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School Bus Stops

A Safety Guide
for Transporters



School Bus Stops:

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Pupil Transportation Safety Institute
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School Bus Stops: A Safety Guide for Transporters

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This book is dedicated to the school transportation professionals across America who work so hard every day to protect our children, and transport them safely and ready to learn.

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School Bus Stops: A Safety Guide for Transporters

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Introduction

Introduction

The purpose of this book is to provide transporters with practical approaches for ensuring the highest possible degree of safety at school bus stops in their communities. The guidelines discussed in this book are based on effective safety measures actually in current use in transportation operations across the country. Some guidelines reflect case law and/or federal and state agency decisions.

Bus stop safety is a growing concern in many school districts and communities today. This increasing concern may be attributed to several factors:

- **School bus accident statistics** indicating that children are most at risk not when riding on the bus, but at the bus stop. The bus stop is the most safety-critical link in the school transportation chain, and transporters today understand the importance of paying close attention to potential risks at bus stops.
- Deepening worries about children's vulnerability to **abductions, sexual predators, other types of criminal activity, and peer bullying and harassment** at bus stops.
- Increasing **traffic congestion and increasing numbers of impatient, aggressive drivers** in many communities. Protecting children from

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passing motorists at bus stops is a growing challenge for school transporters. In recent years, for the first time, fatalities arising from passing motorist incidents have surpassed “by-own-bus” fatalities as the number one cause of student school bus deaths nationally. From a safety perspective, this is a significant new development for the school transportation community.



Fatalities from motorists passing stopped buses have surpassed all other types of fatalities in recent years.

- With both parents working in most families today, requests to drop off children at **daycare locations** on certain days of the week are

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increasing. Without reasonable controls in place, inconsistent drop-off locations can create serious safety challenges for transporters - challenges seldom understood by parents, or even by school administrators.

- **Joint custody arrangements.** More and more children are subject to joint custody arrangements established in connection with their parents' divorce. Such arrangements are frequently accompanied by requests - or demands - for pick up and drop off locations that vary from week to week, or just before and after weekends.
- **Budget constraints** leading to increased time pressures, and potentially increased safety problems, on bus routes. Longer routes, reduced turn-around times, more students per route, reduced driver and student training, and fewer bus attendants are all examples of the growing implications for student safety of rapidly rising fuel costs, taxpayer concerns, and other serious financial challenges facing education today. In many school districts, transportation is being allocated an ever-smaller piece of a shrinking fiscal pie.
- **Unauthorized bus stop and route changes by drivers** can expose students to greater danger, and school districts and transporters to increased liability. This book includes examples of court cases illustrating the tragic result when drivers

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make a unilateral decision to discharge students at other than their established stops.

Bus stop policy and bus stop placement are common issues giving rise to school transportation litigation. This book cites a number of cases illustrating ways in which bus stop location can drive a transporter into court.

Those who have never been directly responsible for selecting, or monitoring, bus stops for a school district or bus company may not fully appreciate the challenges involved. Determining the safest location for a bus stop is seldom a simple black and white decision. There's no ready-made formula for quickly deciding exactly where to locate a bus stop, or for recognizing when a stop change is warranted. The philosophy underlying this book is that the best way to ensure a high degree of bus stop safety is to treat each stop as unique, to directly observe the various options before making a decision about where to place a stop, and to subject each stop assessment to objective safety standards. Physical features in and near the roadway (view obstructions, nature of the adjoining property, shoulder width, presence or lack of sidewalks, traffic speed and volume, traffic controls, etc.) can impact bus stop safety in an almost infinite number of combinations. The ages, special needs, and number of students to be transported from a particular neighborhood must also be taken into account in deciding where to place a stop.

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We believe the reality is too complex to create a simple point system for making decisions about where to place a bus stop. Determining where to locate bus stops is more demanding than simply adding or subtracting positive and negative safety factors and coming up, voila!, with the “right” location; decisions about bus stops are more calculus than arithmetic. Multiple, interconnected (and often contradictory) factors almost always have to be weighed against each other in determining where to place a stop. For instance, eliminating a cross-over (a safety positive) may only be possible by routing the bus so it has to make a difficult turn into heavy traffic (a safety negative) to go around the block. Moving a stop a safer distance away from a view obstruction such as a hill or curve (a safety positive) might mean losing a safe waiting area for students, well back from the roadway (a safety negative).

