



TESTIMONY
JOHN BENISH, JR.
PRESIDENT, NATIONAL SCHOOL TRANSPORTATION
ASSOCIATION
HOUSE TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
“EXAMINING THE FEDERAL ROLE IN IMPROVING
SCHOOL BUS SAFETY”
JULY 25, 2019
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Chairwoman Norton, Ranking Member Davis, Chairman DeFazio, Ranking Member Graves, and Members of the Subcommittee, on behalf of the National School Transportation Association, thank you for calling this hearing today and the invitation to testify. This Committee has a long and distinguished record of promoting safety on our roadways, and nothing is more important than keeping our children safe in the yellow school bus going to and from school.

My name is John Benish, Jr. and I am President and Chief Operating Officer for Cook-Illinois corporation headquartered in Oak Brook, Illinois. Cook-Illinois is a family-owned and operated school bus transportation company established in 1951. My Dad, John Benish Sr., joined the company in 1958. Beginning with 75 school buses, the company has grown to be one of the largest family-owned and operated school bus contractors in the nation operating over 2200 school buses and transporting over 100,000 children each day in and around the Chicago area. I started in the business as a teenager and have worked nearly every position in the business, including as a CDL-licensed driver. Occasionally you will even see me driving one of our buses to keep in touch with the drivers and the students. For nearly 70 years our company has provided superior service to the school districts we serve. We are members of the Illinois School Transportation Association and the Illinois Association for Pupil Transportation.

I am here today on behalf of the National School Transportation Association (NSTA), the trade association for private school bus companies that provide school bus service under contract. Private companies provide approximately 38% of the nation's school bus service. I have served on its Board of Directors for 10 years and just became its new President yesterday at its annual meeting in Austin, Texas.

My family's business has been successful not just because we have followed sound business practices, but because our focus has always been on our communities and, most importantly, our precious cargo—the children we transport to and from school every day. We have a saying in our industry that we “bleed yellow,” which signifies our commitment to the safety of the children we transport.

School transportation is a uniquely American industry, and it is part of our country's commitment to a free public education. Each day, nearly 500,000 school buses transport over 26 million school children to and from school – more than inter-city and intra-city bus transportation, rail and aviation combined.

While this hearing is focused on safety, I'd like to mention that school buses are not only safe, they are also environmentally friendly. They help ease congestion, save energy and reduce pollution by taking an average of 36 cars off the road for each trip. Taken together this represents 17 million fewer cars and a savings of 20 million tons of CO2 each year. The technology of today's school bus is tremendously improved, incorporating clean engine and emission reduction technologies. Our company has been at the forefront of environmental issues by powering our school buses using more costly but cleaner alternative fuels over our history, starting with CNG, then propane and four years ago, to bio-diesel. NSTA is committed to green transportation through its Green Fleet certification program which was established in cooperation with EPA and an annual Go Yellow Go Green award which recognizes one company that has shown outstanding leadership in environmental stewardship. I am proud to say that my company won this award in 2016.

According to DOT statistics, the school bus is the safest form of surface transportation. The website of the National Highway Traffic Safety Administration states, “The school bus is the safest vehicle on the road”. School buses operate in an array of road and highway environments where approximately 37,000 fatalities occur annually (National Highway Traffic Safety

Administration (NHTSA) 2017 FARS data). In the midst of this environment, the school bus industry averages only 4-6 occupant fatalities annually, which is 0.01% of the total fatalities. NSTA mourns with the entire school transportation community and families when these rare incidents occur and attempts to learn from these accidents to ensure continued safe student transportation.

This remarkable safety record is no small achievement and requires vigilance and safe practices from the men and women that drive, maintain, own, operate and manufacture our equipment, as well as the men and women that enforce traffic safety laws on our Nation's roads and highways. School buses are among the most regulated forms of transportation in the country and rightly so given the precious cargo they carry. School buses have unique design and safety features built in as well as dedicated and specially trained drivers. The U.S Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) play an important role in ensuring the vehicle, operators and drivers are all safe, as well as the National Transportation Safety Board (NTSB) that investigates accidents, and all 50 States. All these elements contribute to ensuring school bus transportation's extraordinary safety record.

