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# Committee Meeting

of

SENATE TRANSPORTATION COMMITTEE

ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES  
COMMITTEE

*“The Committees will meet to hear testimony from invited guests regarding school bus safety”*

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**LOCATION:** Committee Room 6  
State House Annex  
Trenton, New Jersey

**DATE:** June 18, 2018  
10:00 a.m.

**MEMBERS OF COMMITTEES PRESENT:**

Senator Patrick J. Diegnan, Jr., Chair  
Senator Vin Gopal, Vice Chair  
Senator Nia H. Gill  
Senator Joseph A. Lagana  
Assemblyman Daniel R. Benson, Chair  
Assemblywoman Patricia Egan Jones, Vice Chair  
Assemblyman Nicholas Chiaravalloti  
Assemblyman Roy Freiman  
Assemblyman Thomas P. Giblin  
Assemblyman Robert J. Karabinchak  
Assemblyman James J. Kennedy  
Assemblywoman Yvonne Lopez  
Assemblyman Benjie E. Wimberly  
Assemblyman Anthony M. Bucco  
Assemblywoman BettyLou DeCroce  
Assemblyman Gregory P. McGuckin



**ALSO PRESENT:**

Sheree D. Henderson  
Lauren M. Vogel  
Philip M. Mersinger  
*Office of Legislative Services  
Committee Aides*

Thomas Scotton  
*Senate Majority*  
Shannon Natale  
*Assembly Majority  
Committee Aides*

Theodore Conrad  
*Senate Republican*  
Glen Beebe  
*Assembly Republican  
Committee Aides*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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PATRICK J. DIEGNAN, JR.  
Chair

VIN GOPAL  
Vice-Chair

NIA H. GILL  
NICHOLAS J. SACCO  
JAMES W. HOLZAPFEL  
ROBERT W. SINGER

SHEREE D. HENDERSON  
Office of Legislative Services  
Committee Aide  
(609) 847-3840  
(609) 292-0561 fax

**New Jersey State Legislature**  
**SENATE TRANSPORTATION COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

LAUREN M. VOGEL  
Office of Legislative Services  
Committee Aide  
(609) 847-3840  
(609) 292-0561 fax

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE SENATE TRANSPORTATION COMMITTEE**  
**FROM: SENATOR PATRICK J. DIEGNAN, JR., CHAIRMAN**  
**SUBJECT: COMMITTEE MEETING - JUNE 18, 2018**

*The public may address comments and questions to Sheree D. Henderson, Lauren M. Vogel, Committee Aides, or make bill status and scheduling inquiries to Melinda Chance, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideSTR@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The Senate Transportation Committee and the Assembly Transportation and Independent Authorities Committee will meet jointly on Monday, June 18, 2018 at 10:00 AM in Committee Room 6, 1st Floor, State House Annex, Trenton, New Jersey.**

The committees will meet to hear testimony from invited guests regarding school bus safety.

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Issued 6/11/18

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Chair

PATRICIA EGAN JONES  
Vice-Chair

NICHOLAS A. CHIARAVALLOTTI  
ROY FREEMAN  
THOMAS P. GIBLIN  
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BENJIE E. WIMBERLY  
ANTHONY M. BUCCO  
ROBERT D. CLIFTON  
BETTYLOU DeCROCE  
GREGORY P. MCGUCKIN



PHILIP M. MERSINGER  
Office of Legislative Services  
Committee Aide  
(609) 847-3840  
(609) 292-0561 fax

**New Jersey State Legislature**  
**ASSEMBLY TRANSPORTATION**  
**AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO:** MEMBERS OF THE ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

**FROM:** ASSEMBLYMAN DANIEL R. BENSON, CHAIRMAN

**SUBJECT:** COMMITTEE MEETING - JUNE 18, 2018

*The public may address comments and questions to Philip M. Mersinger, Committee Aide, or make bill status and scheduling inquiries to Melinda Chance, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAide.ATR@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**SENATOR PATRICK J. DIEGNAN, Jr. (Chair):** Would you all please rise for the Pledge of Allegiance?

(all recite the Pledge)

**SENATOR DIEGNAN:** Roll call.

**MS. VOGEL (Committee Aide):** Senator Singer. (no response)

Senator Holzapfel. (no response)

Senator Lagana.

**SENATOR LAGANA:** Here.

**MS. VOGEL:** Senator Gill. (no response)

Senator Gopal.

**SENATOR DIEGNAN:** He's on his way.

**MS. VOGEL:** Vice Chair Diegnan -- I mean, Chairman Diegnan.

**SENATOR DIEGNAN:** Here.

**MR. MERSINGER (Committee Aide):** Assemblyman Clifton. (no response)

Assemblyman Bucco.

**ASSEMBLYMAN BUCCO:** Here.

**MR. MERSINGER:** Assemblywoman DeCroce.

**ASSEMBLYWOMAN DeCROCE:** Here.

**MR. MERSINGER:** Assemblyman McGuckin.

**ASSEMBLYMAN McGUCKIN:** Here.

**MR. MERSINGER:** Assemblyman Wimberly.

**ASSEMBLYMAN WIMBERLY:** Here.

**MR. MERSINGER:** Assemblywoman Lopez.

**ASSEMBLYWOMAN LOPEZ:** Here.

MR. MERSINGER: Assemblyman Kennedy.

ASSEMBLYMAN KENNEDY: Here.

MR. MERSINGER: Assemblyman Karabinchak. (no response)  
Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Here.

MR. MERSINGER: Assemblyman Freiman.

ASSEMBLYMAN FREIMAN: Here.

MR. MERSINGER: Assemblyman Chiaravalloti.

ASSEMBLYMAN CHIARAVALLOTTI: Here.

MR. MERSINGER: Vice Chairwoman Jones.

**ASSEMBLYWOMAN PATRICIA EGAN JONES (Vice  
Chair):** Here.

MR. MERSINGER: Assemblyman Benson.

