

# The VOICE AND VISION for PUPIL TRANSPORTATION in VIRGINIA



## JANUARY 2011 NEWSLETTER

**Editor: Bill Carr**

President: Michael Ashby, Hanover County

Vice President: Dwight Elam, Mecklenburg County

Secretary: James Day, Manassas Park

Treasurer: Kermit Shaffer, Spotsylvania County

Past President: David Pace, Virginia Beach City

### A Message from our President, Michael Ashby

Dear Colleagues:

We are into the fifth month of school and the days seem to be flying by. Many of the regions have met or will be meeting. It is very important for the regions to meet on a regular basis and for each director to attend. There is a lot of important information passed out at these meetings and discussed concerning the many facets of school transportation. Many times, those who attend the meetings find there are others experiencing the same issues and these meetings make a great platform for finding solutions.

The farther into the school year we go, the closer to the conference we are. The conference committee will be meeting to plan for the event which will be held in Norfolk. If there are any topics you want to see presented at the conference, you can e-mail me at [mashby@hcps.us](mailto:mashby@hcps.us) and I will be glad to place

them before the conference committee. Our conference is only as strong as the attendance and participation. I know many of us are still struggling with our budgets but, if at all possible, please make plans to attend. I hope to see everyone there.

Michael Ashby

### VAPT EXECUTIVE BOARD/COMMITTEE MEETING MINUTES October 21, 2010 ALBEMARLE COUNTY TRANSPORTATION FACILITY CHARLOTTESVILLE, VA



The October 21, 2010 meeting of the VAPT Executive Board and Committees was held at the Albemarle County transportation facility. The meeting was called to order by VAPT president, Michael Ashby who welcomed those in attendance.

Michael started by acknowledging we were near the end of school bus safety week, and passed around the original proclamation from the governor of Virginia. Then he recognized and congratulated Bob Clinebell for being chosen as the new Director of Transportation for the City of Norfolk. David Pace said it would be a loss for the City of Virginia Beach, but a gain for Norfolk.

#### **SECRETARY'S REPORT**

The Secretary's report from the August 5, 2010 meeting was presented to the board by Michael Ashby in the absence of James Day, and accepted as written.

## **TREASURER'S REPORT**

Kermit Shaffer presented the Treasurer's Report. He reported total VAPT assets of \$244,950.30. Of that amount, \$104,875.14 was the balance in the checking account, \$27,845.87 was the balance in the "Business Interest Maximizer Account", and there were funds in the amount of \$112,229.77 in the Allstate Annuity that supports the scholarship fund.

Then David Pace moved the treasurer's report be accepted and the motion was seconded by Rebecca Mummau.

Following the report, there was a discussion about the requirement for poster winners to have a social security number for their savings bond, since some students do not have one. It was suggested they be given a check, but that opened up more discussion about the face value of the bond versus the mature value.

As a result, David Pace made a motion that "The VAPT board will not issue a personal check to students who are poster winners if they refuse to give the board their social security number".

Discussion of the motion followed:

- Ed Bishop pointed out that some students are not citizens, so they don't have a social security number.
- David Pace said that the board approved a bond, so therefore it has to be a bond, or the board has to formally change that to something else.
- Kermit Shaffer said it would be easier to write a check.
- Charmane White amended the motion to change the policy to give the winner a check in the future.

After further discussion, all motions were withdrawn and David Pace made a new motion as follows: "Provide the option to award each winner of the poster contest a savings bond or the cash equivalent if the prefer, and give the treasurer the option to

retroactively do that for the past years winners". The motion was seconded by Floyd Miles and passed by the board.

**DOE UPDATE** – No report.

## **OLD BUSINESS**

**Calendar Update** – There are extra calendars available. Contact Michael Ashby.

**Taxes** – It was discussed that there needs to be another person, in addition to David Pace and Kermit Shaffer, that will be available for the next few years to continue taking care of preparing and filing taxes for the VAPT organization. No specific person was named or chosen.

**Investment Person Update** – Kermit Shaffer said he has not been able to contact the investment rep. He is working through Suntrust Bank to resolve the issue.

## **NEW BUSINESS**

### **1. 2011 Norfolk Conference Ideas**

- Michael Ashby requested ideas for the program that will make the conference meaningful.
- Dwight Elam is in charge of the conference program
- The May meeting will be held in Norfolk at the Marriott to make final plans
- David Pace distributed a preliminary conference program with discussion of the following:
  - NAPT Professional Development courses – which ones should be offered?
  - Some courses are mandatory for certifications (see on NAPT website)
  - Michael Ashby will send choices to region directors for them to survey their region
  - Dinner – the hotel will be offering to provide food for Wednesday evening. Do we want a formal dinner or a presidents 'walk around reception' similar to past years? This needs to

be decided because it makes a difference in the program. David will check with John Hazelette to see what exactly the hotel is offering.

- Michael Ashby suggested we should make the decision on the dinner now and then make a deal with the hotel.

- David Pace commented that having the first general session as a dinner like VAPT did at the convention last year was a good way to kick off the conference.

- There was discussion on securing a keynote speaker. Some were in favor of Glen Ward, a speaker they had heard at the SESPTC convention. His fee is \$2,750 plus expenses of approximately \$300.

