



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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Our future is riding with us!

STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION TO THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS & MEANS COMMITTEE ON THE EXECUTIVE BUDGET PROPOSAL FOR STATE FISCAL YEAR 2018-2019

**PRESENTED BY: PETER F. MANNELLA, EXECUTIVE DIRECTOR
JANUARY 31, 2018**

The New York Association for Pupil Transportation (NYAPT) is a professional membership organization dedicated to the support, development and representation of the women and men who manage and oversee school transportation services all across the state.

I am Peter Mannella, and I am proud to serve as the Executive Director for NYAPT and to serve our more than 600 members across the state.

Our membership also includes representatives from public schools, private school bus contractors, BOCES and other non-profit education entities. Our school-based members either operate their own school buses or contract transportation services to private carriers in whole or in part. Ultimately, our members are responsible to the taxpayers for the efficient and safe transportation of more than 2.3 million children to and from school each day.

We are proud of the safety record that New York State's school transportation community has accomplished and we recognize that a great deal of the credit for that goes to those who drive and maintain our buses as well as those who dispatch and schedule our buses and those who train and prepare qualified bus drivers.

We come before you for this hearing pleased by many of the proposals set forth in the Governor's Budget message but also with comments and recommendations that build on those proposals and that help us ensure the continuation of that safety record. We will offer our statement in a format that discusses each important proposal enumerated in the Executive Budget.

Highlights of our Statement:

- *Transportation Aid 2018-2019: Support*
- *Transportation Aid 2019-2020/2% Cap: Oppose*
- *School Bus Driver Training Funds: Support*
- *Stop Arm Cameras: Support with Recommendations*
- *Increase Fines for Illegal Passing of School Buses: Support*
- *Change in Seat Belt Requirements for Some School Buses: Support*
- *Funding for Transportation of Students in Foster Care Settings: Seek Support*
- *Aid Allowed for Transportation of Pre-Kindergarten Students: Seek Support*
- *Aid Allowed for School Bus Monitors: Seek Support*

Transportation Aid 2018-2019

The Executive Budget proposes to continue the 'expense-based' format for providing Transportation Aid to school districts for costs related to meeting their statutory requirements for transporting students to and from school.

This year's Budget Proposal includes an increase of \$97.27 million for a new Transportation Aid total of \$19.09 billion. These amounts reflect costs incurred in the previous school year for which the district is now entitled to receive reimbursement for their actual and allowable costs. Aid is also wealth-adjusted with districts receiving between 6.5% and 90% reimbursement rates depending upon district wealth.

We Support the appropriation of \$19.09 billion and urge the Legislature to adopt a budget that includes that amount, as might be further adjusted by SED updated data. Maintaining Transportation Aid as a fully-funded expense-based aid is important to our being able to sustain our overall safety efforts for our Children.

Transportation Aid 2019-2020

The Executive Budget proposes a growth cap on Transportation Aid beginning with the 2019-2020 school year. NYAPT understands the current budget deficit situation in which the State finds itself and we want to be a good partner in addressing cost reductions and efficiencies.

However, we must express serious concerns over the Governor's proposal of capping Transportation Aid. At the core of our position is the reality that school transportation services are demand-driven and safety-sensitive.

In terms of the demand-driven nature of transportation, we provide school transportation services to all students living within the eligible area, as defined in Section 3635 of the Education Law. Annually, transportation managers and their school leadership develop transportation budgets that reflect cost-effective routing of school buses, prudent school bus purchasing decisions and driver employment levels to meet those statutory requirements.

During the school year, those budget plans are set aside when unplanned expenses, mandated expenses, occur.

For instance, school districts are required to transport students who are homeless up to 50 miles each way to school in accordance with the federal McKinney-Vento Act. Those students present themselves when their situation rises to the definition of homelessness and not as part of a budget plan.

Similarly, students with disabilities move into districts and require more intensive transportation support and often must be transported up to 50 miles to access their educational services. Again, they most often do not present themselves as part of a budget plan but as their needs dictate.

In recent months, districts are learning of their new-found responsibilities to provide transportation for students who are in the Foster Care system and require access to their school of origin while they are in the system. Once again, these children present when their needs and case requirements dictate and they are not planned for in the school budget.

These kinds of examples and others add to the annual and even daily volatility of the transportation operation and costs related to transportation services. To suggest that schools must continue to meet those demands and then subject the related costs to an Aid cap strikes us as unfair to the schools and to the children who need our services.

