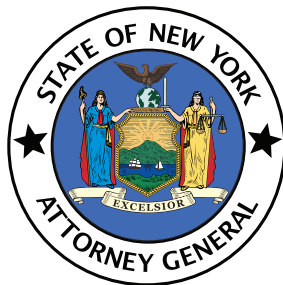


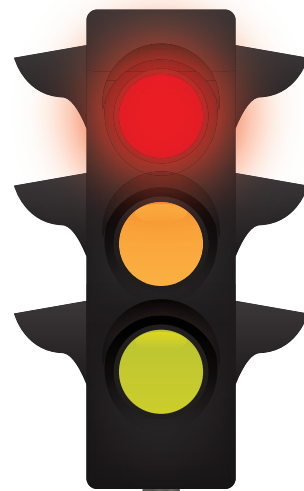
Wrong on Red:

Report on School Bus Traffic Light Violations

A Report from the Office of the
New York State Attorney General
Eric T. Schneiderman



October 2017



Introduction

Every school day, approximately 2.3 million students – ten percent of the nation’s students – ride New York’s 50,000-plus school buses.¹ The drivers entrusted with the significant responsibility of driving students to school do, in general, an excellent job.

Sadly, however, school bus accidents do occur, sometimes due to unsafe and potentially illegal acts by the bus driver. For example, on March 15, 2016, in Rome (Oneida County), a school bus driver struck the rear of a car that was stopped and attempting to make a left turn into a parking lot. One student was injured and the bus driver was issued a traffic citation for following too closely.² On November 22, 2016, in Ossining (Westchester County), a school bus crashed into a telephone pole injuring more than a dozen students.³ On May 17, 2017, in Schenectady (Schenectady County), a school bus making a right turn hit a mother and child who were crossing the street.⁴ On September 15, 2017, in the Town of Vienna (Oneida County), a school bus driver got distracted by a student on the bus causing the driver to drive into a ditch and strike a culvert.⁵

New York is by no means exceptional. From 2003-2012, 174 school aged children died in school transportation related crashes, 55 were occupants of school transportation vehicles and 119 were pedestrians (65% of those 119 were struck by school buses).⁶ Between 2000-2015, school buses were involved on average in 115 fatal crashes each year.⁷ Of those, 27 percent identified a driver related factor involving the school bus driver. These factors included careless driving and failure to follow the rules of the road. Although school bus crashes are a very low percentage of all fatal motor vehicle crashes due to the comprehensive statutory scheme regarding licensing, vehicle standards, and vehicle inspections, more can and should be done to protect our children.

Because school bus safety is so important, New York State law has long regulated bus drivers and bus companies more stringently. Section 19-A of the Vehicle and Traffic Law governs the conduct of school bus drivers and the companies for which they work.

¹ <http://www.p12.nysed.gov/schoolbus/>

² <http://www.uticaod.com/news/20160315/school-bus-driver-ticketed-in-rome-accident>

³ <http://www.lohud.com/story/news/local/westchester/ossining/2016/11/22/ossining-school-bus-crash/94278198/>

⁴ <https://dailygazette.com/article/2017/05/17/school-bus-hits-pedestrian-in-schenectady>

⁵ <http://wibx950.com/minor-injuries-in-school-bus-accident/>

⁶ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/811890>

⁷ <http://www.gao.gov/assets/690/682077.pdf>

For school bus drivers, the law sets forth the minimal qualifications, criteria for disqualification, driving test requirements, medical examination requirements, and notification and reporting requirements of accidents and convictions. It also requires that bus drivers who are ticketed and convicted for running red lights or otherwise disobeying any traffic control signal, whether driving a school bus or even their personal automobile when they are not working, report the conviction to the bus company.

In turn, if a driver accumulates nine points on their license due to convictions of the vehicle and traffic law within an eighteen month period, the driver is disqualified from operating a bus for one year. Bus companies are also required to submit driving reports to the State's Department of Motor Vehicles that include information regarding miles traveled, convictions and accidents, and the number of convictions and accidents per ten thousand miles traveled.

Much of this statutory scheme dates to 1974, prior to the advent and widespread utilization of red light cameras across the state. Red light cameras capture the license plate of the motor vehicle running a red light. As a result, notice of red light camera violations are issued to the registrant of the motor vehicle, not the driver. What's more, the State's Vehicle and Traffic Law does not require school bus companies to report red light camera violations to the DMV, even though the school bus company has the ability to determine which driver operated the bus that ran a red light.