Despite the unparalleled safety record of school bus transportation, school bus riders remain vulnerable during the portion of their trip when they are waiting at bus stops, crossing streets and loading or unloading from the school bus. DOT statistics show an average of 22 students are killed annually outside the school bus, compared to an average of 4-6 students who are killed inside the school bus. Passing of stopped school buses during loading or unloading, illegal in all 50 States, has reached epidemic proportions. In the most recent annual observational survey in 2018, 105,306 school bus drivers in 38 States reported 83,944 vehicles illegally passed their stopped school buses in ONE day. Based on these observations, an estimated 15 million vehicles illegally pass stopped school buses in a 180-day school year. The problem is likely much worse, because this alarming figure does not factor in illegal passing that may have been experienced among the other 80% of the nation's school bus drivers who were unable to participate in the voluntary national survey.

<http://www.nasdpts.org/StopArm/index.html>

Sometimes pictures speak louder than words, so at this point I'd like to ask you to view this short video clip of an illegal school passing incident that occurred with one of our members in New Jersey last December:

<https://www.youtube.com/watch?v=r1hKsR8ZdXQ&feature=youtu.be>

This child walked away with a few broken bones, but sometimes illegal passing can have tragic consequences. Last October, in Rochester, Indiana, three children from the same family were killed by an oncoming driver who failed to stop as the kids were crossing the road to board their school bus. These tragedies CAN be prevented.

NSTA believes this is the most important school bus issue facing the school transportation industry, eclipsing all others. This is why we are enthusiastically supporting a bipartisan bill introduced in the House and Senate by Congresswomen Walorski and Brownley, the STOP for School Buses Act (STOP Act) (HR 2218), and Senators Young and Peters, (S. 1254), to address this issue of illegal passing of school buses. The bill directs DOT to review state laws, enforcement and penalties, technology, driver education, distraction and all issues that are impacting this illegal activity. It calls upon DOT to create a public safety messaging campaign on the danger of illegally passing stopped school buses. The bill does not predetermine any solutions but asks DOT to do a full evaluation of all aspects of this issue and make best practice recommendations. The bill has a growing list of cosponsors in both chambers, is supported by our partners in the school bus industry, the National Association of Pupil Transportation and the National Association of State Directors of Pupil Transportation, national, State and regional private bus and school bus associations across the country and the National Education Association. I have attached these letters of support at the end of my testimony. We look forward to working with this Committee and the rest of Congress to see this bill enacted into law as soon as possible or as part of a surface transportation reauthorization bill. If we are serious about saving more children's lives this is the issue to tackle.

I'd like to address another issue that is periodically debated here in Congress and in the general public, and that is the issue of seat belts in school buses. NSTA is aware of a bill introduced in the House by Congressman Gottheimer in May, the Secure Every Child Under the Right Equipment Standards Act (SECURES Act - HR 2792) in May to mandate seat belts on school buses. NSTA believes this issue is most appropriately decided at the State and local level closest to the funding

streams for school transportation and where all ramifications of a decision to mandate belts can be fully examined as school bus transportation is not funded at the federal level. Unfunded mandates that increase costs of school buses often put States in the position of reducing school bus service and giving less children access to the safest mode of transportation to school. We know from DOT statistics that children who travel to school by walking, bicycle, parents' or friend's car, or driving themselves have crashes and fatalities at far higher rates than in a yellow school bus, with or without belts. NSTA believes as many children as possible should have access to safest mode of transportation and service should not be reduced to fund new buses with seat belts. NSTA does not support a federal mandate unless accompanied by full funding to which public and private providers have equal access. Lap shoulder belts are only appropriate consideration and we do not support any requirement to retrofit as it could compromise structural integrity of the bus.