**ASSEMBLYMAN DANIEL R. BENSON (Chair):** Here.

SENATOR DIEGNAN: Okay; sadly, many times tragedy calls our attention to something that we otherwise would never even think needed attention.

And we all know the tragedy that happened recently with the school bus, and a young child and teacher losing their lives. It was actually Assemblyman Benson's idea, who called and said, "Let's do a joint Committee on this." And the one who really is taking the lead -- and I'm going to ask him to come on up -- is Senator Lagana, who was personally affected by this; this was in his District.

And what we're trying to do today, really, basically, is listen. I think the biggest mistake that we, in politics, many times time do is

presume we know what the answers are, rather than finding out what the problem is and how to properly address it.

So today-- And I want to thank everybody for coming; we're here to listen. And tell us what you think we could do to make things better and to avoid a tragedy like this ever occurring again in our state, and in our nation, if at all possible, since we hopefully could be the lead.

So why don't you come on up.

ASSEMBLYMAN BENSON: While Senator Lagana is coming up, I'm just going to just briefly add--

First, I want to thank Senator Diegnan, Chairman, for having this joint hearing. I think it is so important in this critical time for us to listen and hear testimony on those involved in our bus transportation system and safety. As the parent of a young child, I can't tell you how both moved and shocked from the tragedy that we saw-- It wasn't that long ago that we've had a tragedy in our backyard -- in Chesterfield as well. Clearly, changes are needed; but we can't find those changes and reforms without first hearing from those affected and those who are experts.

So I appreciate everyone who is here today who is concerned about safety and finding ways so that these tragedies don't occur again; and we can make that critical ride to school, as well as to other events, as safe as possible.

Thank you.

SENATOR LAGANA: Good morning, Chairman Diegnan, Chairman Benson.

I just want to say, first of all, I appreciate you having this joint hearing today to listen to testimony.

I know we have a great panel that's going to come up and talk a little bit, after we do, about some policy changes that we should be implementing, going forward.

But I just want to take this time to talk a little bit about my involvement, and the young man sitting to my right here. The school bus crash that occurred in Paramus about a month ago, in my hometown of Paramus, involved a school trip with buses carrying 5th graders; it was one of three buses. It was, obviously, involved in an accident on Route 80; and we know, through the reporting and subsequent investigations, kind of what happened.

What we plan on doing, going forward, here today is to implement best practices; look at the policies, look at what others states are doing, and what we could do to make it a little bit safer for our students on the roads and in their buses.

On that fateful day, the Paramus family lost a beloved teacher and a student. There were-- Pretty much everybody on the bus was injured; varying levels of injury. It was over 40 people who were injured, and there were some children who I believe just recently left the hospital. They had experienced significant injuries.

The East Brook School is a place where my niece and nephew went to school; my three children -- two of them who are of school age are in the Paramus school system. The date that the accident happened was obviously heart wrenching for me, and for the people in Paramus, as well as the State. We all know that this made national news, and people across the country have been very supportive of the Paramus family. The motto has been, now, *Paramus Strong*; we've come together to begin a healing process.

We continue to grieve, but everybody understands that going forward we need to implement certain policy changes; some of them seem to be very simple, and some of them are going to require more work for us.

We have the opportunity today to do something positive; work on meaningful policy changes to make sure that this never happens again. I feel an obligation to the entire East Brook family, and all those I represent, to improve safety and to do it the right way.

I signed on to Senator Thompson's legislation -- and I want to thank Senator Thompson for being here -- requiring the three-point, over-the-shoulder safety belts being one of -- if passed into law, only one of a few states that even has this measure. Most states in this country don't even require seatbelts to be on school buses.

I know the NTSB is here today to testify, and they recently put out a recommendation that school buses have safety belts.

The young man to my right, who is going to speak in a minute, is -- he's the son of one of my best friends, Pete Caminiti. He's also *Pete Caminiti*, but we call him *Petey*. He'll tell you a little bit about his experience; and that was why it was a little bit more difficult for me that day, knowing that he was on a bus. Again, he's going to talk to you in his words; but, you know, the bus was full of kids like him. And just to think about seeing those pictures, to see what happens -- it was really a terrible thing to see. And I think that looking at the collective faces on this dais, and knowing my colleagues in the Legislature, and with the Governor's Office -- we're going to put through meaningful policy to make sure, again, that we're protecting our children's lives. Because there's no price tag that

can be put on it, and I think we will be able to do this in a bipartisan fashion.

And I just want to thank, again, the Chairmen, members of the Committee, for listening and for giving us the time and consideration, going forward.

So thank you, Chairmen.

**PETER CAMINITI III:** Good morning, Senators and Assembly members.

My name is Peter Caminiti. I'm an 11-year-old boy, and a 5th grader at East Brook Middle School in Paramus. My dad is here with me, and I'm very happy to be here with you.

I'm a victim of the bus crash on Route 80. Now, before I get into what I want changed in New Jersey, I'm going to tell you my story.

It was May 17, 2018, at about 10:30 a.m., and I was having a great time with my friends until -- boom -- I was knocked out. I woke up hanging from my seatbelt, just before it was cut off by one of the first responders.

I was carried outside of the bus and put on the ground as he started to ask me questions. And then my homeroom teacher, Ms. Madonna, was there telling me that I was going to be all right.

The first responder came back and said that the ambulance had arrived, and then I passed out again.

On the way to the hospital, I woke up again. The EMTs starting asking questions like, "What's your name? Do you know where you are? Do you know your parents' phone numbers?" I knew my name

and that I was in an ambulance, but I did not know my parents' phone numbers.

That's when I arrived at the hospital. They rolled me into the emergency room, hooked me up to an IV, and brought me to a machine for tests. Those tests are called *CAT scans*. I was confused about what was going on, and asked a lot of questions. I asked what happened to the bus; I asked what happened to my friends; I asked if I was going to die. My head hurt; I was nauseous, dizzy, and I couldn't hear out of my left ear. They diagnosed me with a bad concussion and admitted me to the hospital.