All bus stops are hazardous to some degree - it is evident that any interaction between child, roadway, and vehicles is potentially dangerous. The only perfectly safe transportation arrangement for students would be transporting the teachers to the students, instead of vice-versa. The exercise of judgment, based on the use of objective criteria, is unavoidable - and we believe pivotal - in bus stop selection. And while that inherent discretionary factor may make a school district immune from liability under some state laws, prudent (and caring) transporters cannot anesthetize themselves against

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the potential of student harm due to a “bad call” about where to place a stop.

In our experience, the most critical element in bus stop safety is the process by which the transporter makes decisions about stops. Sound judgment about where to place a stop depends on a deliberate investigation conducted by qualified staff, including a first-hand cataloging of potential hazards in the area. (See Chapter 6 for a sample *Bus Stop Observation* form to use when evaluating potential stops.)

A system for periodically re-evaluating the safety of existing stops is as important as how stops are initially determined. We believe stop evaluations are presently a weak area for the school transportation industry. A “check ride” (sometimes called “driver observation” or “defensive driving review”) is a perfect opportunity to not only evaluate the bus driver’s skills, but to simultaneously assess bus stops for possible safety problems. For instance, an alert evaluator may discover that the driver is not running the approved route, and has made unauthorized changes to it. Those working “in the trenches” in school transportation know discrepancies frequently exist between written route sheets and what drivers are actually doing. A trained evaluator may also discover other types of bus stop-related safety problems or discrepancies during a check ride, such as children waiting too close to the road, children not crossing the street properly, new construction near a stop, etc.

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Historically, clear guidance about how to establish and maintain safe bus stops has been in short supply for school districts. Existing national routing and bus stop safety guidelines, such as those created by the National Highway Traffic Safety Administration (NHTSA) in *Highway Safety Program Guideline 17* (originally *Standard 17*), the National Association of State Directors of Pupil Transportation Services (NASDPTS) in *Identification and Evaluation of School Bus Route and Hazard Marking Systems*, and the National Congress on School Transportation in *National School Transportation Specifications and Procedures (NSTSP, formerly National Standards)*, are useful and serve as a baseline from which to establish district procedures and policies, but they are generic and limited in scope. However, although the documents lack specificity, NHTSA, NASDPTS and NSTSP are widely recognized sources for best practices within the industry, and a school district that ignores their recommendations may find itself “feeling lonely” when faced with a lawsuit as a result of a bus stop incident.

National membership organizations, such as the National Association for Pupil Transportation (NAPT) and the National School Transportation Association (NSTA), also offer useful information through conferences and workshops to guide transporters in making wise decisions about bus stops.

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State laws and recommendations about bus stops also typically lack the specificity needed to be helpful in many real world applications.

This book is the product of the collective learning of the authors, drawing on our varied experiences in school transportation over many years:

- In transportation management and routing.
- In accident investigation and litigation.
- In educating and interacting with school bus drivers, routers, trainers, and supervisors from across the country about bus stop safety issues.
- In reviewing judicial and agency decisions addressing bus stop safety, or the lack of it.
- In providing technical assistance and conducting safety assessments for school districts and bus companies across the country.

Where applicable, and where we believe it adds context and a sense of reality to our argument, we have included examples from case law, but this book is not intended to be an exhaustive discussion of applicable judicial opinions. Furthermore, judicial decisions in one jurisdiction cannot be regarded as binding, or, in some cases even directly relevant, in another jurisdiction. The cases cited in this book should be considered simply as illustrations of one district's success with a particular bus stop practice, or another district's failure. Of course, litigation is invariably expensive and

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time-consuming, whatever the outcome. And lurking in the background of most pupil transportation court cases is the sad fact that a child has been injured, or worse. No one really “wins” in most litigation, and one goal of this book is to keep school districts and bus companies out of court altogether.