A motion was made to give Dwight Elam the authority to check on the availability of booking Glen Ward as a speaker, and to have him negotiate expenses for Mr. Ward to be the keynote speaker at the first general session. The motion was seconded by David Pace and approved.

-Vendors have indicated they will provide the same support as they have in the past.

-Road-e-o Issues:

- At the last road-e-o, they ran out of food before everyone ate.

- Need to make plans for VAPT to accommodate the extra expense.

- Discussion of lunch being advertised for registered guests, contestants and judges only.

- Suggestion was made for the board to check into the possibility of securing a vendor to

- sell food to other spectators so they could get something to eat on site.

-Breakout Sessions suggested:

- Mike Martin suggested as a possible speaker

- Someone suggested bullying as a subject and the general concession was positive

- McKinney-Vento was suggested as a good topic and one that is needed.

- Gangs were another subject of interest. There is a good speaker in Norfolk.

- Special Needs transportation: Barry Sudduth suggested Jean Zimmerman would be a

- good speaker for this.

- Hiring drivers

- Budget

- Use of technology for video surveillance, routing, GPS, and time management

- DOE Operation Assessment – what it includes

- Mentors needed for new transportation directors and more hands on training. What

- Directors are expected to do day-to-day. Panel discussion would be good.

- Student management

## **2. 2012 Conference**

Conference at Wyndham Hotel in Roanoke. May use the Holiday Inn as well.

## **3. Registration with NAPT**

Michael Ashby will be checking on the registration process and will present it at the December meeting. Last year's seemed cumbersome to some.

## **4. Fee Charges for Registration –**

discussion of fee structure for technicians, spouses, children, etc. No decisions made. Suggested it be tabled until the next meeting.

**5. Name Tags** - Brenda Huband from Chesterfield will continue making the name tags for our conference.

## **6. Q'Straint and Sure-Lok Awards –**

Region Directors are requested to remind their regions that contestants are needed. Last year Hanover County received both awards and Michael Ashby would like to see some more competition for this.

## **7. "Virginia's Best Technician" –**

Discussion on the possibility of helping with travel expenses for the winner to be represented at the national competition. It was mentioned that NAPT should only pay for the registration fee, the same as for Road-e-o contestants. Then it was suggested that discussion be tabled until the

December meeting to discuss reimbursement amounts for both events.

**8. Supporting the Agenda** – no discussion.

**9. Conference Guest Activities**

**Committee** – Discussion on whether it should be eliminated due to lack of interest. David Pace moved that “NAPT will eliminate the guest activity committee”. It was seconded by Ed Bishop and the motion passed.

**10. Increase the Amount of the Scholarship** – Discussion regarding increasing the scholarship amount or leaving the amount the same and adding an additional recipient. It was recommended that Linwood Horne needs to meet with the scholarship committee and make a recommendation to the VAPT board in writing regarding the amount and number of scholarships.

**11. Procedural Manual** – Barry Sudduth said the manual needs to be reviewed. The last time it was reviewed was 1995. David Pace suggested that each committee chair person make recommendations. It was decided that the current manual needed to be sent out to each committee chair and ask them for updates that would then be presented to the board for revisions where needed.

**COMMITTEE REPORTS**

**Audit** – No report

**Conference guest activities** – No report

**Constitution/Bylaws/Website** – No report

**Membership** – Bertha Thomas reported there are 248 members and 33 vendors (which includes 2 new ones).

**Nominating** – No report. Michael said the board will discuss the nomination of a new president at the December meeting. David Pace said we need a discussion of who will be willing and able to lead the organization. He said it is getting harder to find people who will step up to do the job.

**Resolutions** – No report

**Scholarship** – No report

**Hall of Fame** – No report

**Newsletter** – No report

**Position Paper/Procedural Manual**

(Previously discussed during New Business)

**Road-e-o** – No report

**Poster Contest** – Ann Pilson encouraged people to participate. She suggested the board add a high school category this year. That was tabled until the December meeting.

**Historian** – No report

**REGIONAL REPORTS**

**Region 1** – Floyd Miles. Had a meeting on October 12

**Region 2** – James Lash. The meeting was held a meeting on October 12 in Williamsburg. Topics included GPS systems and fuel costs. Discussed weather related events and NAPT.

**Region 3** – No report

**Region 4** – Ed Bishop. Meeting planned for October 28

**Region 5** – Charmane White had a meeting on October 12. Michael Brown from DOE made a presentation. FERPA was discussed. Next meeting will be November 9 in Lynchburg.

**Region 6** – Rebecca Mummau had meeting on October 13 at Salem City Schools. Michael Brown from DOE spoke to the group on important updates. We also had a presentation on the new Virginia State Motor Fuel Program which saves localities money by charging the same price at all stations, using the daily OPIS price.

**Region 7** – Tom Williams – no report

**Region 8** – Bill Mayhew had meeting on September 14 at Brunswick County. There was a presentation on the new Virginia State Motor Fuel Program and a presentation by Michael Brown and Dave Preston from Kingmor.

There was no further business so the meeting was adjourned. The next meeting is scheduled for Thursday, December 16, 2010 at 10:00 am at the Hanover County Transportation Department.