I was there for three days. I later found out from another doctor that I have damage to a connection that goes from my inner ear to my brain stem. I learned that's a big reason why I was getting dizzy.

I'm one of the lucky ones. Most of my hearing has come back and my balance has gotten much better. But the doctor said I couldn't go back to full school days for the rest of the year.

When I was in the hospital, I was thinking that seatbelts on the buses aren't as safe as the ones that are in my mom and dad's cars. Their cars have seatbelts called *three-point harnesses*; buses only have two-point harnesses. When my mom or dad stops short in their cars, my body only moves a little bit. When the bus stops short, my upper body hurls forward and hits the seat in front of me. Why would we make the buses that carry kids less safe than the cars that our parents drive us around in? So I want three-point harnesses on every school bus in New Jersey.

We also need regular inspections of the seatbelts on the buses. Some of my friends told me that they were wearing their seatbelts, but were thrown from their seats because the seatbelts weren't working properly.

When I was in the emergency room, I asked my dad if my friends were okay. I started naming some of them, but he said he wasn't sure. I asked him why he wasn't sure, and he said that all the kids on the bus hadn't been identified yet. That scared me.

My father told me, hours later, that they still hadn't identified many of my friends because the hospital they were in wasn't giving out their names. If they had identification on them at the time of the crash, we would have been able to identify all of them immediately. This is why I'm asking that all students in New Jersey have identification on them at all times. Is there a reason that a student wouldn't have identification when in school or on a class trip?

In conclusion, this is what I want to see changed, regardless of the cost. If you want to know about the finances, then I'm not that guy. I'm the one who wants to save lives, and you can't put a price on life.

Thank you all for the opportunity to speak with you today.

SENATOR DIEGNAN: Anybody have any questions to Peter, or his dad, or Senator Lagana? (no response)

SENATOR LAGANA: Great job.

SENATOR DIEGNAN: Thank God he isn't old enough to run against you. (laughter) You would be toast.

Okay; thank you. Great job, great job.

SENATOR LAGANA: Thank you.

SENATOR DIEGNAN: Okay; next, we're going to ask Senator Thompson, Assemblywoman Swain, and-- Is that it, just the two?

MR. MERSINGER: And Assemblyman Tully.

SENATOR DIEGNAN: And Assemblyman Tully to come on up.

Sam, you can lead it off.

**SENATOR SAMUEL D. THOMPSON:** Thank you, Mr. Chairman.

In 2012, we had a very similar crash occur in Chesterfield, between a Chesterfield school bus and a Mack truck. At that time, it claimed the life of a 6th grader, named Isabelle Tezsla; and resulted in life-threatening injuries to her two sisters, Sophie and Natalie, as well as three other students. A total of 15 students were injured.

As a consequence of that accident, I did introduce, in 2013, a Bill to require that we have three-point seatbelts -- lap band/shoulder -- on all new school buses. As was mentioned a moment ago, only seven states have any laws regarding seatbelts on school buses; and only California and Nevada require the three-point seatbelts.

In the subsequent years, I've reintroduced it; and we did get a hearing in Committee once, but the Bill never went further.

It has been known for decades that lap belts offer insufficient protection in certain kinds of crashes. And what we see here I think increases the necessity of enacting this measure.

The National Transportation Safety Board, in 2013, also put out a recommendation that school buses -- all new school buses have three-point belts. A new recommendation was issued from them in the last few weeks with regards to the same thing. They say the previous recommendation was too weak, and this one is going to be much stronger.

For the safety of our children, I would urge that we move S-632 forward and require-- Currently we do require the lap belts on all school buses; and on small school buses, we require the three-point belt. But they should be on all school buses.

SENATOR DIEGNAN: Sam, have you had pushback; I mean, from the industry?

SENATOR THOMPSON: Well, the only pushback-- Again, in a previous hearing we did have, they were concerned about costs. But as the young man said, we're talking about people's lives here, and costs should not be a determining factor.

SENATOR DIEGNAN: But, I mean, except for the costs, it's not a challenge.

SENATOR THOMPSON: No.

SENATOR DIEGNAN: It's something that can easily be done.

SENATOR THOMPSON: It's not a challenge. And of course, it is recognized that it will provide more safety and more security. We require them in all of our passenger cars. When they're riding in a car with their parents, they have it; but we don't require it on the school buses.

**ASSEMBLYWOMAN LISA SWAIN:** Good morning.

Thank you to Transportation Committee Chairmen Diegnan and Benson, and members of this Committee, for your dedication to improving school bus safety.

And I have to thank Peter for his bravery for coming to testify before you today.

Personally, I am honored to serve with Senator Lagana in the 38th District in joining him in representing Paramus and the East Brook

Middle School community. Paramus is a proud town, which I spent many years as a neighbor to as Mayor and Councilperson in nearby Fair Lawn. Along with all of you, my heart goes out to the entire Paramus community, especially those most affected -- including the Williamsons and Vargases, who lost loved ones.

The tragedy will never be something we can make sense of, but it has opened all of our eyes for the need to scrutinize and improve safety. Sadly, nothing we do here today will change the events of the past; but it is our obligation to ensure that we work towards a better and safer future. We will remain committed to helping East Brook in all ways that we can, and we must dedicate ourselves to preventing another such accident through better policy.

Driving here today from across the state, I'm sure each of you, like me, pulled a seatbelt over your shoulder and clicked it in without much thought. How is it possible that this accepted standard of safety for all passenger vehicles is not required for our children on buses? Let's fix this oversight. Let's also demand a higher standard for drivers, and leave no stone unturned in the search for how best to achieve that goal.

I'm new to representing Paramus, but I do so with great pride and am committed to helping ensure some of the policy recommendations that come out of today's hearing become law.

I thank you all for allowing me to work with you, and especially to Senator Lagana for bringing us here today to make it happen.

Thank you.