The Attorney General's Office initially subpoenaed records relating to compliance with state law and the safety standards utilized by nine bus companies operating out of Suffolk County. The initial review led to a second subpoena seeking records relating to tickets issued to bus companies for red light camera violations. Additionally, the investigation expanded into Westchester County, where red light camera programs were also in effect in certain municipalities.

The OAG's investigation found that nine school bus companies operating in Suffolk County received over 1,100 red light camera ticket violations over a three-year period and that, under existing State law, such violations were not required to be reported to the DMV as part of the State's oversight of school bus company safety. Similarly, six bus companies operating in

Westchester County received nearly 300 red light camera tickets in 2016. Having identified this significant safety gap, the Attorney General's Office is proposing changes to State law that would require that information concerning red light camera violations be maintained and reported in order to accurately assess the safety records of school bus drivers and school bus companies.

Vehicle and Traffic Law

Bus companies must take steps to ensure that school bus drivers are qualified to operate a school bus and are in compliance with Article 19-A of the Vehicle and Traffic Law and Part 6 of the New York Code of Rules and Regulations. Specifically, drivers must complete a pre-employment and biennial medical examination; must submit to a pre-employment and annual driver license abstract; and must submit fingerprints for a criminal history review. VTL §§ 509-b, 509-cc, 509-d. Drivers must undergo defensive driving observations annually and they must complete oral/written tests and a road test biannually. VTL §§ 509-e, 509-g. Bus companies must maintain documentation of the above for a period of three years and the DMV can review the records, record any violations and issue fines. VTL §§ 509-d, 509-j, 509-m.

The statutory scheme also focuses on a driver's safety record by requiring notification and reporting of accidents and convictions. VTL §§ 509-f, 509-i. A driver is obligated to report any traffic conviction or accident to the bus company. *Id.* The bus company, in turn, is obligated to file an affidavit of compliance annually that contains such information. VTL §§ 509-d(7), 509-j. Furthermore, the DMV notifies the bus company of any accidents or convictions of bus drivers that are reported to the DMV. VTL § 509-m. Drivers can be terminated and disqualified from operating a school bus based upon their driving records. VTL § 509-cc.

The Driver Violation Point System is a mechanism whereby the DMV can identify high-risk or unsafe drivers by assessing points to a driver's license for certain traffic violations. If any driver receives 11 points within an 18-month period, her license may be suspended. Notably, if a bus driver "accumulates nine or more points on his driving record for acts occurring during an eighteen month period", he would be disqualified from operating a bus. Three points are assessed

to a driver for disobeying a traffic control signal.

While a person who runs a red light may get a ticket and, upon conviction, receive a fine and have three points assessed to their driving record, points are not assigned for tickets issued due to a red light camera violations. Red light camera tickets are issued to the owner of the motor vehicles and do not lead to point assignments to the drivers. Presumably, it would be difficult to prove who was driving the motor vehicle at the time of the red light camera violation.

However, that is simply not the case for bus drivers. Red light camera tickets are issued to the bus company, as the owner of the bus. In general, bus companies maintain detailed records regarding who is driving a particular bus, on a particular route, on any given day and at any given time. In fact, many bus companies, upon receipt of a red light camera ticket, will identify the driver of the school bus who committed the violation based upon company records, and require the bus driver to pay the fine. Yet, despite being able to identify the driver, the information regarding the red light camera violation is not reported to the State or required to be considered in the annual assessment of a bus driver's or the bus company's record.

OAG Investigation

The OAG collected and analyzed data from fifteen randomly-selected school bus companies operating in Suffolk and Westchester Counties that contract with local school districts for the transportation of school-aged children within the identified geographic area. Suffolk County and the cities of Yonkers, Mt. Vernon, and New Rochelle, in Westchester County, have all enacted legislation permitting the use of red light cameras at targeted intersections with the goal of increasing safety. The data collected demonstrates that red light camera programs could be used to more effectively monitor bus companies and their drivers, as well as to increase safety for our school-aged children who rely on bus transportation.

From 2014 through 2016, the Suffolk County bus companies surveyed accrued 1199 red light camera tickets. The total number of tickets increased each year from 368, to 409, to 422. Of that number, 154 school bus drivers were identified as operating bus company vehicles that accrued more than one red light camera violation during that time period.

In 2016 alone, the Suffolk County companies surveyed amassed 422 red light camera tickets. Significantly, 28 of the school bus drivers driving bus company vehicles received red light camera violations during that time-period on multiple occasions.