# News Related to School Buses

## Fuel Prices Jump

Source: *Light & Medium Truck*

Gasoline and diesel fuel prices hit two-year highs Monday as cold winter weather settled in over much of the country.

The national average retail price for diesel rose 3.5 cents to \$3.197 a gallon, the highest it has been since the fourth quarter of 2008, according to figures released by the Department of Energy.

The national average retail price of regular gasoline jumped 10 cents to \$2.958 a gallon, 32.4 cents a gallon higher than at the same time last year and the highest it has been since Oct. 13, 2008.

The DOE's Energy Information Administration estimated that regular-grade gasoline retail prices would average \$2.88 per gallon over the winter, 22 cents per gallon higher than last winter. Diesel was expected to average \$3.14 per gallon this winter, while residential heating oil prices are expected to average \$3.17 per gallon

## AUTOS: Feds Seek Rear-Camera Law

Source: *SPEED The Car Connection*

Safety agency wants all cars and trucks equipped with backup cameras by 2014.

By: Marty Padgett

**Rearview cameras could become standard equipment for all cars and trucks by 2014**, if a new proposal by the

federal Department of Transportation (DOT) makes its way into law.

The DOT is expected to require that all vehicles make available to drivers an unobstructed 180-degree rear view of their car's surroundings when the car is in reverse gear. Given the hard points of today's vehicles, the rule would essentially require standard rearview cameras like those embedded in rearview mirrors or those that display inside a navigation-system screen.

The DOT's vehicle-safety agency, the National Highway Traffic Safety Administration (NHTSA), says that nearly 300 people die each year as a result of backup accidents. NHTSA also attributes 18,000 injuries to the scenario, pointing out that children and elderly pedestrians are in the highest-risk group for backup accidents.

Underscoring the move, *Consumer Reports* today issued a report from its test of blind-spot zones on vehicles. By placing a toddler-height cone behind different vehicles and at different distances behind the vehicle, the publication found that blind spots on SUVs are particularly troubling, while those of small sports cars are better for preventing backup accidents.

NHTSA and DOT will likely phase in their new rules beginning in 2012, with all new vehicles sold after September 2014 held to the new standard-camera requirement.

## NHTSA Study Shows Dramatic Gains in Seatbelt Use from Tougher Laws & Stiffer Fines

Source: *AASHTO Journal*

The National Highway Traffic Safety Administration last week released new research that shows that states that strengthen seatbelt laws and increase fines for unbuckled motorists see substantially increased seatbelt use.

NHTSA's study confirms that states that upgrade from a secondary to primary seatbelt law show belt use gains of 10 to 12 percentage points. It also shows that states that increase the fine for not wearing a safety belt from \$25, the national median, to \$60 show gains of 3 to 4 percentage points in belt use. Those that raise the penalty to \$100 show 6 to 7 percentage point gains.

"Seatbelts are the single most protective safety device ever invented for use in vehicles, saving thousands of lives each year," NHTSA Administrator David Strickland said in a statement. "Now our research proves that when states step up sanctions, they're rewarded with huge improvements in belt use."

The research was based on surveys of motorists' seatbelt use conducted by the states between 1997 and 2008. A summary report is available at [bit.ly/TT400](http://bit.ly/TT400)

The full 140-page report is available at [bit.ly/NHTSA811413](http://bit.ly/NHTSA811413)

*Questions regarding this article may be directed to editor@aaashtojournal.org.*

## Heads Up-- Loop Hole in Law??

By Tom Jackman

Washington Post Staff Writer

Tuesday, November 30, 2010; 10:17 PM



Virginia law on passing a stopped school bus has been clear for 40 years. Here - read it yourself:

"A person is guilty of reckless driving who fails

to stop, when approaching from **any direction**, any school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children."

Yes, drivers must stop for a school bus which is stopped.

Wait. Is something missing there?

Indeed. The preposition "at" was deleted in 1970 when the law was amended, the statute's history shows. And a man, who zipped past a school bus, while it was picking up children with its lights flashing and stop sign extended, was found not guilty recently by a Fairfax County Virginia Circuit Court judge.

"He can only be guilty if he failed to stop any school bus," Judge Marcus D. Williams said at the end of the brief trial of John G. Mendez, 45, of Woodbridge. "And there's no evidence he did."

Williams added, "I hope that this is addressed so we don't have to keep dealing with this."

And the Virginia General Assembly will address it. Told by a reporter of Mendez's acquittal, Del. David B. Albo (R-Fairfax) said: "That's not good. That's a very serious charge. That needs to be fixed."

Still, the flawed law will stay on the books at least until January, when the Virginia legislature reconvenes, and most new laws won't take effect until July. Albo, chairman of the House Courts of Justice Committee, said that if there is enough support to push the bill through in emergency fashion, the word change could take effect as soon as late January.

Reckless driving is not just a traffic violation - it's a criminal misdemeanor punishable by jail time and stiff fines.

Mendez probably wasn't looking at any jail time. Still, he had received the ticket in the middle of

a ridiculously bad morning - his tools were stolen and he was laid off his job before he passed the bus - and was thrilled by the judge's ruling, coming after argument from his attorney, Eric E. Clingan.