It is quite noteworthy that the National Highway Traffic Safety Administration, the agency charged with keeping people safe on the nation's roadways, has declined to mandate seat belts on large school buses at the federal level due to the fact that it would force more children into more unsafe modes of transportation as communities are compelled to make difficult budget decisions. The latest pronouncement was from 2011 when NHTSA denied a petition for rulemaking to mandate seat belts on new large school buses.

<https://www.regulations.gov/document?D=NHTSA-2011-0131-0001>

In the Denial, NHTSA stated, "We are denying the petition because we have not found a safety problem supporting a Federal requirement for lap/shoulder belts on large school buses, which are already very safe. The decision to install seat belts on school buses should be left to State and local jurisdictions, which can weigh the need for, benefits and consequences of installing belts on large school buses and best decide whether their particular pupil transportation programs merit installation of the devices." NHTSA also stated, "We estimated that lap/shoulder seat belts would save about 2 lives per year and prevent about 1,900 crash injuries, of which 97 percent are minor/moderate severity (mainly cuts and bruises), assuming every child wore them correctly on every trip." "Under the described conditions, the Agency estimates that the increased risk from students finding alternative, less safe means of getting to and from school could result in an increase of 10 to 19 school transportation fatalities annually."

NHTSA's statements show that the unintended effect of requiring seat belts on large school buses could endanger more children (10 to 19) than it would potentially benefit (2). It is for these reasons that NSTA stands with the nation's federal agency charged with ensuring vehicle safety and believes seat belts on school buses should be decided at the Federal level but should be a State and local decision.

I have also attached a link to a Louisiana School Transportation Task Force report from 2017 which took an exhaustive look at this issue and declined to mandate belts without funding or attendants <https://goo.gl/rGscND> and a recent report from this Committee's counterpart in Canada, the House of Commons Standing Committee on Transportation, Infrastructure and Communities, on Bus Passenger Safety issued just last month which declined to mandate seat belts on school buses. <https://www.ourcommons.ca/DocumentViewer/en/42-1/TRAN/report-31/page-57#9>

There are other issues that have come up over the last few years that I will touch on briefly. Regarding driver training, NSTA participated as a member of FMCSA's Negotiated Rulemaking Advisory Committee on Entry Level Driver Training and supports its conclusions. NSTA also supports efforts to assure that school bus drivers are fully trained in school bus operations and emergency procedures. NSTA supports periodic certification of driver physical fitness and periodic evacuation training for drivers and students. NSTA believes sleep apnea and other sleep disorders are being adequately addressed in driver physicals and it is not necessary to create a separate prescriptive and burdensome regulatory schematic for screening, testing and treatment. NSTA generally supports the employer notification systems for drivers that are currently operated by States but has concerns with complexities with that being done at the national level, but wants to work with the Committee on this issue. NSTA supports the CDL Drug and Alcohol Clearinghouse Database as it will serve to provide operators the necessary tools to identify drivers who should not be behind the wheel.

NSTA consistently works with its Federal and State regulatory agencies and legislative bodies towards common-sense initiatives to improve pupil transportation safety. Whenever NSTA evaluates new laws or regulations affecting school bus equipment, technology, operators, drivers or practices, we evaluate them with the simple formula that they must be proven to increase safety

while keeping as many children as possible in the yellow school bus. Well-meaning initiatives should not have the unintended effect of reducing the availability of yellow buses, thereby forcing more children into less safe modes of transportation for their trips to and from school. We look forward to continuing to work with this Committee towards the common goal of keeping our children safe.

On behalf of the National School Transportation Association, thank you for the opportunity to testify before this Subcommittee. I look forward to answering any of your questions.

