

FULTON POLICE DEPARTMENT SCHOOL BUS SAFETY AND ENFORCEMENT PROGRAM

As part of our *Operation Safe Stop* and traffic safety initiatives, the Fulton Police Department launched a new reporting protocol to assist in the identification, reporting and prosecution of motorists who pass stopped school busses. This new protocol is found in the attached “supporting deposition”. In this case, a supporting deposition is a written document by a school bus driver which would be filed by police in connection with a traffic charge in court. The factual allegations in the supporting deposition would ‘support or tend to support’ the traffic charge against a driver.

To promote safety related to school bus operations, this new form was designed:

- to capture the necessary and relevant details of an offense in a timely manner,
- to expedite reporting of an offense to Fulton Police,
- to assist complainants in refreshing recollection months later at trial, and
- to assist prosecutors in identifying the proof necessary to sustain a conviction.

Although the form is generally self-explanatory, Fulton PD would be pleased to provide an overview and introduction of this new protocol to school bus drivers and transportation administrators. Though the form captures a number of pieces of information, it will not likely capture all of the necessary information relating to an alleged violation. Bus drivers and witnesses are encouraged to note other pertinent information which may include weather, visibility, traffic and other conditions or circumstances. We can send your bus drivers a master form via a .pdf file - simply send a request to me at mspawn@fultonpd.com or go to the Traffic Safety page at our web site at www.FultonPD.com.

Mark A. Spawn
Chief of Police

NYS Vehicle and Traffic Law §1174: Overtaking and passing school bus.

(a) The driver of a vehicle upon a public highway, street or private road upon meeting or overtaking from either direction any school bus marked and equipped as provided in subdivision twenty of section three hundred seventy-five of this chapter which has stopped on the public highway, street or private road for the purpose of receiving or discharging any passengers, or which has stopped because a school bus in front of it has stopped to receive or discharge any passengers, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a red visual signal as specified in subdivision twenty of section three hundred seventy-five of this chapter and said driver shall not proceed until such school bus resumes motion, or until signaled by the driver or a police officer to proceed. For the purposes of this section, and in addition to the provisions of section one hundred thirty-four of this chapter, the term "public highway" shall mean any area used for the parking of motor vehicles or used as a driveway located on the grounds of a school or of a board of cooperative educational services facility or any area used as a means of access to and egress from such school or facility.

(b) The driver of such school bus, when receiving or discharging passengers who must cross a public highway, street or private road, shall instruct such passengers to cross in front of the bus and the driver thereof shall keep such school bus halted with red signal lights flashing until such passengers have reached the opposite side of such highway, street or private road. Whether such passengers are crossing such highway, street or private road or discharging to the same side of such highway, street or private road, the driver of such bus shall keep such school bus halted with red signal lights flashing until such passengers are at least fifteen feet from the bus and either off the highway, street or private road or on a sidewalk.

(c) Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than four hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than eight hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment.

(d) For the purposes of this section, the term "passengers" shall mean those persons designated in paragraph (d) of subdivision twenty of section three hundred seventy-five of this chapter.

SUPPORTING DEPOSITION
§1174 VTL VIOLATION - PASSED SCHOOL BUS

FPD D/R NO. _____

Deponent, _____, being duly sworn, hereby states that he/she is the driver of school bus number _____ owned and operated by the _____ (contractor, district, BOCES) for the _____ (district, BOCES). Said school bus has a seating capacity of _____ (enter actual number, or, more than 7, more than 15, as the case may be), is of the yellow color known as national school bus chrome, and bears two signs, one to the front and one to the rear bearing the words, "SCHOOL BUS."

That on _____, 20____ at about _____ AM/PM¹ at _____ (location) I was the operator of said school bus transporting pupils/teachers/others in a supervisory capacity¹ to/from¹ school activities. Further, that the headlights and taillights of said bus were then and there illuminated. At the aforesaid time and place, I was stopped facing _____ (direction) on _____ (highway/street/private drive name/school driveway) with my red flashing lights displayed on both the front and rear of the school bus:
[for the purpose of receiving or discharging¹ passenger(s)¹] or [because a school bus in front of mine had stopped to receive or discharge¹ passenger(s)¹]

Prior to stopping, I displayed flashing yellow lights to indicate that the bus was about to stop and display flashing red lights. ¹

At the aforesaid time and place, the driver of a _____ (describe vehicle) bearing _____ (license plate/state, if known) passed the school bus I was operating by [meeting me by approaching from the front of the bus]¹ [overtaking me by passing me from the rear of the bus]¹. Said operator thus failing to stop for my school bus while it was stopped with flashing red lights displayed and in the process of [picking up] [discharging]¹ passengers.

The driver of said vehicle is: a _____ (gender), _____(race), approximately _____ years old, _____ hair (color, style), and _____(indicate whether wearing glasses; any other identifying characteristics) and dressed in _____; and known to me as _____ (insert name, if known)¹

The vehicle had the following characteristics (luggage rack, bumper stickers, damage, etc.): _____

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FULTON, NEW YORK

(continued)

Indicate aggravating factors²: _____

Other witnesses to all or part of the facts and circumstances listed above include: (list names, telephone, address and observations³):

NAME/TITLE	ADD./TEL.	OBSERVED ⁴

Prior to the start of my route on the aforesaid date I personally inspected the yellow and red flashing lights on my school bus and found them to be operating, visible and in good order. At the conclusion of my route / At about _____ AM/PM¹, I again inspected the yellow and red flashing lights on my school bus and found them to be operating, visible and in good order.

Verification of this instrument is made pursuant to Section 100.30(d) of the Criminal Procedure Law of the State of New York and I know that a false statement made herein is punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

SIGNATURE

BUSINESS ADDRESS & TELEPHONE

¹ Strike out any language which does not apply

² i.e. children in proximity of suspect vehicle, other hazards, bus driver sounded horn, suspect driver passed more than one bus, etc.

³ Police Officer: Consider taking separate statements from witnesses as necessary

⁴ i.e. witness observed suspect vehicle license plate but not passing; witness observed operability of flashing lights before/after violation, etc.