"Eric did his homework," Mendez said. "He did a lot of work and investigation into the statutes. . . . This is the greatest moment ever."

Clingan said he was not aware of the missing word in the statute until Mendez came into his office in June, shortly after he was ticketed on Hooes Road in the Springfield area. He said he took a look at the law, and "it just sort of jumped off the page at me." Clingan said Mendez couldn't afford his fee, so he agreed to take the case for free.

"I do believe there are judges who have taken people's licenses away for passing a school bus," Clingan said. "I hope, as much as anybody else, they'll fix this."

Clingan presented the argument first in Fairfax General District Court, where he said a judge told him that she was intrigued but wasn't buying it. He appealed to the Circuit Court.

Clingan handed up the statute to Williams, along with the "Acts of Assembly" from 1970, when the Virginia legislature changed what is now section 46.2-859. Somehow, nobody noticed the deletion of the word "at" in the following section. (Bolded words in brackets were deleted; italicized words were added.)

"A person shall be guilty of reckless driving who shall:

(f) Fail to stop, [at] when approaching from any direction, a school bus, whether publicly or privately owned, [and whether transporting children to, from, or in connection with a public or private school] which is stopped on [the] any highway or school driveway for the purpose of taking on or discharging children, [when approaching the same from any direction] and

to remain stopped until all children are clear of the highway or school driveway and the bus is put in motion."

Assistant Commonwealth's Attorney Katie Pavluchuk argued that the law clearly did not intend to require "having to stop the school bus. It's talking about this other vehicle coming towards the school bus. . . . The obvious intent of the statute is clear."

Clingan then pointed to Virginia Supreme Court case law, which says: "Courts are not permitted to add language to a statute nor are they 'permitted to accomplish the same result by judicial interpretation.' "

A 2005 state Supreme Court ruling written by Justice Barbara Keenan, now a federal appeals court judge, said that "we assume that the General Assembly's amendments to a statute are purposeful, rather than unnecessary."

Clingan then provided to Williams a grammatical analysis by E. Shelley Reid, an associate professor of English at George Mason University. Reid noted that the phrase "when approaching from any direction" is a nonrestrictive modifier and can be removed from the sentence. "As a result," Reid wrote, "the grammatical core of the first half of the sentence would read, 'A person is guilty of reckless driving who fails to stop any school bus. . . .' This is a cohesive, grammatically correct sentence that conveys a clear if not very reasonable meaning."

Williams then wondered aloud: "I don't know if there's some latitude" in divining the law's intent. "There probably isn't, because it's a criminal statute." And read literally, the judge said, he had to acquit Mendez.

The prosecution cannot appeal an acquittal.

Pavluchuk, who was simply handling the regular Thursday morning misdemeanor appeals docket, did not come prepared with case law

and professorial analysis, as Clingan did. But her boss, Fairfax Commonwealth's Attorney Raymond F. Morrogh, was ready when asked about it this week.

"I respectfully disagree with the decision," Morrogh said. He cited a U.S. Supreme Court case from 1892 that said, "If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity."

He also said a full reading of the law makes its intention clear and pointed to a Virginia Supreme Court case that said that "the plain, obvious, and rational meaning of a statute is always to be preferred to any curious, narrow, or strained construction." The court also wrote, "We must assume the legislature did not intend to do a vain and useless thing."

And then the Fairfax prosecutor tossed in his own analysis of the Mendez case, through a Japanese proverb: "Only lawyers and painters can turn white to black."

## **North Carolina governor signs bill on illegal school bus passing**

RALEIGH, N.C. — Governor Beverly Perdue signed into law a bill that targets motorists who pass stopped school buses.

The Nicolas Adkins School Bus Safety Act, named after a teen that was killed earlier this year as he was boarding his school bus, allows school districts to install cameras or video recording systems on school buses to catch motorists who pass while the school buses are loading or unloading students.

The footage from those devices can be used as evidence in prosecuting violators.

Under the law, any motorist who passes a stopped school bus and strikes a person will be guilty of a **Class I felony**. If striking the person results in a fatality, the motorist will be guilty of a **Class H felony**.

*News 14* reported that the law changes the **second offense from a Class I to a Class H felony, signifying that judges are "more likely to give jail time."**

The law took effect December 1, 2010 and applies to offenses committed on or after that date.

*Source: School Bus Fleet Magazine*

### **Board of Directors**

**Region 1** – Floyd Miles

Petersburg City

**Region 2** – James Lash

York County

**Region 3** –Dennis Newton

King George County

**Region 4** –Ed Bishop

Prince William County

**Region 5** –Charmane White

Albemarle County

**Region 6** –Rebecca Mummau

Montgomery County

**Region 7** –Tom Williams

Smyth County



**Region 8 –**

Bill Mayhew

Charlotte County

### **Standing Committees**

**Audit** - James Lash

**Conference** - Michael Ashby, Dwight Elam,  
David Pace

**Conference Site Selection** – John Hazelette

**Constitution/Bylaws** - Tim Parker

**Hall of Fame** – Bob Carter

**Historian** – Dwight Elam

**Legislative** - Harold Grimes

**Membership** - Bertha Thomas

**Newsletter** – Bill Carr

**Nominating** - Linwood Horne

**Poster** – Anne Pilson

**Resolution** - Michael Ashby

**Road-E-O** – Sharon Utley

**Scholarship** - Linwood Horne

**Web Site** – Tim Parker

### **Special Committees**

**Position Papers** – Barry Sudduth

**Procedural Manual** – Barry Sudduth

**Technicians** – Bob Clinebell

## **Putting a Stop to Illegal Passing....**

**With an increasing number of  
motorists passing school buses**

**illegally each day in the U.S.,  
school officials are turning to law  
enforcement, video technology and  
the media to counteract the high  
rate of stop arm violations, which  
unnecessarily put children’s lives  
in danger.**



