, including a paid employee, a volunteer or a substitute for the person regularly assigned to operate the vehicle.

*Guideline 17* means the National Highway Traffic Safety Administration (NHTSA)/Federal Highway Administration (FHWA) Highway Safety Program Guideline 17, "Pupil Transportation Safety" (23 CFR Part 1204).

*Commercial Driver's License (CDL)* means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, to an individual which authorized the individual to operate a class of a commercial motor vehicle.

*Bus monitor* means a person with specific responsibilities for assisting the driver in insuring the safety of the children on and off the bus and for assisting the driver during emergencies.

*National Standards for School Buses and School Bus Operations* means the recommendations resulting from the Eleventh National Conference on School Transportation, May 1990, published by the National Safety Council, Chicago, Illinois. The conference reconvenes every five years to update the standards.

*Winter packs* are devices that are available from vehicle manufacturers as extra equipment on vehicles that operate in areas of extreme cold temperatures. These devices help maintain the ambient temperature of the engine compartment in order to protect the engine oil and coolant from the effects of extreme cold and to facilitate starting of the vehicle.