



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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Our future is riding with us!

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OPERATION SAFE STOP DAY 2017

April 27, 2017 is **OPERATION SAFE STOP DAY** in New York State. The New York Association for Pupil Transportation is proud to be coordinating Safe Stop events in the State for the 24th year since its inception in 1993.

During Operation Safe Stop Day, local police officers, county sheriff patrols and State Police officers will monitor traffic around school buses and be on the alert for motorists who are illegally passing those school buses. Their efforts will focus on bus stops in areas that school officials indicate are problem areas for their school buses and that present real dangers for our children.

“NYAPT wants to thank all those thousands of motorists who STOP for stopped school buses. We appreciate the respect you show for our children and for those yellow buses. But we are still deeply concerned that literally thousands of New Yorkers put our children at serious risk every day by NOT stopping in accordance with the law,” noted NYAPT President, Lori Ann Savino, Jericho Public Schools. “NYAPT joins with all who care about the safety of our children in working together to eliminate illegal passing in New York State. We annually observe OPERATION SAFE STOP DAY simply because illegal passing places our children at risk each and every time they board or leave their school bus.”

“In our monthly ‘Count Days’ where school bus drivers report on how many times they have been passed on that single day, we are averaging 42,075 illegal passes per day in this 2016-17 school year. When parents send their children to school, they should not fear for their safety because of another motorist’s careless and reckless behavior. We urge motorists to STOP when the bus has its red lights flashing, which signals that students are boarding or departing school buses. One of those students could be a neighbor or a member of your family,” noted NYAPT Executive Director, Peter Mannella.

NYAPT Operation Safe Stop Chair, Michael Klenotiz, Oneida City SD, said that “we thank the dozens of state and local police agencies and sheriff patrols who are working in cooperation with school districts and school bus operators all across the state today to protect our children. In every corner of our state, we work as a team with our police partners to keep our precious children safe from harm. It’s a great partnership for our Children.”

NYAPT urges all motorists to come to a complete stop when approaching a school bus that has its red lights flashing and stop arms extended. It’s a matter of life and death for our children.

NYAPT’s 2017 press event will be held at Union-Endicott High School at 9:30 AM on 4/27/2017. Local press events are also being held in several other parts of the State. Local contacts are available on request.

ATTACHED IS DISCUSSION PAPER ON THE ISSUE OF ILLEGAL PASSING.



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Identifying and Prosecuting Section 1174 (Vehicle and Traffic Law) Violators

Introduction to the Issue

The New York Association for Pupil Transportation has long identified violations of Section 1174 of the Vehicle and Traffic Law (also known as “illegal passing”) as one of the most dangerous of the traffic safety issues facing our state. Violators of this section of our state’s laws commit the crime when they move past a school bus that has stopped to pick up or discharge passengers as evidenced by its flashing red lights. Most school buses also now display a large red STOP arm on the road side of the vehicle indicating to motorists that they should stop for the school bus.

NYAPT estimates that this violation occurs as many as 50,000 times each day. While this has not been scientifically proven, we have conducted samples and demonstration projects that generally back up that assumption. For instance, in a demonstration project supported by the Governor’s Traffic Safety Committee and the NHTSA in the City of Syracuse School District, we observed an average of 1.6 motorists per day passing the school bus equipped with an ELSAG digital license plate reader. Whether it is 50,000 incidents or more or less, we know from school bus driver experiences and witnesses that it occurs at high rates across the state, regardless of location.

This paper is intended to provide a summary of the law and how we currently are required to enforce it under Section 1174 of the Vehicle and Traffic Law.

Provisions of the Current Law

In simple terms, Section 1174 of the NYS Vehicle and Traffic Law provides that ALL vehicles approaching a school bus that is stopped with its red lights engaged must STOP for that school bus – on all roads and in all directions.

See [LINK](#) to actual text of the law.

How School Bus Drivers Approach a Bus Stop

School bus drivers are prepared to pick up and discharge students with the goal of ensuring the safety of those students, but also in recognition that they are not the only vehicles on the road and must be considerate and respectful of other motorists and road conditions.