We see the headlines every day, from all parts of the country. From the *Port St. Lucie (Fla.) News*: “St. Lucie County law enforcement says many bus stop accidents can be avoided.” From the *Lake County (Ill.) News-Sun*: “Police crack down on school bus passers.” From the *Times & Democrat* in Orangeburg, S.C.: “School openings mean more traffic, more crashes, more efforts to change trend.”

The news is full of stories warning motorists to be aware of school buses and students, especially at the beginning of the school year. Yet drivers continue to pass school buses illegally, putting law enforcement officials and pupil transportation professionals at their wits’ end. How to get through to the public that when the stop sign is out and the red lights are flashing, all vehicles must stop?

The Pupil Transportation Safety Institute recently issued a public service announcement, in which Syracuse (N.Y.) City School District Transportation Director Pat Bailey warns of the severity of the illegal-passing problem and urges motorists to stop when a school bus’ lights are flashing and the stop arm is activated.

In a guide to reducing illegal passing of the school bus, released by the National Highway Traffic Safety Administration, the agency cites reasons for the frequency of stop arm violations. Often, violations are not reported because it is difficult for school bus drivers to gather the information needed to prosecute motorists. In addition, the law goes not enforced in many areas because police officers are not on hand to catch violators. Lastly, the public is largely ignorant of the law prohibiting the passing of a school bus when the stop sign is activated and red lights are flashing; many are also not aware that the law applies to vehicles on both sides of the roadway.

“I think as long as you or I are on this earth, we’re going to continue to have [violations],” says Larry Bluthardt, Kansas state director of pupil transportation, “until it strikes home, where there’s a catastrophe, and then in that area, you’ll see everyone start to pay more attention.”

This lack of awareness on the part of motorists — who are often in a rush, driving on “autopilot” or distracted by cell phones or other devices — means that the problem will never disappear completely. But with the combined efforts of school officials, transportation experts, parents, police and communities, violations can be held at a minimum, reducing risk and saving lives.

### **Outreach to the public**

In North Carolina, the Department of Crime Control and Public Safety, in partnership with the Department of Public Instruction (DPI), has established “Operation Stop Arm” to crack down on violations.

According to Derek Graham, section chief of transportation services for the Department of Public Instruction, the Department of Public Instruction and the North Carolina State Highway Patrol has been working to reduce traffic violations around school buses during Operation Stop Arm for the past several years.

“It was precipitated when on a single day in two different counties, we had three students struck by passing motorists,” Graham says. There were

no fatalities, but law enforcement agencies were prompted to take action.

The departments held a joint press conference to kick off the safety-themed week and to raise public awareness about the problem of illegal passing. Then, throughout the week, state troopers followed school bus routes in marked and unmarked patrol cars to catch motorists in the act of running school bus stop signs.

North Carolina experienced six student fatalities during the period of 1999 to 2004. In 2007, State Troopers followed 1,260 buses and rode along on 23 buses during Operation Stop Arm, resulting in 17 tickets issued to motorists for passing a stopped school bus.

North Carolina’s DPI also maintains a school bus safety Website at [www.ncbussafety.org](http://www.ncbussafety.org) that provides links to statistics tracking stop arm violations in the state, articles from the media covering the issue, data collection forms for school bus drivers to use in reporting stop arm violations, and other resources.

**National School Bus Safety Week** — held each year during the third week of October — can also be a good time for communities to hold awareness events and publish notices in local newspapers to reach out to the public.

“Unfortunately, it doesn’t always get to all the people it needs to get to because there are just so many people on the road,” Kinney says. “It’s just like all the other traffic situations we have. Even now we have cameras that take your picture at the light-controlled signals, but that doesn’t stop people.”

### **Training for bus drivers and passengers**

With such a high level of risk from passing motorists, responsibility for protecting children during loading and unloading also lies with the school bus driver.

The state of New York requires drivers to learn a universal crossing signal that notifies children when it’s safe to cross the street. Jim Ellis, transportation director at Moravia (N.Y.) Central School District, helped create a guide to bus stop

safety (available online at [www.emsc.nysed.gov/schoolbus](http://www.emsc.nysed.gov/schoolbus); click on “SBSIOBSAAT”) that details safe crossing procedures. Training drivers to be aware of traffic conditions around the bus and to maintain eye contact with students waiting to cross is critical to ensuring their safety. Similarly, students also need to be trained to watch for the school bus driver’s signal, and to be aware of oncoming traffic during loading and unloading.