It is our hope that the diverse backgrounds and perspectives we bring to this complex subject will add both to the richness and pragmatic applicability of our recommendations.

Chapter 1: Evolving Community Standards

Chapter 1: Evolving Community Standards About Bus Stop Safety

We begin by focusing on how changing societal standards about child safety have had a corresponding impact on attitudes about bus stop safety. These changed attitudes are experienced by transporters in the form of an increasingly frequent question from parents: “Can you guarantee my child’s safety?”

Local conditions vary, but in many areas community standards about bus stop safety have evolved considerably in recent years. As the world has changed, and anxiety about children’s safety has deepened, school districts are often asked to provide a higher level of protection than in years past. As parents and the wider community collectively fear threats beyond their control, courts may understandably echo their insistence that school districts extend their duty to keep students safe. This is not an entirely new trend. For example, even as early as 1981 - twenty years before 9/11 - one court stated, “A school district’s legal duty to exercise reasonable care extends to any activity of school bus transportation which lies outside the control of the parents.” (*Brooks v. Woods*, 640 P.2d 1000, 1001, Okla. Ct. App. [1981]).

Once upon a time, bus stop controversies turned mainly on “how far it is reasonable to expect children to walk or to be transported by their

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parents to meet the school bus” (*Law and Liability in Pupil Transportation*, Harold H. Punke, University of Chicago Press, 1943, p. 102). Today, a bus stop located anywhere near a convicted sex offender’s house understandably causes parents grave concern. While only a few years ago most school districts would have said “sorry, no” to parents who wanted their child’s bus stop moved closer to their house because of an unsavory character who had moved into the neighborhood, it’s increasingly difficult to ignore such concerns today. With convicted sex offenders living in almost every community (with over 550,000 spread across the country), the scope of this problem can hardly be exaggerated.

Similarly, concerns over increased traffic congestion and speed, and the apparently increasingly aggressive driving habits of the motoring public, logically enough lead many parents to question the placement of bus stops on busy roads. Tragedies resulting when young children are required to cross multi-lane highways on their own, relying on what courts have termed the “blind fiction” that other vehicles would stop for the stopped bus, call into question not only a school district’s bus stop policy but its overall judgment and commitment to children’s welfare. The liability exposure resulting from such a portrait of institutional indifference can be extensive.

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In the past, protecting children from significant or unusual hazards between a child's residence and the assigned bus stop was traditionally regarded as the parent's, not the school district's, responsibility. State laws, state agency interpretations, and case law sometimes codify this rigid distinction between parent and school responsibility, but few communities today are satisfied with legalistic rationales for ignoring situations where children are known to be at risk.

Of course, all student transporters hope parents will be cooperative partners in the safe transportation of their children. But as parent expectations and community standards evolve, school district communications with parents need to be crystal-clear about parent responsibilities for bus stop safety. (See Chapter 5 for a more detailed listing of parent responsibilities, and Chapter 6 for a sample *Letter to Parents*.)

School district decisions about routing and bus stops are often controversial - especially a decision to deny transportation altogether to students from a given area. In 2003, the Iowa Supreme Court was called upon to decide if a school district had appropriately determined that it would not provide transportation to ninety-four children who lived at a mobile home park approximately one mile from their elementary school. Parents had appealed the decision to a local agency that determined students faced an unreasonably dangerous walk to and from

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school given the volume of traffic in the area, the number and complexity of crossings, and sidewalk location which resulted in even very young children being “surrounded by traffic.”

When the agency’s decision was appealed, the court found in favor of the school district. The primary reason for this positive outcome for the school district was the process it used to make its decision. The court felt the district had carefully assessed competing considerations identified by a broadly-comprised and qualified Safety Committee (*Sioux City Community School District v. Iowa*, 659 N.W. 2d 563, [2003]). An analytical and deliberate decision-making process serves school districts well in decisions about the location of bus stops, as well as eligibility for transportation services.