**A S S E M B L Y M A N P. C H R I S T O P H E R T U L L Y:**  
Chairman Diegnan, Chairman Benson, Senator Lagana, members of the

Committee, thank you for holding this important hearing and for your work to help protect New Jersey's school children and educators.

I look forward to personally working with you, and many others, who are here to testify on improving all our policies relating to school bus safety in this state.

I was sworn in to represent the 38th Legislative District the week after this tragic accident that spurred today's Committee hearing. That day I was working for Congressman Gottheimer; the Congressman was in Washington D.C. that day, and he had asked me to head to East Brook Middle School, on his behalf, to ensure the community had the full support of our office.

Words cannot properly convey the emotional experience of being there that day, as Senator Lagana and Peter so eloquently spoke of. And Lisa, I agree; Peter, you're so brave for being here.

And of course, as I was there thinking about all the families and parents affected, I thought about my own family and my own son. No child, no parent, or educator should have to go through what the families in Paramus and the East Brook community is currently enduring. We have the ability and the responsibility to make sure they do not.

My first official action as an Assemblyman was joining my District-mate, Lisa Swain, and sponsoring legislation requiring over-the-shoulder seatbelts for school buses, and I look forward to legislation -- to that legislation advancing when both Bills are moved tomorrow.

It is unthinkable that many states, as Lisa explained, require no seatbelts whatsoever on their buses. New Jersey has a chance to be a leader on this issue, and we will be with your support.

Today, as one of the legislators proudly representing Paramus, and on behalf of all my constituents, I join you in working to find other ways to make transportation safer for New Jersey students. And I thank all those who join us in making those changes.

Thank you.

SENATOR DIEGNAN: Any questions? (no response)

Next, I'd like to call up Sue Fulton, Motor Vehicle Commission; Donna Pennabere, Motor Vehicle Commission; and Robert Molloy, Director, Office of Highway Safety, NTSB.

Come on up.

And there are two from -- Executive Director, there are two from your Department? Okay.

You want to start it off?

Go ahead.

**B. SUE FULTON:** Good morning.

(Indiscernible) (microphone malfunction)

The Motor Vehicle Commission has received numerous press inquiries regarding the driver of this school bus involved in the Paramus crash, Mr. Hudy Muldrow, Sr. With your indulgence, I'd like to review his driver record to clear up any possible misconceptions.

Mr. Muldrow's 43 years as a New Jersey driver included eight speeding tickets, dating back to 1975; the last in 2001. Also on the record is an improper turn in 1977, an improper turn in 1996, a careless driving violation from 2009, and an improper highway operation in 2010.

He did see his license suspended 12 times, though none of the suspensions were related to any moving violations. A half-dozen were

related to failure to pay parking tickets, for example; while another, in 1977, was for not having liability insurance.

That said, the Motor Vehicle Commission runs a suspension report every night, Monday through Friday, of all school bus and passenger-endorsed drivers whose driving privileges have been suspended for any reason. That report is delivered electronically each night to the Department of Education. Anyone appearing on that list is immediately barred from driving a school bus.

Because Mr. Muldrow's driving record has fueled considerable debate over who is allowed to drive our children's school buses, we at MVC welcome the opportunity to review the requirements that these drivers and their employers must meet. As it stands today, those drivers must meet a set of requirements. They must meet the Federal requirements for a commercial license; they must earn the *S* endorsement to transport school-age children, the *P* endorsement needed to transport passengers.

Now, each of these has a list of requirements that I am willing to review with you at length, or provide you at another date.

Additional requirements in the State of New Jersey also include bus inspections that occur twice annually that must include a current driver abstract for each driver, and medical certification by a federally certified medical examiner at least every two years.

As you can see, there are several safeguards in place to ensure that school bus drivers maintain a record in good standing, or they are pulled off the road via license suspension. However, we must never be satisfied when it comes to the safety of our citizens, especially our children. We take our mission at the MVC very seriously, and our mission is to put

driver safety at the very top of our priorities. If there are ways we can improve our standards or our operations, we welcome any input you may have.

Thank you again for your invitation to speak here today, and I'd be happy to answer any questions.

SENATOR DIEGNAN: I'm a little bit confused at the process.

You say you run it every day?

MS. FULTON: Monday through Friday; we run every night -- we run a report. And anybody who has the -- is driving a school bus or passengers -- if they have been suspended that day, we deliver that electronically.

SENATOR DIEGNAN: And then it's sent it over to DOE?

MS. FULTON: Correct.

SENATOR DIEGNAN: A particular person at DOE? Do you know the logistics of how that works?

**D O N N A P E N N A B E R E:** I'm sorry, I don't know the particular person's name; but I know there are people who do review the records when we send over the suspensions.

SENATOR DIEGNAN: And what happens, then, with DOE? I'm just wondering about jurisdiction. Let's say, hypothetically, you saw somebody who you thought had an awful driving record. Do you have the authority to direct DOE to no longer allow that person to be a school bus driver; or does that fall under the jurisdiction of DOE?

MS. PENNABERE: If they're violating Motor Vehicle laws, we will absolutely suspend; and then the DOE will notify the driver, and the employer as well, that they are not to drive a school bus. So our

monitoring, through our MVC system, can immediately suspend, based on certain violations.

SENATOR DIEGNAN: Where does the local district fall into all of this?

MS. PENNABERE: That I'm not sure of.

MS. FULTON: This may be a question that DOE can answer more effectively.

If the local board is the operator of the bus, they fall into -- they have a requirement to request the abstract of every -- a current abstract for each driver every year. So they may have other requirements for their drivers; DOE, I know, has additional requirements that we've not gotten into because they don't involve the MVC. But at a minimum, the operator -- whether it's a bus company or the Board of Ed -- must get an updated driver history each and every year.

SENATOR DIEGNAN: So the way I see it -- correct me if I'm wrong -- any one of the three of you have the ability to stop that particular individual from driving that bus. You, if there's suspension; DOE, based on cumulative information; the district, based on specific information. Am I right?