Many pupil transportation officials from California are proponents of the state’s requirement that school bus drivers escort elementary students who need to cross the street before boarding or after disembarking the bus. Officials from other states sometimes contend that this practice conflicts with laws prohibiting the driver from exiting the bus while students are on board.

### **Partnering with law enforcement**

Some municipalities require that the driver of the vehicle be identified in order to prosecute a stop arm violation. School bus drivers have been able to note the license plate number of the vehicle in many cases and identifying the owner of the vehicle, but getting a description of the driver is far more difficult, especially while behind the wheel of a school bus loaded with children.

Some school districts work with their city attorneys to enact an ordinance allowing violations to be prosecuted based on the reported license plate numbers. “They find the registered owner and mail the owner a notice to appear,” Bluthardt explains. However, “Some cities won’t allow it, because they need to identify the driver of the suspect vehicle. But school bus drivers are watching the students get on and off, who’s sitting down, who’s fighting on the bus and the other motorists around. And now you want them to see what color of hair that person has? It’s ridiculous.”

Bluthardt advises transportation directors that if they still face high numbers of stop arm violations after making an outreach effort to the public, they should invite the local chief of police or county sheriff to the next school board

meeting. “Have the members of the board and some of the bus drivers who are having this ongoing problem address the issue to the chief of police or county sheriff or both, and let them see the statistics.”

Bluthardt suggests that schools work with law enforcement to have officers watch the routes where the most infractions occur. Having an officer ride on the school bus and radio a unit parked nearby when an illegal pass is made is another effective way to catch motorists. Because police are practiced in reporting vehicles when a traffic violation occurs, they will be able to quickly identify and communicate the necessary information. If officers are present on certain routes for a week, or on unannounced days, the word starts to spread to the motoring public, Bluthardt says. “When they start doing the fine and court cost — and not only that, they’re being detained when they’re already late to work — that really seems to hurt.”

Kinney points out those drivers seem to go off autopilot when cops are out on the roads. “They seem to always come back to reality when there is a law enforcement car in the area,” he says. “Their mind is not wandering off about what they’re going to do at the store when they get there and go shopping.”

At Clay Community Schools in Brazil, Indiana, Director of Transportation Frank Misner says his drivers were getting frustrated with frequent stop arm violations, so he asked the police to get involved. For more than 10 years, Misner has been training drivers to contact the dispatcher with the license plate numbers of motorists who pass their buses illegally. “The police monitor our frequency, and if they are in the area, they will catch them on the spot,” he says. The dispatcher then notifies the local prosecutor, who contacts the owner of the vehicle.

Misner recommends that other districts get in touch with local law enforcement to work together in a similar manner. “Several of our local, county and state police have relatives that drive for us, so it was easy to get them involved,” he explains. As a result, Misner says

that the number of violations has decreased. “You will still have people who are in a hurry or not paying attention, but for the most part, [violations] are down.”

### **Devices and equipment**

Many companies and individuals involved in school bus security and video recording technology have begun engineering products to help prevent stop arm violations or to help law enforcement prosecute motorists who pass the school bus illegally.

The AlertStar system focuses on three areas of concern with regard to school bus safety: illegal passing, onboard incidents, and loading and unloading. The system includes exterior-mounted cameras to capture vehicle information of motorists who pass the bus illegally, an interior camera system to monitor onboard activities, and a system of LED lights and audible signals outside the bus to warn children to stay out of the danger zone during loading and unloading.

According to AlertStar Corp. Chairman Brian Wesley, the system can be customized to accommodate the needs of different school bus operations. In addition, AlertStar has been refining the system during a testing project at Mesa (Arizona) Public Schools (MPS). “Our tests have resulted in a number of improvements to our system, and we are now moving to our final phase that includes installation on 10 MPS school buses,” Wesley says.

He reports that in a 23-day period, a single bus experienced 104 violations, or an average of 4.5 violations per day. “That was 104 times in one month when children were unnecessarily and negligently put at risk,” Wesley says.

Cameras mounted on both sides of the bus photograph the driver and license plate of vehicles that pass the school bus illegally, whether they approach from the front or rear of the bus and then attempt to pass on either the left or right side. The photos are then sent to AlertStar’s processing center, matched with motor vehicle registration information and

forwarded to the local police department, much like stop light camera photos that are also subcontracted to third party processors. “We have trained, certified people that do the first step in the processing, but the final decision is always made by the appropriate law enforcement agency in the community,” Wesley explains.

In order to make the AlertStar system more affordable for school districts, revenue generated by paid citations is shared with the school to pay for and maintain the systems installed on each bus.

After the MPS testing project is complete, AlertStar plans to make the system available to other school districts beginning in 2009. “We already have six other communities that have indicated a real interest, so that’s our objective,” Wesley says.

As reported in *School Bus Fleet*’s November 2007 issue, Charles Bennett has designed a red flag that extends from the school bus’ stop sign and hangs in the path of passing traffic. A year later, Bennett’s device has attracted the attention of lawmakers in Louisiana.

State Rep. Jane Smith introduced a resolution asking the Louisiana Department of Education to conduct a study of devices and methods that could prevent illegal passing of school buses, including Bennett’s flag. The resolution passed both houses over the summer, Bennett reports, and he is waiting to hear from Department of Education officials about the study. After the study is completed, the department will issue a proposal to the Legislature as to what devices or methods should be required at school bus operations.