Accordingly, school bus drivers are trained as follows:

At approximately 300 feet from their stop, school bus drivers engage the yellow (amber) flashing lights and begin to slow the school bus down;

As the school bus reaches the intended stop, the school bus driver will engage the brakes to bring the school bus to a stop. Drivers are trained to remain in the driving lane and to not pull the school bus over to the curb. They are also trained to not bring the school bus to a stop on a diagonal to obstruct traffic.

Upon preparing to open the doors of the school bus to load or discharge students, the driver will set the parking brake and use all appropriate mirrors to observe traffic and to ensure that no vehicles are violating the area around the school bus. At that moment when the driver is certain it is safe to begin loading or discharging students, the driver will open the door which automatically engages the flashing red lights and the STOP arm(s). During this process, the driver is also in visual and oral communication with the students who are instructed to observe the driver and listen to the driver's instructions.

Upon completion of loading or unloading, the driver will close the door which also disengages the red flashing lights and the STOP arms, disengage the parking brake, and then move away from the stop when it is safe to do so.

How Students Are Prepared to Approach Their School Bus

Students are trained through three annual school bus safety drills on safe boarding and disembarking from a school bus. These practices are reinforced by the driver daily. For purposes of this report on illegal passing, motorists should understand that students are trained to array in single file at the bus stop and to board the bus on the instructions of the driver when the doors are opened.

Students who are required to cross a street to board or depart their school bus are instructed to cross at a distance that is 10 feet in front of the bus so that the school bus driver is able to see them and they are able to see the bus driver. Students are also instructed to await a Universal Crossing Signal from the school bus driver that tells them it is safe to cross the street. (*A special note: data shows that the school bus-related fatality rate has declined dramatically since the mid-1980s when the Universal Crossing Signal was instituted as standard practice in New York State. This includes 13 years in which there were no recorded fatalities.*) Students are also trained to look both ways as they cross and to be alert for a horn blast from the bus driver in the event that a vehicle suddenly approaches, requiring them to retreat to the curb.

Upon discharge from the school bus at their stop, they are instructed to move at least 15 feet away from the school bus immediately so that the driver knows they are outside the danger zones of the school bus and away from the road and traffic.

How the School Bus Is Equipped for These Purposes

Visibility:

Every school bus has one major attribute that contributes to its visibility: its National School Bus Chrome (sometimes known as 'Chrome Yellow') coloring. That color was selected by a group of engineers and educators who were convened by New Yorker and Columbia University professor Frank W. Cyr in 1939 for the specific purpose of finding ways to enhance school bus safety. That specific color was selected for its visibility and uniqueness and remains to this day an iconic part of the school bus and a recognizable feature in our communities.

Size:

School buses also benefit by being large and prominent vehicles in their construction and design. Type C and Type D school buses are often 40-45 feet long, about 8 feet across, and 9-11 feet high. Type B school buses are the same width and height but are generally shorter in length. Type A-1 and Type A-2 school buses are smaller in all dimensions but are characterized by the National School Bus Chrome coloring.

This size factor in combination with the distinct coloring makes the school bus stand out in any traffic situation and environment. If a motorist is attending to traffic and his or her surroundings, it becomes highly unlikely that he or she would not see the school bus in the path of their vehicle. This assumption is being tested in recent years as more and more motorists are distracted by telecommunications devices while driving. This underscores the reason why NYAPT is very supportive of measures to reduce “distracted driving” and has adopted a position paper that states our opposition to school bus drivers using such telecommunications devices while driving a school bus.

Lighting:

The school bus is equipped with special lighting packages intended to draw attention to the bus (*School Bus Alternately Flashing Signal Lamps* per Federal Motor Vehicle Safety Standards), and specifically relate to the requirement to STOP for a school bus that is loading or discharging students. Those so-called “8-way” lights are RED and flash alternately from left to right in the front and rear of the school bus. The school bus is also equipped with yellow flashing lights that are engaged manually by the driver when approaching a scheduled stop.