Index	2016 Red Light Tickets	Repeats 2016	Suffolk	Nassau	NYC
Baumann/Acme	87	4	49	36	2
Acme	75	4			
Baumann	12	0			
Floyd/EEBL	36	3	35	1	0
Floyd	19	1			
EEBL	17	2			
Huntington Coach	96	8	30	65	1
HBC	19	2			
HCC	32	4			
LLC	45	2			
John Bosch	0	0	0	0	0
Montauk Bus	20	1	20	0	0
Suffolk Transportation	55	4	54	1	0
Trans Group	27	0	27	0	0
Educational Bus	26	0			
Trans Group	1	0			
We Transport/ Town Bus	101	8	49	49	3
Towne Bus Corp.	16				
Towne Bus LLC	24				
Vans Trans	1				
We Transport LLC	22				
We Transport Inc.	37				
We Transport LLP	1				
Grand Total	422	28	264	152	6

In 2016, the Westchester County companies surveyed amassed 296 red light camera tickets, with 20 school bus drivers identified as operating bus company vehicles receiving red light camera violations on more than one occasion.

Index	2016 Red Light Tickets	Repeats 2016	Yonkers	Mt. Vernon	New Rochelle	NYC
First Mile Square	79	10	36	30	5	8
Academy Bus Co.	21	5	11	3	0	7
All County Bus Co.	27	2	15	4	0	8
New Rochelle Dept. of Trans.	30		0	0	30	0
Always East Trans. Inc.	25		25	0	0	0
Royal Coach Lines	38	3	33	0	0	5
Ardsley Bus LLC	6		6	0	0	0
Astra Trans. Corp.	14		14	0	0	0
Beverly Hills Limo & Corp.	9		9	0	0	0
Chappaqua Trans.	1		1	0	0	0
Chestnut Ridge Trans.	1		1	0	0	0
Children's Trans. Inc.	2		2	0	0	0
Countywide Trans. Inc.	1		1	0	0	0
Don Thomas Buses Inc.	1		1	0	0	0
East End Bus Lines Inc.	1		1	0	0	0
E-Z Bus LLC	1		1	0	0	0
First Steps Trans. Inc.	2		2	0	0	0

Friendly Baptist Church	2		2	0	0	0
GVC LTD	1		1	0	0	0
IC Bus Inc.	1		1	0	0	0
Mar-can Trans. Co. Inc.	7		7	0	0	0
Montauk Student Trans.	5		5	0	0	0
Salesain High School	1		1	0	0	0
Selby Trans. Corp.	7		7	0	0	0
Suffolk Trans. Service	1		1	0	0	0
Super Wheels Inc.	1		1	0	0	0
TLC Trans. Corp. of Westchester	8		8	0	0	0
Van Trans. LLC	1		1	0	0	0
VP Buses LLC	5		5	0	0	0
White Plains Bus Co. Inc.	2		2	0	0	0
GRAND TOTAL	296	20	196	37	35	28

Below is one example of a school bus driver caught going through a red light on one day and then again thirteen days later:



Further, a review of the red light camera photographs revealed that the violations are not simply a school bus that does not stop long enough at a red light prior to turning right. Disturbingly, the photos showed school buses going straight through red lights, making left turns through red lights, and even turning right where right turns on red are prohibited.



Recommendations

In an effort to ensure that red light camera violations are considered when evaluating a school bus company and a school bus driver's safety record, the following changes should be made to State Law:

Recommendation 1: Red Light Camera Violation Record Retention

- School bus companies should be required by law to maintain copies of all red light camera violations received by the school bus companies and its school bus drivers.

Current Law:

§ 509-d. Qualification procedures for bus drivers, maintenance of files and availability to subsequent employers

(3) Each motor carrier shall retain the following records in each driver's file for a period of three years, in accordance with regulations established by the commissioner:

- (i) a driver abstract of operating record provided by the department and the written information provided by the appropriate agency of another state for each twelve month period;
- (ii) replies from the department regarding the driver's qualifications, as well as, any subsequent information concerning any pending criminal charges against such driver;
- (iii) the initial qualifying medical examination form and the biennial medical examination form completed by the carrier's physician;
- (iv) the annual defensive driving review forms completed pursuant to section five hundred nine-g of this article; and
- (v) the completed biennial behind-the-wheel examination forms as required under section five hundred nine-g of this article.