In designing and testing the flag, Bennett installed it on about 10 buses at Bossier Parish (La.) Schools, where he served as transportation director. After retiring, he redesigned the flag to improve the extension mechanism.

“It did work — it stopped traffic,” Bennett says. “Cars would turn around and follow the bus and apologize for running, when they did — it would

scare them to death. A red flag just automatically means stop or pay attention. And this is something they're not used to seeing."

In Kansas, some school districts have installed white strobes that are constantly illuminated, Bluthardt says. Despite some complaints from the public over the brightness of the lights, one of the districts had a major reduction in stop arm violations. "It was like something just lit up with drivers that said, 'Stay away,'" he says. "Whatever the case may be, it worked."

### **Legislative support**

Every state has school bus traffic violation laws on the books, but in recent years, many legislators have begun to introduce laws making penalties harsher or streamlining methods of reporting violators.

In Arkansas, state Sen. Kim Hendren introduced Act 718 of 2007, which allowed school authorities to report violations to the local prosecutor. But due to low reporting rates, Hendren plans to introduce amended language or a separate law to increase the number of violations that are reported and end up being prosecuted, and to improve overall school bus safety.

Hendren hopes to link some funding to enforcement of the laws prohibiting stop arm violations. He would also like to make it possible for motorists on the road to call 911 when they see another driver make an illegal pass. The proposed legislation would also include a requirement that all school buses have notices on the back instructing motorists to stop when the red lights are flashing, Hendren explains.

"Local prosecutors and sheriffs need to be held accountable to the public," Hendren says. "I continue to believe that the owner of the vehicle should be held responsible. This would eliminate this question of who was driving."

Hendren reports that the Huntsville (Arkansas) School District has installed cameras to monitor illegal passers and legislators are learning about the costs associated with the equipment based on

the experiences in Huntsville. "Advances in technology are making this tool more practical, and I hope we could get some taxpayer funds for this program," Hendren says.

In Rhode Island, both houses of the General Assembly recently passed legislation — the School Bus Safety Enforcement Act — authorizing schools to operate real-time, digital video camera systems to detect and monitor school bus law traffic violations. Under the law, schools will contract with private companies to install and maintain live video camera systems for the principal purpose of catching stop arm violators. Vendors will be reimbursed with revenue generated from paid tickets, receiving 75 percent of the funds. The remaining 25 percent is split evenly between the state's general fund and the municipality in which the violation occurred.

School buses in the state will have signs indicating the use of monitoring systems, and violators receive a \$300 fine and license suspension for up to 30 days.

SmartBus Live, a company producing live-feed digital video systems out of Providence, R.I., has begun installing cameras on school buses around the state. The live video feed is monitored by an attendant stationed at a central monitoring office, who marks places in the feed that show a vehicle passing the school bus illegally. The license plate numbers are then recorded and submitted to local law enforcement for ticketing.

*Source: National School Bus Loading & Unloading Survey 2006-2007, Kansas State Department of Education*

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### **A comprehensive resource**

The National Highway Traffic Safety Administration's "Best Practices Guide: Reducing Illegal Passing of School Buses" is available online at <http://www.nhtsa.dot.gov/people/injury/buses/2000schoolbus/index.htm>. The guide contains detailed information about the problem of illegal passing, including statistics from across the U.S.,

as well as descriptions of successful programs initiated by school districts and law enforcement agencies. The Website also lists resources for districts looking to start their own program to reduce illegal passing.

### **Case Study: New York assesses violation rates, warns motorists with license plate reader**

Earlier this year, the New York Association for Pupil Transportation (NYAPT) launched a pilot program with Syracuse (N.Y.) City School District (SCSD) to equip a school bus with a license plate reader that would capture vehicle information of motorists who pass the bus illegally.

Funding for the project was provided by a grant from the Governor's Traffic Safety Committee and the National Highway Traffic Safety Administration.

The pilot was held in conjunction with the state's Operation Safe Stop Day, when law enforcement agencies across the state partner with school districts to catch stop arm violations. After this year's event on April 2, police in 41 participating counties reported 1,171 violations. The license plate reader was unveiled at a media event that day and was installed on an SCSD school bus through June, for a total of two and a half months.

"The media in Syracuse was incredible covering what was going on with that bus so it was getting out to the public all the time," SCSD Transportation Director Patricia Bailey says. "We had press conferences every other week, and the media was there, reporting back on what's going on and how serious [the problem] is."

The reader, known as the Mobile Plate Hunter (or MPH-900) is manufactured by ELSAG North America in Greensboro, N.C. The automatic license plate recognition technology is activated when the school bus' stop arm is out and red lights are flashing, and it only records

information for vehicles that make an illegal pass, either approaching the vehicle from the front or behind, according to Luci Sheehan, the company's vice president of federal operations. "The police department gets a report with a picture of the plate, the time and date, and GPS coordinates of the incident," she explains.

NYAPT Executive Director Peter Mannella said in a podcast with ELSAG's parent company, Finmeccanica, that the association had estimated stop arm violations to be at about 50,000 per day across the state before the pilot program. After the program was completed, the number of reported violations put that estimate at closer to 80,000 per day. "We ran the bus for 41 days and had 68 illegal passes, which is just over one and a half a day," Mannella said.