Therefore, the lights on a school bus act much like traffic signals at intersections in roadways. That is to say, as the school bus approaches the intended stop, the driver will engage yellow flashing lights that indicate the bus will be stopping soon. Similar to the yellow ‘caution’ light on a traffic signal, these lights tell the motorist to slow down and be prepared to stop. They do not tell the motorist to speed up and rush past the school bus.

Once the bus reaches its intended stop, the driver will open the doors of the bus and the red flashing lights will engage indicating that a full STOP is required for all motorists approaching the bus from either direction. Those lights will remain on until the driver shuts the doors of the bus to proceed on the bus route.

Signage:

The yellow school bus is equipped with several signage elements that remind and alert the motorist to STOP when the school bus is picking up or discharging students.

These include STOP ARMS mounted on the road (or driver) side of the bus. On larger school buses, there are two such signs with one toward the front and one closer to the rear of the bus. Some school buses include STOP ARMS on the curb (or passenger) side of the bus as well. These signs extend from the side of the school bus and are lit with LED lighting to draw attention to them.

School buses are also marked with reflective material along the rear doors. These markings were added as a mandated feature on the school bus to help emergency responders identify access points on the school bus. They have the added benefit of alerting motorists who are approaching the bus from the rear at dusk or in the evening hours.

Tickets by Police Officers

Individuals who pass a stopped school bus and are apprehended by a police officer will be issued a summons to appear in court to resolve the summons. State Police, County Sheriff departments and local police agencies all have close working relationships with school transportation officials in an effort to identify areas in which the incidence of illegal passing is excessive and in efforts to educate the public about the risks of illegal passing.

Since 1993, the New York Association for Pupil Transportation and other school bus safety advocates have partnered with law enforcement agencies at the state, county and local levels in a program known as **“OPERATION SAFE STOP.”** This program is conducted annually as an education and enhanced enforcement opportunity to call attention to the dangers of illegal passing and also results in an intensifying of police efforts to issue summons to violators of this law.

Reports of Passing by School Bus Drivers

Individuals who pass a stopped school bus may be identified to law enforcement agencies through action of the affected school bus driver. Under current state law, school bus drivers may file a report form provided by the state attesting that a motorist passed their school bus while it was stopped to pick up or discharge students.

This report must include several details such as: license plate number, the location of the incident, the make of the vehicle, the color of the vehicle, the date and time of the incident and, wherever possible, a description of the driver of the vehicle. The school bus drivers file Form DS103 with the Department of Motor Vehicles which sends a written warning to the registered owner of the vehicle reported. In the past twelve months, school bus drivers have filed nearly 3,000 DS-103 forms with DMV and each of those registered motorists have received a letter from DMV.

Potential Fines and Punishment

The law allows for significant fines to be levied on an individual convicted of violating Section 1174 of the Vehicle and Traffic Law. The monetary and 'points' penalties are among the highest for all traffic violations in New York State. Significantly, a conviction of violating 1174 carries a potential FIVE point penalty on an individual's drivers' license. This is a serious situation for the motorist as accumulated points affect the driver's continued status as a licensee and also has implications for auto insurance premiums.

The fine structure is as follows:

OFFENSE	FINE	POINTS	IMPRISONMENT
First Offense	\$250 min-\$400 max	5	up to 30 days
Second Offense	\$600 min-\$750 max	5	up to 180 days
Third Offense	\$750 min-\$1,000 max	5	up to 180 days

Summary

School bus travel has been determined by research conducted by the Transportation Research Board and others to be the safest mode of transportation for our school children. That safety is attributable in large part to the design and construction of the school bus as well as to the training and performance of the school bus driver as well as the children who are a key element of the safety equation.

While we have done all we can to prevent illegal passing incidents, there is one major variable that the school bus industry cannot control and that is the behavior of motorists who make a choice and a decision to pass a stopped school bus and put our children at risk. We are dedicated to educating the public about school bus safety and the dangers of illegal passing as a means to dramatically reducing the incidence of such behavior that imperils our children each and every day of the school year.

For further information, please contact the New York Association for Pupil Transportation (Peter Mannella, Executive Director) at 518-463-4937 or visit our website at www.nyapt.org.

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