MS. PENNABERE: They would have to, again, follow Motor Vehicle laws. If someone has more than 12 points, we're going to suspend that driver. DOE, basically, looks at the record, and they send what I would call a *confirming notice* to the driver. If DOE notices that there was a criminal hit or something, they would then tell us, "MVC, go ahead and suspend that driver."

SENATOR DIEGNAN: I'm not trying to put you on the spot, but is this subjective? I mean--

MS. FULTON: No.

MS. PENNABERE: No.

SENATOR DIEGNAN: --let's admit it.

MS. PENNABERE: No.

SENATOR DIEGNAN: We're talking about a person here who -- without in any way, shape, or form litigating that case; I'm sure will be litigated -- but you're talking about a person who had 12 suspensions. Was there anybody-- Is there anybody at either Motor Vehicles or DOE who says, "If nothing else, this person is not attentive; maybe we should look into it;" or is it just black-and-white rules?

MS. FULTON: The thing about suspensions, Chairman, is that there are currently over 400 reasons a license can be suspended. And of the top 7, 6 of them have nothing to do with your driving, okay? I mean, there's, you know, parking; in this case, there are many failure to pay parking tickets. There's, you know, failure to appear, not paying child support -- all of which make you, potentially, you know, not a great citizen. But our primary concern-- We don't look at a driver's license as -- so much as a privilege, in the sense that it's an award for being a good citizen; we look at the driver's license in the sense of, are you safe to be on the roads. And so that's why we look at violations, and then we follow the letter of the law in terms of suspensions.

So we don't make a subjective judgement. But I think making a subjective judgement, in terms of suspensions, can be dicey. Because, I mean, in this case they didn't pertain to the driver's ability, or skill, or

directly to their driving, so much as some other factors. That said, *violations* is a different category. And if you accumulate enough violations to get those 12 points, boom. You know, if there's something that DOE sees that they find disqualifying under their own regulations, they can stop that person from driving.

I hope that's helpful.

SENATOR DIEGNAN: I'm sorry, (indiscernible).

MS. PENNABERE: No; as I said, if DOE -- if the driver had, let's say, for example, a criminal hit on their record, they would notify us immediately to suspend that driver.

SENATOR DIEGNAN: Anybody have any questions for these witnesses?

ASSEMBLYMAN GIBLIN: Could I question either the DOE or the DMV?

I'm trying to get a profile of a typical bus driver in New Jersey. What does their work week generally consist of? Is it just a couple of hours in the morning, driving the kids to school, and then a couple of hours at the end of the day, taking them home? And that might equate to 20 hours a week; is that accurate?

MS. FULTON: Assemblyman, through the Chair--

ASSEMBLYMAN GIBLIN: I'm not trying to pin you down, but just--

MS. FULTON: Yes; I mean, DOE has the details of that. But as I understand it, yes; I mean, it's a part-time job.

ASSEMBLYMAN GIBLIN: Yes, well, that's what I'm getting at. You know, by nature of that work week-- I mean, think about it --

trying to attract drivers, you're kind of limited. I mean, either the person has to have another job, or else they're in the category of retiree, just to be able to effectively do the job. Isn't that pretty much the case? So I'm thinking about people who might have another job; might come off of, say, a midnight shift, and then drive a school bus -- about their alertness and issues like that. I mean, it just seems like your pool is not that big.

And then I don't want to get into the other matter -- about how low the wages are. These folks are not overpaid; I mean, you know, I know they're getting minimum wage plus, but I wouldn't say -- you know, \$10, \$11, \$12 an hour might be as good as you're going to get. So, you know, it just seems to me that you have a problem about trying to get help, in terms of that issue.

And then the other issue I was also thinking about is the sturdiness of the school bus, versus an ordinary commercial bus. You know, just having-- I probably rode on a school bus a couple of months ago; I don't think too many people here on the panel might have done that. But it just -- I'm just looking at the construction side of it, how well it's built, as compared to a normal commercial bus. It seems to me they can't take the whack as good as an ordinary commercial bus might take. Am I being accurate on that? Although I'm looking at even their tonnage or their weight -- it seems to be a lot lighter and not as well constructed. That would be my assessment. Am I getting it in that area; or is it, you know -- do we have to look at issues of construction of the school buses themselves? Or does that present a problem with gas consumption and issues like that?

**ROBERT MOLLOY, Ph.D.:** With regard to the construction, the one thing that the National Transportation Safety Board has referenced

multiple times is that school buses have standards with regards to side strength that are very stringent. Motor coaches--

ASSEMBLYMAN GIBLIN: Well, they're nowhere near a normal commercial bus. I mean--

DR. MOLLOY: Actually, a normal commercial bus has very little with regard to the side strength, and that is something we've recommended in the past before. So that is one of the things -- with the way they overlap the sides, the quality of the materials they use on the sides. I worked an accident in Davis, which was a motor coach that was basically plywood on the sides. So school buses are extremely safe when it comes to sidewall strength.

ASSEMBLYMAN GIBLIN: And what about the issue I mentioned about the pool of potential drivers? Is that a challenge, you know, in terms of getting people who can work a limited number of hours per week? I heard bus drivers, you know, they work in the morning; they go home; and then they come back in the afternoon. That's pretty much standard as far as school bus operations is concerned, because they don't have work in the interim, between the morning and the afternoon sessions.

DR. MOLLOY: I will say, right off the bat -- I mean, it's jumping ahead on my testimony -- but one of the things that we think locally is important is school bus driver oversight; that the monitoring of their performance, on a regular basis, and following through on improving is a critical step to maintaining safe drivers.

Licensing is just one part of that; but the follow-up and oversight are critical parts.

SENATOR DIEGNAN: My fault; I really should have let you go next.

Give your comments, and then you can participate in the questions and answers.

Thank you for joining us.

DR. MOLLOY: Good morning Chairman Diegnan and Committee members.

Thank you for inviting the National Transportation Safety Board to testify about school bus safety.