Historically, student eligibility for transportation has typically been determined solely on the basis of distance from the school, not hazard. But increasingly, school districts are being asked to consider all types of hazardous conditions along the walk route when determining which students are entitled to transportation. A recent case illustrates this trend. A mentally disabled fourteen year old student had endured threats and assaults from gang members and others on his walk to and from school. He became so fearful that he refused to attend classes, affecting his school performance. The Illinois State Educational Agency found that the boy’s disability made it particularly difficult for him

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to negotiate these encounters. The Agency determined that the walk route was so dangerous that there was a significant impact on the student's ability to benefit from his special education instruction. As a result, it held that transportation was necessary for the student. (*East St. Louis School District No. 189*, 36 IDELR 202, [2002]).

Similarly, at one time schools typically dealt with student fights at bus stops by not dealing with them. "It's not our responsibility to supervise students at the stop before the bus arrives or after it leaves. That's a parental responsibility." But ignoring even a threat to a child at a bus stop, let alone an actual assault, could expose a school district to public acrimony and possibly a civil lawsuit today.

Where a school district has notice of a credible threat to a child, the law may impose additional responsibility for action. In one case (*Warrington v. Tempe Elementary School District No. 3*, 928 P.2d 673 [1996], cert. den. 3 P.3d 988 [1999]), Andrew, a then seven-year-old student, ran into a busy street and was injured when another rider chased him after both had been discharged at the bus stop and the bus had left the area. The other student had previously threatened to beat Andrew up.

A child psychologist serving as an expert in the case noted children's natural tendency to "fight or flee" when they're feeling threatened. He went on

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to say, “And even children who are fairly bright and well trained about traffic safety sometimes do not search out what the alternatives are...” Another expert, a school bus driver trainer and consultant, testified that the district should reasonably have foreseen that children of Andrew’s age are unpredictable and might run into a busy street. The court ruled against the school district.

Ever thornier child custody issues have led many school districts to establish stricter procedures for ensuring students are delivered only to their designated stops or to designated individuals. Because of community and parent concerns, many school districts now require that an adult be home or at the bus stop before releasing young children or children with disabilities, even where such a policy is not mandated by state law. (For Head Start children, it is law.) In addition, Social Service guidelines about child supervision must be taken seriously by school transporters in some jurisdictions and situations.

In today’s litigious environment, school districts must even consider the potential risk to the motor-ing public, not just to students, as a factor in the placement of bus stops. Districts have been successfully sued for placing a bus stop in a location that allegedly contributed to an injury to a motorist. For example, in a recent case (*Black v. Homer Central School Dist.*, 736 N.Y.S. 2d 586, [2001]), a family’s lawsuit was allowed to proceed against a district on the basis that its placement of a

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bus stop contributed to injury to the family in their own car. Where a court determines that foreseeability and likelihood of harm to non-passengers creates a duty of care under the law, the breach of that duty by a district can result in liability. In this instance, the court remarked that “Certainly, it is foreseeable that accidents might occur, causing damage to other motorists and their passengers, if bus stops are placed without any concern for the bus’s visibility, the ability of an approaching motorist to comply with his or her statutory duty to stop for the bus, or similar concerns.”

Fortunately, at least one court has remarked that the imposition of such an extended duty of care could “create an impossible burden” since it would “be incapable of definition and be open to almost limitless applicability” (*Kohn v. Laidlaw Transit, Inc.*, 808 N.E.2d 564 [2004]). And even the *Black* court acknowledged that “it would be illogical to impose upon the district a duty, with respect to the traveling public, that is broader than that owed its own students, or inconsistent with the other legal constraints imposed by statute and common law, including the obligation to consider and balance numerous relevant factors, including cost and efficiency, as well as public safety, when establishing bus routes and stops.” However, these reassuring statements are no guarantee that, under a slightly different set of circumstances, a court would find accordingly. The *Black* court identified the factors a school transporter should consider in

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order to protect itself: the availability of alternative locations for the stop and the relative efficiency and cost of those alternatives.

