



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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Our future is riding with us!

MEMORANDUM IN SUPPORT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION SUPPORTS

S.1023/FUNKE --- A.1207/ZEBROWSKI

A bill to increase fines on individuals who illegally pass stopped school buses and establish crimes to apply when such passing results in injury or fatality.

The New York Association for Pupil Transportation **SUPPORTS S.1023/Funke--A.1207/Zebrowski** that would increase fines levied on individuals convicted of violating section 1174 of the Vehicle and Traffic Law by passing a school bus stopped with its red lights flashing. This legislation would also establish a crime of criminally negligent homicide to be applied in those instances where a motorist who has passed a stopped school bus illegally causes the death of another individual, including a student who is boarding or departing from a school bus.

Illegal passing of school buses is a serious traffic safety issue that presents great risk to our children. In New York State, we transport over 2.3 million children on some 50,000 yellow school buses. Our recent monthly surveys indicate that some 42,000 illegal passes of school buses occur each day. We are also greatly concerned by the increased frequency of 'curb side' passes which our surveys show have increased to about 10% of all passes each day.

This legislation, if enacted, will result in an increase in the fines levied against individuals who are convicted of violating Section 1174 of the Vehicle and Traffic Law by passing a school bus that has stopped and has its red lights flashing – indicating that it is either loading or unloading student riders. It is important that motorists understand the dangers of illegal passing and a severe financial penalty will serve as a disincentive to such dangerous behavior.

This legislation will also establish a crime of criminally negligent homicide to apply to those instances when, in the act of illegally passing a stopped school bus, a motorist causes the death of another individual. NYAPT calls attention to the case of the motorist who, on May 21, 2004, caused the death of 7-year-old Mallory Eddy when he passed her school bus on the right shoulder of the road. That individual paid no fines and served no time in jail or penalties for causing her death. We cannot allow that to ever happen again.

NYAPT supports this legislation because it does the right things for our children. We support other legislation related to illegal passing enforcement and penalties as a means toward reducing the incidence of such illegal passing. This is vital to our children's safety.

Accordingly, NYAPT STRONGLY SUPPORTS S.1023/Funke--A.1207/Zebrowski and urges its passage by the New York State Legislature and its enactment into law.

The New York Association for Pupil Transportation is a professional organization comprised of over 600 members, representing school transportation officials in school districts, BOCES, private school bus operators, and public educational institutions across New York State. NYAPT is committed first and always to the safety of the 2.3 million school children we transport to and from school each and every day. We are committed to actively support legislation, regulations and policies that are in the interests of those school children and call upon our State leaders to keep those children in mind during legislative actions.

For additional information, please contact our NYAPT Executive Director, Peter Mannella, at 518-463-4937.