Proposed Addition:

- (vi) red light camera violations accrued by the driver.

Recommendation 2: Red Light Camera Violation Reporting to DMV

- School bus companies should be required by law to report the number of red light camera violations in the annual affidavit of compliance filed with DMV.

Current Law:

§ 509-d. Qualification procedures for bus drivers, maintenance of files and availability to subsequent employers

(7) Each motor carrier shall prepare a report setting forth: (a) the number of miles travelled by buses operated by such motor carrier in the preceding twelve months; (b) the number of convictions and accidents involving any driver employed by such motor carrier during the preceding twelve months, as reported to such carrier pursuant to section five hundred nine-f of this chapter; and (c) the number of convictions and accidents per ten thousand miles travelled. Such report shall be filed with the department as an attachment to the affidavit of compliance required by subdivision (c) of section five hundred nine-j of this chapter, and a copy of such report shall be made available by the carrier to any person upon request.

Proposed Addition:

(d) the number of red light camera violations received by school buses operated by such motor carrier in the proceeding twelve months.

Recommendation 3: Consideration of Red Light Camera Violations in Annual Assessment of Drivers and as a Basis for Disqualification

- School bus companies should be required by law to consider red light camera violations in its annual assessment of its drivers; and drivers who accumulate three red light camera violations should be disqualified from driving for a one-year period.

Current Law:

§ 509-e. Annual review of driving record

Each motor carrier shall, at least once every twelve months, review the driving record of each bus driver it employs to determine whether that driver meets minimum requirements for safe driving and is qualified to drive a bus pursuant to section five hundred nine-b of this article. In reviewing a driving record, the motor carrier must consider any evidence that the bus driver has violated applicable provisions of the vehicle and traffic law. The motor carrier must also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. Such information shall be recorded in the employer's record.

Proposed Addition in Bold:

Each motor carrier shall, at least once every twelve months, review the driving record of each bus driver it employs to determine whether that driver meets minimum requirements for safe driving and is qualified to drive a bus pursuant to section five hundred nine-b of this article. In reviewing a driving record, the motor carrier must consider any evidence that the bus driver has violated applicable provisions of the vehicle and traffic law **and received any red light camera violations**. The motor carrier must also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, such as speeding, reckless driving, **disobeying a traffic control signal** and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. Such information shall be recorded in the employer's record.

§ 509-cc. Disqualification of drivers of school buses

(2) All other school bus drivers who are not subject to subdivision one of this section shall be disqualified from operating a bus as follows:

(e) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle accident prevention course.

(f) for a period of one year, if that person was the operator of a motor vehicle involved in two or more accidents of a nature and type set forth in section five hundred nine-a of this article, where such accidents occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that accidents in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

Proposed Addition:

(g) for a period of one year, if that person accumulates three or more red light camera violations for acts occurring during an eighteen month period.

Recommendation 4: Red Light Camera Violation Reporting to School Districts

- School bus companies should be required by law to provide an annual report to the school districts that they service of their driver's records including a record of the red light camera violations issued and who was driving.

Current Law:

§ 509-d. Qualification procedures for bus drivers, maintenance of files and availability to subsequent employers

(7) Each motor carrier shall prepare a report setting forth: (a) the number of miles travelled by buses operated by such motor carrier in the preceding twelve months; (b) the number of convictions and accidents involving any driver employed by such motor carrier during the preceding twelve months, as reported to such carrier pursuant to section five hundred nine-f of this chapter; and (c) the number of convictions and accidents per ten thousand miles travelled. Such report shall be filed with the department as an attachment to the affidavit of compliance required by subdivision (c) of section five hundred nine-j of this chapter, and a copy of such report shall be made available by the carrier to any person upon request.

Proposed Addition Above Plus Required Disclosure to School Districts:

(7) Each motor carrier shall prepare a report setting forth: (a) the number of miles travelled by buses operated by such motor carrier in the preceding twelve months; (b) the number of convictions and accidents involving any driver employed by such motor carrier during the preceding twelve months, as reported to such carrier pursuant to section five hundred nine-f of this chapter; (c) the number of convictions and accidents per ten thousand miles travelled; **and (d) the number of red light camera violations received by buses operated by such motor carrier in the proceeding twelve months.** Such report shall be filed with the department as an attachment to the affidavit of compliance required by subdivision (c) of section five hundred nine-j of this chapter, and a copy of such report shall be **provided to each school district that the carrier provides service to** and made available by the carrier to any person upon request.