In New York, law enforcement officials need the license plate number, make and model of the vehicle and a general description of the driver in order to prosecute a stop arm violation. Police in the state had been using ELSAG technology for other purposes. "We engineered it a little bit differently for the school bus," Sheehan says. The camera uses an infrared beam to detect the passing vehicle when the school bus' stop arm is activated.

NYAPT applied for a grant to address the problem of stop arm violations, motivated by the frustration of not being able to successfully prosecute violations due to a lack of necessary evidence. "We can't ask the drivers to get all this information," Mannella said. The license plate recognition technology being used by law enforcement was identified as a potential solution.

The school bus equipped with the Mobile Plate Hunter drove a different route each week to help assess traffic patterns in different areas of the city. Although the number of violations remains high, Bailey says her drivers have noticed motorists being more careful around school buses. "Passing was more prominent on streets that had several lanes instead of just one," she explains. "People are just busy, and they're not

paying attention. It's gotten a little bit better, though, I have to say."

"I think they were very smart in moving it around to get different behavior on different routes," Sheehan says. "I can see some routes where you would want [the equipment] all the time, and other routes where it's less of a problem where an occasional enforcement action might make sense."

Bailey believes that equipping about a tenth of a school district's fleet with cameras would balance route coverage with the high expenses associated with the technology. Then, she says, "Those buses go all throughout the area, people see them, the word gets out that people are getting tickets from these buses with cameras, and they just never know which ones have them."

To listen to the full 15-minute interview with New York Association for Pupil Transportation Executive Director Peter Mannella discussing the Syracuse City Schools license plate reader pilot project, visit <http://www.elsagna.com/news.asp>.

*SOURCE: School Bus Fleet Magazine*

## **HANOVER COUNTY PUBLIC SCHOOLS TRANSPORTATION PROFESSIONAL ACHIEVES CERTIFIED NATIONAL STATUS**

Linwood Horne, assistant director of transportation with Hanover County Public Schools, has become certified as a Director of Pupil Transportation. This accomplishment has enabled Horne to become the 141<sup>st</sup> person in the United States to earn certification through the National Association for Pupil Transportation (NAPT).

Making a career in transportation, Horne has worked in the industry for over thirty-four years. Starting as a school bus driver for Richmond City Public Schools while attending Virginia Commonwealth University, Horne held key leadership positions during his eight year tenure with Richmond, including supervisor of safety and training. In 1984, he went to work for Virginia Overland Transportation Company, a Richmond-based private transportation contractor. As Overland's operations manager, he was responsible for overseeing the daily transportation services for the school systems in Petersburg and Hopewell. In 1991, he was promoted to vice-president and general manager of the organization when the company acquired a transportation operation involving several private schools in the Tidewater Virginia area. In 1990-91, Horne served as president of the Virginia Association for Pupil Transportation, an organization which monitors the industry and provides information to transportation professional members throughout the Commonwealth. Horne returned to the public sector accepting a position as assistant director of pupil transportation with Albemarle County Public Schools. In August 2002, Horne accepted a similar job with Hanover County Schools, a position he has now occupied for more than eight years.

"I'm proud of the pupil transportation industry", said Horne "and I'm pleased to have had employment opportunities to participate and serve the industry over the years." Asked what he is most proud of, Horne replied, "the school bus itself. The school bus remains the safest

form of surface transportation in the United States,” he added. “School buses are designed, manufactured and operated for the safety and protection of pupil passengers.”

The NAPT Professional Certification Program was established in 1989 to recognize the achievements and expertise of individuals in various administrative positions within the transportation field. Through his efforts to earn certification, Horne was evaluated on his education, career experience, and achievements in the field of pupil transportation operations. In addition, he participated in a rigorous job-specific written examination that tested his knowledge of national standards for safe and efficient transportation



### WHO WERE THE VAPT PRESIDENTS DURING THESE DATES?

- 1997 \_\_\_\_\_
- 1998 \_\_\_\_\_
- 1999 \_\_\_\_\_
- 2000 \_\_\_\_\_
- 2001 \_\_\_\_\_
- 2002 \_\_\_\_\_
- 2003 \_\_\_\_\_

## SOMETHING YOU MAY WANT TO INCLUDE IN YOUR LOCAL SCHOOL BUS DRIVER NEWSLETTER

### SCHOOL BUS/TRAIN CRASH



### Who is at fault; the train engineer or the school bus driver?

Can you imagine how awful it would be if you were the driver of this school bus and children were seriously injured, crippled, or killed, and it happened because you failed to follow the procedure the State requires of school bus drivers at railroad crossings. How would you feel if you had to face the parents in court?

**An accident doesn't always just happen!** A school bus can be involved in a minor or major *accident* because the school bus driver did not do all he or she could have done to have avoided an accident even if was the other driver's fault. That comes under the category of not driving defensively.

**EVERYONE, ESPECIALLY SCHOOL BUS DRIVERS, MUST ALWAYS DO THEIR BEST TO PREVENT SCHOOL BUS ACCIDENTS.**