In terms of the safety-sensitive nature of transportation, our safety record relies on on-going and intensive training of drivers and attendants as well as investments in routing and security programs that keep our children safe. Districts do not invest in such expenses capriciously. In fact, most Transportation Supervisors will share with you that they are annually directed to do all they can to reduce their costs in favor of classroom-based needs. Capping costs for safety

practices can result in restrictions or reductions to those kinds of investments and potentially place our children at greater risk.

A more constructive approach to reducing state and local costs for school transportation would be to reconsider and modify the many mandates that are placed on transportation services. We have in previous years advocated for adjustments in the distances over which we transport many students with special needs, homeless students or students who are part of the foster care system. We have also recommended reductions in equipment mandated for installation on school buses. These kinds of steps would yield significant and recurring savings and merit your consideration in lieu of the proposed 2% cap.

For these and other related reasons, we oppose this 2% Aid Cap on school transportation aid and the other expense-based aids for the out-year budgets. We urge the Legislature not to accept such a cap as it could adversely affect the safety interests of our children and our strong safety record in New York.

School Bus Driver Training Funds

The Executive Budget includes an appropriation of \$400,000 to continue the benefits of the SED School Bus Driver Training Program. We appreciate the continued support for this important program and we urge the Legislature to support the program at that level at the minimum.

NYAPT believes that there is ample need for school bus driver training that has not been addressed and has endorsed an increase to \$500,000 for the coming fiscal year. When incidents happen on school buses, parents and the media ask frequently “aren’t these drivers trained about this?” It is important that we do as so many private companies do and develop and implement serious and high quality training for the men and women who transport our children on yellow buses each day.

We support the \$400,000 appropriation and continue to seek additional funds to meet the need for training of our school bus drivers.

Stop Arm Cameras for School Buses

The Executive Budget includes provisions to authorize the installation of ‘stop arm cameras’ on school buses and further authorization for tickets to be issued with images from those cameras to motorists who illegally pass stopped school buses (Section 1174 of the Vehicle and Traffic Law).

NYAPT strongly supports such authorization to implement a stop arm camera enforcement capacity in New York State. Thirteen other states have undertaken to implement similar programs and have attested to good results in terms of lessening illegal passing as well as in generating revenues from related fines.

We share our concern that the budget bill language does not allow for Transportation Aid for the costs of installing and managing those cameras and the images they generate. We understand that the budget bill allows for revenues to be received by local school districts from the fines levied and that those funds could help offset the costs of the equipment. We also know that some districts will have the option of utilizing 3rd party vendors to help with the costs and program administration. But not all will find that an appropriate option. Our concern is that the lack of aid reimbursements in a time of restricted state and local funds will prove to be a disincentive for districts to advance this new opportunity.

This is a critical step for New York State where we have a clear and present danger to all children riding on yellow school buses. NYAPT’s monthly surveys of school bus drivers indicated an average of 40,000 illegal passes PER DAY in our state.

It is difficult to enforce the law when the only witness to violations is a school bus driver charged with the safe transportation of the children on his or her school bus. In lieu of extra police officers or monitors on school buses, this legislation offers the only reasonable alternative to allowing motorists to simply get away with breaking a law that was enacted to protect our children from injury or even death.

We have supported the legislation that has been offered by Senator Young (S518) and Assemblyman Magnarelli (A321) in recent years that would accomplish the same objective of allowing cameras on school buses for this purpose. We thank them for their support on this critical issue.

We support with recommendations the stop arm camera proposal in the Executive Budget Proposal. Our principal recommendation would be to allow transportation aid to support the installation of the stop arm cameras on school buses.

Increases in Fines for Illegal Passing of School Buses

The Executive Budget includes proposed language that would significantly increase the fines to be charged to motorists convicted of passing stopped school buses in violation of Section 1174 of the Vehicle and Traffic Law.

The problem of illegal passing of school buses is an increasing and menacing problem. Our estimates of 50,000 illegal passes per day are remarkably consistent and frightening for our school bus drivers, parents and, most of all, our children...whose lives are at risk every day.

Imposing more substantial fines on convicted violators is an important step toward reducing the problem as well as punishing those who would endanger our children. We have supported several bills in the State Legislature that would accomplish this same objective and thank the legislators who have sponsored them in recent years.

We support the increases in fines and penalties as proposed in the Executive Budget.