Attachments:

- NSTA/NAPT/NASDPTS Letter in Support of STOP Act
- National Education Association letter in Support of STOP Act
- National, State and Regional Private Bus and School Bus Associations letter in Support of STOP Act



Dear Member of Congress:

The National School Transportation Association (NSTA), the National Association for Pupil Transportation (NAPT), and the National Association of State Directors of Pupil Transportation Services (NASDPTS) request your help in addressing an important school bus safety issue, illegal passing of stopped school buses.

Collaboratively, our three organizations represent the nation's school transportation community, including all operators of school buses both public and private and state regulators of school buses. We are specifically requesting your co-sponsorship of the STOP for School Buses Act of 2019 (H.R.2218/S.1254), introduced in the House by Congresswomen Jackie Walorski (R-IN) and Julia Brownley (D-CA), and in the Senate by Senators Todd Young (R-IN) and Gary Peters (D-MI). This bipartisan legislation calls upon the Department of Transportation to undertake a comprehensive review of all issues involved with illegal passing of school buses and make recommendations to Congress on best practices to deal with this pervasive, national safety problem.

The bill directs DOT to review state laws, enforcement and penalties, technology, driver education, and distraction. It calls upon DOT to create a public safety messaging campaign on the danger of illegally passing stopped school buses. The ongoing efforts of the National Highway Traffic Safety Administration (NHTSA) to study illegal passing and develop safety countermeasures are recognized and appreciated. We believe guidance from Congress will enable NHTSA to broaden its efforts on all aspects of illegal passing and expedite best practice recommendations.

School bus transportation remains the safest form of transportation compared to all other modes, according to DOT statistics. Children are 70 times safer going to and from school in a yellow school bus than by walking, biking, being driven by parents, or, especially, as occupants of vehicles driven by teenagers. Despite the unparalleled overall safety record of school bus transportation, school bus riders remain vulnerable during the portion of their trip when they are waiting at bus stops, crossing streets, and loading or unloading from the school bus. Passing of stopped school buses, illegal in all 50 states, has reached epidemic proportions. In the most recent annual observational survey in 2018, 105,306 school bus drivers in 38 states reported 83,944 vehicles illegally passed their stopped school buses in one day. Based on these observations, an estimated 15 million vehicles will illegally pass stopped school buses in a 180-day school year. The problem is likely much worse, because this alarming figure does not factor in illegal passing that may have been experienced among the other 80 percent of the nation's school bus drivers who were unable to participate in the voluntary national survey. [\[http://www.nasdpts.org/StopArm/index.html\]](http://www.nasdpts.org/StopArm/index.html).

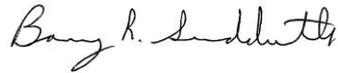
Illegal passing can have tragic consequences. Last October, in Rochester, Indiana, three children from the same family were killed by an oncoming driver who failed to stop as the kids were crossing the road to board their school bus. These tragedies CAN be prevented.

We look forward to your support of the STOP for School Buses Act. Thank you for your consideration of this important issue.

Sincerely,



Blake Krapf
President
National School Transportation
Association



Barry R. Sudduth, CDPT, CSNT
President
National Association for Pupil
Transportation



Michael A. LaRocco
President
National Association of State
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John C. Stocks
Executive Director

July 1, 2019

The Honorable Jackie Walorski
United States House of Representatives
419 Cannon House Office Building
Washington, DC 20515

Dear Representative Walorski:

On behalf of our 3 million members and the 50 million students they teach, support, and protect, the National Education Association thanks you for introducing the Stop for School Buses Act, H.R. 2218. We applaud you for calling attention to something that has become all too commonplace: the dangerous passing of stopped school buses that are transporting students to or from school.