We are an independent Federal agency; we do not work under the DOT. We do things independently, which allows us to look at the factors involved in school buses, without regard to what the regulations are, from our own point of view. We don't make regulations; we determine a probable cause.

We also have the opportunity to do safety studies or safety investigations; and that is what we've done most recently involving the Baltimore and Chattanooga crashes.

Before I begin, it's great that we're all here talking about school bus safety. But one thing that needs to remain clear for everybody is that school buses are the safest way to get your children to school. There are ways that we can make them better; we're going to be talking about that today. But we need to make sure that when you're going to get your children to school, that you're not reluctant to put them on that school bus, because they are extremely safe.

I began working at the Safety Board about 23 years ago. And I remember, as I worked in the Safety Studies Group, talking about school

bus safety, and the leaders in school bus safety at the time. And New Jersey, with its seatbelt law at that time, was definitely a leader in school bus safety. And I looked up to that; and the Board looked for examples to try and prove and show the importance of seatbelts, using New Jersey.

Unfortunately, crashes continue to occur; and we just investigated two crashes involving 12 fatalities, with 37 people injured. In Baltimore City, on November 1, 2016, a school bus struck a private auto and then continued on to hit a Transit bus. From the records, we were able to learn that the school bus driver had a history of seizures; had a history of seizures while driving school buses. He had one example of taking a bunch of kids to the school -- on a school field trip to the zoo, and having a seizure while on that trip.

We found that the cause of the Baltimore crash was, in fact, a seizure disorder that caused the bus driver to become unconscious, hit a vehicle, and then continue on to hit the Transit bus, killing six people.

On November 21, six students died, and more than 20 were injured, when a school bus in Chattanooga, Tennessee, operated by the Hamilton County Department of Education, operated by Durham School Services, struck a utility pole, rolled onto its right side, and collided with a tree. The bus was carrying 37 students, traveling 52 miles an hour in a 25-mile-an-hour zone.

The bus driver was transporting students from their school to their drop-off locations. He was driving so fast as a method to get the students to listen to him; it was his form of discipline for the students.

While he was driving, he answered a cell phone call. While he was talking on the cell phone, the school bus departed the roadway, and we

concluded that the bus crash was the driver speeding, combined with his phone use.

Although the specific issues of each crash differed, both of the crashes had things in common: poor oversight by the people responsible for making sure our children were transported safely; inadequate occupant protection for the children; and also, technology that could have been available on that vehicle, that's available on our cars today that could have prevented the crash.

First, with regard to the driver oversight: We have a long history of investigating accidents with drivers who will do anything to get their license. They will take a medical, and they will completely report that they've never taken a drug or had a medical issue in their life. When in fact we look at the records, they have multiple medical conditions; they are taking multiple substances on the drug test.

This driver had a history, since childhood, of epilepsy. He'd lost his license from the Maryland Motor Vehicle Administration in 1979. This proved to be no problem to him, because he changed his name and his birthdate, and then went and got a new license.

When he lost his license again, he did the same thing again, just changing his name and his birth date. Keeping track of those records is difficult for states.

Further, the school district and, in Baltimore, had a history on this driver of crashes, and they should have known and taken action. When this driver was a contracted driver, offered the position to drive in another county in the state, they said, "No, not a chance that this man can drive in our state."

So we found that the Maryland -- the schools in Baltimore were not doing a good job of overseeing who qualified as a driver. We asked for an emergency recommendation for an audit, and they found multiple drivers in the system who should have been disqualified.

New York Department of Motor Vehicles has conducted a study, looking at ways that people who get multiple licenses are safety risks. They looked at 12,000 drivers with multiple license records and found that 24 percent of them didn't have a valid license; 67 percent had been involved in a crash; 27 percent had had a cell phone violation; and 34 percent had 6 or more points on their license.

Maryland introduced, in 2011, a facial recognition program that helps them identify people who are applying for multiple licenses. As a result of this crash, we recommended that Maryland continue their program of facial recognition to help prevent driver fraud.

One thing that was really disappointing in the Baltimore crash is that the driver had a seizure the week before in the offices of the school -- of the school bus transportation company. They asked him to bring a note from his doctor. For five days he operated a school bus without even bringing a note from his doctor. Seizure disorders are disqualifying conditions for eight years; in Maryland, there's no waiver you can get. He should not have been operating a school bus.

We need to make sure that we keep people with medical situations from operating a school bus.

In Chattanooga, we had a driver who repeatedly threatened the safety of the students in the bus by using hard turns, sudden brakes, and speeding to discipline the kids.

Parents reported this to the school district and to the bus company. We had numerous e-mails and letters with complaints; we had letters from students with complaints about the bus driver. None of these letters were ever addressed.

We're happy that Durham, in the time being, has implemented a system for tracking the resolution of complaints. But that was a large oversight on their side. They've also introduced cameras on buses that actually look at the driver and the driver's performance so they can quickly take care of drivers who have performance problems.

With regard to occupant protection, the Safety Board has had a long history of looking at occupant protection on buses. You mentioned the Chesterfield crash earlier -- that was one crash where we came to the conclusion that had the students had lap shoulder belts, they would have been much safer and may have even survived the crash.

Compartmentalization was a great design for buses when people didn't use seatbelts. We're well past that time right now. They only help in frontal collisions. When we talk about side collisions or rollovers, they are not a help whatsoever. Compartmentalization does not help.

When we talk about lap belts only, as Peter was so smart to say, you still flail; you still rock around. You're not held in position. We had a bus crash in Anaheim, where a school bus hit the side of a tree. And because they were in a lap shoulder belt, even though there was intrusion there, there were minor injuries.

This is something that we have been calling for, for a long time. We have tried, through the National Highway Traffic Safety Administration, to get this. They weren't able to do it. But the reality is,

when a school bus crash happens, there's a grassroots movement to get belts on school buses. We're seeing that here in New Jersey today; it is the safest way to transport kids -- is with lap shoulder belts. And that is the primary thing we need to be doing.