Changes in Seat Belt Requirements for School Buses

The Executive Budget proposes changes to Section 1229 of the Vehicle and Traffic Law related to the use of seat belts on so-called 'non-compliant' vehicles being used as school buses. Many operators deploy SUVs, Suburbans, and mini-vans for some routes, particularly those with low ridership or longer distances. It is these vehicles that the amended section refers to.

Simply put, the changes would bring the requirements for such school vehicles into line with other similar vehicles to require that children under the age of 8 must fasten their seat belts in the rear seats of the vehicles. Current law requires such use of the belts only up to the age of 7 on these school vehicles used in lieu of school buses.

We support these amendments to Section 1229 as proposed in the Executive Budget and urge their adoption by the Legislature.

Funding for Transportation of Students in Foster Care Settings

A new issue that has arisen in the wake of implementation for the Every Student Succeeds Act (ESSA) legislation. That issue focuses on addressing the needs of students in the Foster Care system.

The local Child Welfare agencies have the primary responsibility to ensure these children in need have access to their education and to arrange for transportation services to be provided to further ensure that access. Those agencies also have resources that could support the costs of

transportation services but they are often not sufficient to cover the costs entirely. In providing the transportation to these children, districts will find that they are not eligible for Transportation Aid to support their costs. For that reason, we are asking that such transportation costs be deemed eligible for Aid when the Child Welfare agency cannot fully fund the costs with the district.

We urge the Legislature to include language in this budget that would ***ensure that school districts can seek reimbursement for the transportation costs associated with Foster Care students*** where such costs are not borne, as intended, by local Child Welfare agencies.

Aid Allowed for Transportation of Pre-Kindergarten Students

NYAPT has advocated for several years before this Legislature, the Governor and the Board of Regents in support of providing Transportation Aid to reimburse school districts for costs associated with transporting Pre-Kindergarten students to and from their program sites.

Once again, this funding has not been included in the Executive Budget. Moreover the Board of Regents did not include such funding as a recommendation in their School Aid proposal. They have called for a study to be completed to arrive at an estimate of the fiscal impact of such transportation aid. We welcome that concept as a first step in perhaps resolving this issue in the next budget year. But we also urge this Legislature to consider an addition of funding to assist districts in providing transportation to these children. The lack of transportation (often caused by the lack of funding support) has an adverse impact on the capacity of districts to offer the program and for parents to get their children to the program sites.

For the future success of the Pre-Kindergarten programs, this issue needs to be addressed as soon as possible. We support legislation by Senator Marchione (S5355) and Assemblywoman Fahy (A1762) that would accomplish this objective, and we call your attention to that legislation as an approach to including funding in this budget.

Aid Allowed for School Bus Monitors

Bullying. Unauthorized boardings on school buses. Behavioral issues on school buses. Pre-Kindergarten and early childhood students on school buses.

These are several social trends that are beginning to demonstrate and increased need for an additional adult or adults on school buses to assist the drivers and the children as well.

Current law allows districts to receive Aid only for those attendants whose services are mandated in a student's IEP plan. Monitors who are employed to assist in security matters or behavioral matters or to assist younger children on the school bus remain ineligible for aid.

Referring to the list of topics that opened this section: school bus drivers are limited in their capacity from the front of the bus to manage and handle bullying on their buses. Moreover, they are also limited in their ability to deal safely with other adults or individuals boarding their bus and causing verbal or physical problems. Additionally, as we increase the numbers of 3- and 4-year old children riding school buses, we need to address their safety needs as well. All these scenarios would benefit from another adult's presence on the school bus, but the costs for doing so are not eligible for aid under current law.

NYAPT believes that it is time to consider these employees as a valuable and important part of the school bus safety equation. Accordingly, we believe they should be included among the allowable expenditures for school districts under Transportation Aid.

CLOSING

Whenever any of us watches the morning news or the weather from our homes, we are very likely to see a yellow school bus in the background of any story. That is because the school bus is everywhere...taking children to school or returning them home at night to their families.

We are proud of the yellow school bus and we hope that you, as legislators, also recognize the value of school buses in our schools and communities. Without the school bus, access to education would be more difficult for many in our society.

Indeed, it has been the yellow school bus that has enabled urban children to get to school safely through city streets, rural children to close long distances to get to their schools, students with disabilities to get to school safely and on school buses with all the other children, homeless and foster care children to continue at their school of origin and not feel their education suffer because of their plight in society.

Yes, we are proud of our role in attaining our strong safety record. We hope you share that pride and satisfaction and that you will support us in our efforts to do better and better every day For the Children of New York.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Peter F. Mannella". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter F. Mannella
Executive Director