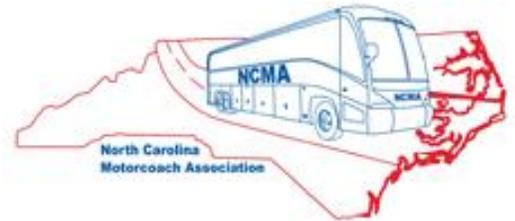
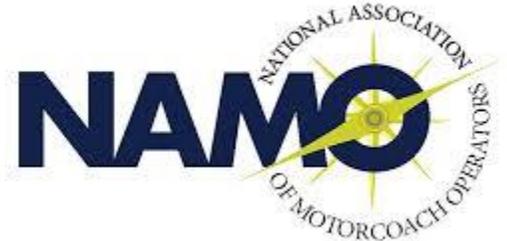
Your bill seeks to better-safeguard students by requiring the U.S. Department of Transportation to take several steps, including:

- Compiling existing laws and indicating their levels of enforcement and penalties;
- Reviewing existing public safety measures and programs to prevent dangerous passing of school buses;
- Recommending best practices for preventing dangerous passing; and
- Creating a public safety campaign to promote safe driving when students are present.

By gaining a thorough understanding of the laws on passing stopped school buses, analyzing which are more or less effective, and providing a set of best practices and recommendations, we can do more to protect our students and avoid tragedies like the one that occurred in Indiana last year. The NEA is proud to support this legislation and, once again, appreciates your attention to this important issue.

Sincerely,

Marc Egan
Director of Government Relations
National Education Association



Montana School Bus Contractors Association



Dear Member of Congress:

The national, regional and State school bus and bus associations on this letter request your help in addressing an important school bus safety issue, illegal passing of stopped school buses. We are specifically requesting your co-sponsorship of the STOP for School Buses Act of 2019 (H.R.2218/S.1254), introduced in the House by Congresswomen Jackie Walorski (R-IN) and Julia Brownley (D-CA) and in the Senate by Senators Todd Young (R-IN) and Gary Peters (D-MI). This bipartisan legislation calls upon the Department of Transportation to undertake a comprehensive review of all issues involved with illegal passing of school buses and make recommendations to Congress on best practices. The bill directs DOT to review state laws, enforcement and penalties, technology, driver education, distraction and create a public safety messaging campaign on illegal passing of stopped school buses.

School bus transportation remains the safest form of transportation over all other modes, according to DOT statistics. Children are 70 times safer going to and from school in a yellow school bus than by walking, biking, being driven by parents in cars or teens driving themselves. However, passing of stopped school buses, illegal in all 50 States, has reached epidemic proportions. In the most recent annual one-day observational survey in 2018, 105,306 school bus drivers in 38 states reported 83,944 vehicles illegally passing a stopped school bus in one day. Based on these observations, an estimated 15 million vehicles will illegally pass stopped school buses in a 180-day school year.

<http://www.nasdpts.org/StopArm/>

Illegal passings can have tragic consequences. Last October, in Rochester, Indiana, three children from the same family were killed by an oncoming driver who failed to stop as the kids were crossing the road to board their school bus. These tragedies CAN be prevented. We look forward to your support of the STOP for School Buses Act.

Thank you for your consideration of this important issue.

Sincerely,

Alabama Motorcoach Association
Asian-American Motorcoach Association
Bus Association of New York State
California Bus Association
California School Transportation Association
Connecticut School Transportation Association
Georgia Motorcoach Operators Association
Maryland Motorcoach Association
Maryland School Bus Contractors Association
Midwest Bus and Motorcoach Association
Minnesota Charter Bus Operator's Association
Minnesota School Bus Operators Association
Montana School Bus Contractors Association
Motorcoach Association of South Carolina

National Association of Motorcoach Operators
National School Transportation Association
New Jersey School Bus Contractors Association
New York School Bus Contractors Association
North Carolina Motorcoach Association
Northwest Motorcoach Association
Pennsylvania Bus Association
Pennsylvania School Bus Association
School Transportation Association of
Massachusetts
Tennessee Motor Coach Association
The Greater New Jersey Motorcoach Association
United Motorcoach Association
Wisconsin School Bus Association