Finally, I'd like to say that technology is a way of avoiding collisions. In most of my time at the Board, we've talked about occupant protection for the crashes that have to happen. We know they happen; they have to happen; we need to protect our children when they do happen. We're changing that era right now; we're in an era where crashes can be avoided. So in both the Baltimore crash, with an automatic emergency braking system, that bus would have stopped before it hit the Transit bus, killing the four people -- five people on the Transit bus; and in the Durham crash, while the driver was speeding and out of control, had there been an electronic stability control system on that bus, that bus would not have gone out of control and those children would be alive today.

Those are my three big points -- is we need to, at the local level and at the State level, do a better job of overseeing these drivers. We need to make sure that the occupant protection for those kids in the school is the best that it can be. And finally, we need to invest in technologies to prevent these school buses from having accidents.

Thank you very much for allowing me to speak.

SENATOR DIEGNAN: Thank you.

We have some questions.

Incidentally, do we have governors on our school buses? Can they not go over a certain speed? Do you know that; do we have that? To me, that seems to be kind of common sense.

We do? Okay; all right.

I know a bunch of members have questions.

Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Thank you, Mr. Chairman.

Ms. Fulton, when we were talking about the driver earlier; and you spoke about his suspensions over many, many years, and some of them did interrelate directly to his driving. There were tickets for his driving being poor.

But when you look at everything that you spoke about, to me it speaks poor judgement. So this man, despite what those suspensions were, he lacked good judgement. So even though there are suspensions for things that may be -- not paying a parking ticket, or anything like that, it's a judgement problem. And when you have poor judgement-- You're put into a school bus with children who chatter a lot, who talk a lot, they tease and play, you know, back and forth to each other; and you have somebody in that bus driving it with poor judgement. I think that should be looked at overall -- not just that the suspensions were minor for other things; I think, overall, it should be something that's looked at for a bus driver driving our children.

One other thing that I felt was important is -- we talked about the schools operating the buses and being in charge of the buses, and the Department of Education reporting to the schools that the driver is lacking. What if a district hires a private company to come in, especially for trips? Do they have to follow the same protocol; how do you oversee that if they're using a private bus company versus the school bus company? Because, in some cases, private companies are the school buses for, you

know, a particular district. So could you answer that a little bit further to us?

MS. FULTON: Yes. Actually, thank you, Assemblywoman. The regulation defines the operator -- and that can be either the board of ed or the school bus company -- the operator is responsible for the bus inspection, which includes keeping track of the drivers.

So there is a responsibility of-- If the board of ed hires that bus company, they need to make sure the bus company is in compliance; but the bus company itself has a responsibility to be in compliance.

ASSEMBLYWOMAN DeCROCE: Well, the Department of Education receives information from the DMV. Does that go to the school and then to the private company; or how do you work that? Because it seems like a long chain to get information around and about, about a driver. And by the time it does, that driver could have caused an accident, like what happened in Mount Olive Township.

MS. FULTON: Well, DOE can speak to their own processes; but my understanding is that it goes to the board of ed, the relevant board of ed. But we send those electronically; so there's not-- The DOE is getting that information overnight; they can issue something electronically overnight as well. But they can speak more to that process. I hear what you're saying; you don't want someone driving-- If they were suspended on Friday, you don't want them driving on Monday. I understand.

ASSEMBLYWOMAN DeCROCE: Thank you very much.

DR. MOLLOY: If I could just add, real quickly, on that, because both Baltimore and Chattanooga were situations where there was a school district that was contracting out the service.

And I think one of our messages in that case is that there needs to be much more vigilance with regard to overseeing the drivers, because there were situations in Baltimore where information was sent from the state to the school district that just wasn't being acted upon -- to, actually, the contracted school bus. So, you know, in doing our audit -- requesting our audit, they're finding things that follow-up wasn't being done, with actions that the state was taking. And we've also called for -- certainly in Maryland -- a review of what they use as criteria on whether or not someone should be a school bus driver.

ASSEMBLYWOMAN DeCROCE: Thank you; I think that's important. That goes to the judgement issue that I was trying to get to.

So thank you very much.

MS. FULTON: Of course.

SENATOR DIEGNAN: Senator Gill.

SENATOR GILL: With respect to the DOE, they can have an outside contracted bus service.

MS. FULTON: Actually, ma'am, I believe the individual boards of education would contract. The DOE communicates with the boards.

SENATOR GILL: Okay. So it would be the individual board of education. They contract with bus company A.

MS. FULTON: That's my understanding; and you should check that with Commissioner Repollet when he comes up here.

SENATOR GILL: Okay.

And are the regulations and qualifications the same for bus companies that are contracted at the board of education level?

MS. FULTON: Yes; yes, ma'am.

SENATOR GILL: And so who has oversight over if those regulations and requirements are being enforced? Would it be the board of education, or the local board of education? Would they have the responsibility of oversight over the oversight requirements in processes?

MS. FULTON: Senator, I don't think I can speak authoritatively on that.

SENATOR GILL: Okay.

MS. FULTON: I think there are a lot of interlocking responsibilities that we have; but specifically, holding the bus company to account -- it's whoever contracted that bus company. But again, this is getting out beyond the edges of my knowledge in this area.

SENATOR GILL: Because I'm looking to see if we can determine who holds the bus company to account.

MS. FULTON: Right.

SENATOR GILL: Because without clear lines of accountability, then they are regulations without very much teeth; and regulations that seem not to have a concrete result.

So I'm not -- I'm just-- And you may not have the information today; that's fine, that's fine. But that's generally where I'm looking to see if it's--

Look, I have a 12-year-old grandson who rides the bus in Montclair and comes home. I had no idea -- until the young man gave his presentation -- with respect to the seatbelts. And I think I'm relatively knowledgeable. I won't say *sophisticated*, but I think I'm relatively knowledgeable. And I didn't know that. And so those kinds of things are

important. And if I didn't know about the seatbelts, what do I know about how the accountability is being overseen by the local boards of education?