Although school districts today are increasingly being asked to justify their bus stop and routing practices, to some extent this has always been the case. Even a hundred years ago, some courts took a hard look at school district bus stop policies: “It can hardly be doubted that the mirthful play of well-clad children in the open in journeying over fences and fields and along highways for short distances, is more hygienic and sanitary, and, in the end better for the children, than to assemble and haul them in closed vehicles - sometimes too warm, sometimes too cold - for hours at a time in doubling the travel to the several homes. The health and protection of the children should in all cases be fundamentally considered. Their ages and sex, facilities for rest and shelter while waiting for the conveyance in inclement weather, are all proper matters to be weighed in determining what is reasonable.” (*Lyle v. State*, 172 Ind. 502, 88 N.E. 850 [1909]).

Today, lucky transportation administrators may only be forced to explain their routing and bus stop policies to the school board, or the PTA; less fortunate souls may find themselves trying to defend the school district’s or company’s bus stop practices on the 6 p.m. news - or in court.

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The best way to avoid such unpleasant circumstances is to establish a consistent and responsive system for establishing and evaluating stops, and for handling parent complaints and concerns. The following suggestions, which are fleshed out in subsequent chapters, should be considered a starting point for protecting school districts and bus companies:

- **Document complaints about bus stops and routes.** Who complained? To whom did they speak? When? About what? If the complainant's message needed to be relayed to someone else, such as the transportation supervisor or school principal, was it?
- **Establish a consistent procedure for deciding where to place bus stops.** Procedures should be in writing, with specific staff responsibilities in the bus stop determination process clearly articulated. Once established, procedures must be followed.
- **Carefully investigate proposed stop changes and options.** Consider the ages of the children involved. Was the parents' preferred stop rejected in favor of another? If so, why? Was student safety appropriately balanced against real, verifiable, costs? How solid is the evidence concerning the safety factors at the stop options being considered? And last, but definitely not least, were the factors taken into account in the decision adequately documented? (A sample

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Bus Stop Change Request form is included in Chapter 6.)

- **Communicate bus stop safety criteria to parents.** When disputes arise about bus stop location, parents should be informed about the reasons behind the decision, stressing the safety factor. Transporters should avoid giving the impression that they're simply "digging in their heels," looking for ways to say no. Such an arbitrary approach cannot only lead to potential liability but unnecessarily drain time and staff resources. Of course, some parent requests cannot and should not be met, but many others are entirely valid. A "circle the wagon" mentality towards parents is unprofessional and self-defeating. When parent requests can be accommodated without incurring significant additional expense, without subjecting other students to increased risk, and without establishing unmanageable precedent for other families in like circumstances, they should be seriously considered, not rejected out of hand. Although parents can be challenging and even exasperating at times, ultimately they should not be seen as adversaries but as the community being served.

When bus stop policy is challenged by parents or others, transporters should ask themselves the following questions before saying no:

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- Is the policy reasonable on its face, or is it “just how we’ve always done it”?
- Has the district allowed any exceptions to the policy in the past?
- If yes, are there defensible reasons not to make an exception here? Is the present case substantially different from the previous exceptions?
- Most importantly, how is student safety likely to be affected by either adherence to, or change from, present policy?

Rather than relying on luck, transportation administrators should proactively assess their operation’s bus stop policies and procedures. The first step in a self-assessment is finding out what your school district’s current policies, procedures, and practices about bus stops really are.

Bus Stop Observation Form

Location of stop: _____

Reason for observation:

- Parent complaint
- Bus driver safety concern
- Annual evaluation
- Establishing new stop
- Other: _____

Stop profile:

students (if known): _____ Grade levels (if known): _____

- Student(s) with special needs
- Crossover

Safety factors:	Notes/Comments
Visibility to motorists	
Traffic speed (posted, actual)	
Traffic volume	
Special traffic concerns	
Waiting area for students	
Distance to corner (if applicable)	
Distance to sex offender house (if applicable)	
Other unusual hazards	
Wheelchair lift zone (if applicable)	

Recommendations:

Do you consider this a safe bus stop for this area and these students?

- Yes
- No

Comments: _____

Observer name (print): _____

Signature: _____ Date/time of observation: _____

Maintain completed form in route/bus stop files.

Bus Stop Change Request Form

Location of current stop: _____

Location of requested stop: _____

Date change requested: _____

Change requested by:

Parent: _____

Bus driver: _____

Route evaluator: _____

Other party: _____

Rationale for request: _____

Disposition:

Approved

Denied

Other (explain): _____

Rationale for disposition: _____

Comments: _____

Supervisor name (print): _____

Signature: _____ Date of disposition: _____

Maintain completed form in route/bus stop files.

Bus Driver's Route Evaluation Form

Driver name: _____

Route #: _____ Approximate time driving this route: _____

Hazards

Have you observed any significant or unusual hazards while driving this route, or while picking up or dropping off students at bus stops?

- Yes
 No

If "Yes," indicate what hazards you have observed: _____

Are there any bus stops on this route that you believe should be changed?

- Yes
 No

If "Yes," indicate which stops: _____

Any additional comments about this route? _____

Driver signature: _____

Date: _____

Give completed form to your supervisor.

Check Ride Form

Driver name: _____

Route #: _____ Bus #: _____ Check ride date/time: _____

Bus driver safety performance:

(For each of the following skill areas, indicate any safety deficiencies observed - be specific)

Skill:	Safety deficiency observed during check ride:
Student loading/unloading	
Attentiveness	
Speed for conditions	
Space cushion, following distance	
Defensive driving, hazard recognition	
Vehicle control (turning, braking, accelerating)	
Proper lane use	
Courtesy/judgment	
Other skill set (define):	

Route and bus stop evaluation:

Did you observe any significant or unusual hazards while riding this route, or any bus stops that you believe should be changed?

- Yes
- No

If "Yes," indicate what hazards or unsafe bus stops you observed (be specific):

Evaluator name: _____

Evaluator signature: _____

Give completed form to supervisor - drivers should be made aware of any deficiencies noted.

Unsafe Roadway Determination Form

Roadway being assessed: _____

Reason for assessment:

- New roadway (new home, development)
- Accident or close call
- Construction
- Other: _____

Assessment methods: (check all that apply; note dates)

- Site visit: _____
- Driving roadway in a bus: _____
- Roadway measurements (width, grade): _____
- Accident history review for the roadway: _____
- Other: _____

Assessment conducted by: (check all that apply; identify)

- Transportation staff: _____
- School administration/board: _____
- Law enforcement: _____
- Highway department: _____
- Other: _____

Summarize findings (attach any additional field notes, photos, etc.):

Disposition:

- Roadway is safe for bus transportation
- Roadway is not safe for bus transportation
- Other: _____

Date of disposition: _____

Transportation supervisor signature: _____

Maintain completed form and any additional documentation in routing files.

Dear Parent/Guardian:

We are pleased to be transporting your child to and from school this year.

We are very proud of the safety record of our school buses and the professionalism of our transportation team.

Please help us ensure your child's safety by following these simple but important procedures:

- Provide your child with a backpack or bookbag. Loose papers or other items are dangerous as children get off the bus.
- Check your child's clothing for the presence of long drawstrings or other dangling items. Long drawstrings or other dangling items could get snagged in the bus door as the child gets off the bus, and should be removed from clothing. Bright clothing, and clothing or backpacks with reflective material, makes your child more visible at the bus stop.
- Make sure your child arrives at the designated bus stop five minutes early each day. Children who are late for the bus may panic and chase it, or run into the road.
- Insist that your child wait for the bus safely in an orderly fashion, back from the roadway. Behavior problems at the bus stop can create hazardous conditions for children.
- When the bus arrives, your child should wait for the bus driver's signal before boarding. Children should board in single file.
- Teach your child to sit quietly on the ride to and from school. Behavior problems could distract the bus driver and result in an accident.

It is important that our drivers are able to concentrate on driving the route safely. If anything makes your child feel unsafe at the bus stop or on the bus ride, please contact us at the transportation department, rather than trying to discuss it at the bus stop.

We are deeply committed to the safety of your child as well as all our community's children.

Thank you!

Your child's transportation department