MS. FULTON: Well, yes, Senator, I can add that we do detailed bus -- close physical inspection of the buses -- and that includes the abstracts of the drivers -- whether it's a bus company or a board of ed, regardless of who the operator is. We're doing bus inspections twice a year.

SENATOR GILL: But the oversight -- and then I will just conclude with this--

MS. FULTON: Right.

SENATOR GILL: I mean, if we don't know the nature of the suspensions, and if a suspension is a suspension, you may not be able to have a closer look at if it is a suspension for one of the 40 (*sic*) reasons that really have an overlay of safety issues.

MS. FULTON: Well, Senator, if I might. I would add two things to that.

Of the over 400 reasons that you can have a suspension-- If you're suspended for any of those reasons, we will issue that report and you will be suspended. What I was -- the context of me talking about that was to say, someone who has many suspensions -- it may not be because they're a bad driver; it might be poor judgement. But regardless of the reasons for suspensions, if you're suspended you're suspended.

Also, in that bus inspection, while we may not be sanctioning the company per se, we, Motor Vehicle Commission, have the authority to take a bus out of service, or a driver out of the driver's seat. We do have that authority. If you don't pass that bus inspection, if everything's not in order, we can take the bus out of service -- and we do, quite frequently -- or

if we find that if they don't have the driver history right there, that driver is not allowed back in that seat.

So that is one of the ways that we impact it. But again, there's a larger question that you've asked, Senator, that we owe you -- we collectively owe you an answer on -- of the overall oversight of the bus company.

SENATOR GILL: Thank you.

SENATOR DIEGNAN: Senator Lagana.

SENATOR LAGANA: Thank you, Chairman.

Just going back to the actual requirements -- because school bus drivers get a -- they get a CDL license; is that correct?

MS. FULTON: Yes.

SENATOR LAGANA: Okay.

You noted earlier in your testimony that there are Federal requirements; there's an *S* endorsement, which I guess means *school bus*.

MS. FULTON: Yes.

SENATOR LAGANA: There's a *P* endorsement, which means transporting *passengers*.

MS. FULTON: Correct.

SENATOR LAGANA: They -- the bus is inspected two times annually; I guess that's a physical inspection of the actual vehicle.

MS. FULTON: In addition to the driver abstract; correct.

SENATOR LAGANA: In addition to the driver abstract. That's every two years?

MS. FULTON: Twice a year.

SENATOR LAGANA: Twice-- I'm sorry, twice a year; correct.

So the medical certification -- where are they actually getting a certification from? Who oversees that process?

MS. PENNABERE: As far as the medical certification, there is a national registry of certified medical examiners; and they actually are the entity that employs doctors, and we receive their medical certificates.

Generally, they expire every two years; but if they've been examined by a doctor and, for whatever reason, the doctor feels that maybe they should only be valid for one year and then be retested, or seen again by a doctor, we update these in our system. It's automatic, an automatic process every day.

SENATOR LAGANA: So they go -- they basically have to see a physician every two years; they examine them, physically examine them. And they report back to whom?

MS. PENNABERE: That information is transmitted electronically to the Motor Vehicle Commission; and then we have a process that automatically monitors these medical certificates. If their medical certificate expires and if they have not presented a valid medical certificate, they are decertified.

SENATOR LAGANA: Are there any disqualifying factors? Or is it basically the doctor gives them the thumbs up or thumbs down?

MS. PENNABERE: Depending on what is revealed through the physical, there could be disqualifying factors -- that the doctors would just not give him a valid medical certificate.

SENATOR LAGANA: So once a driver receives the required endorsements and they are issued a CDL license, how often do they have to re-register that license?

MS. PENNABERE: Every four years.

SENATOR LAGANA: Okay. Are there any driving tests to get the CDL or, going forward, are there any driving tests to maintain a CDL?

MS. PENNABERE: There's the initial testing; but there's no retesting, if that's what you're asking me.

SENATOR LAGANA: Okay, so once a CDL is given, unless there are any other disqualifying circumstances -- like license suspensions or failure of a medical examination -- then otherwise that person would continue, as long as they're paying their whatever dues the Department--

MS. PENNABERE: And as long as they're medically qualified.

SENATOR LAGANA: Okay.

As far as the NTSB is concerned, are there any states that you know that require retesting of drivers in these situations?

DR. MOLLOY: Not that I'm aware of; no.

SENATOR LAGANA: Okay.

So we're hearing about the different government agencies that monitor -- so it's the Motor Vehicle Commission, and then reporting to the Department of Education, and then reporting to the school boards. And I'll ask -- I guess I'll ask the DOE this question too -- but do you know, do they-- Once a license -- once a suspension is issued, that's reported to -- from MVC to whom; to the DOE?

MS. FULTON: We report it to the Department of Ed; correct.

SENATOR LAGANA: Okay; so you don't report directly to the school board?

MS. FULTON: No, we do not.

SENATOR LAGANA: Okay. And if you're aware, do you know who the DOE contacts at each board of ed? Is it the board of ed president; is it the Superintendent of Schools? Do you know who is actually getting this information?

MS. FULTON: I believe it is addressed to the Superintendent, actually.

SENATOR LAGANA: The Superintendent of Schools; okay. And they are basically advised, "We've determined this person's license should be suspended. They should cease driving at this time." Is that how it typically happens?

MS. FULTON: By regulation, they are required to withdraw -- they are required to pull that person out so they are no longer driving.

SENATOR LAGANA: Now, do they have to confirm that fact with you when that actually happens? I mean, is it -- are they being -- are their feet being held to the fire in those situations? Or is it just, "Hey, this person's license has been suspended. Pull them off the road." Do you know if there's any kind of confirmation process, or follow-up, or anything that occurs after the fact?

(confers with colleague)

MS. FULTON: Sir, I'm not sure--

Yes, go ahead.

MS. PENNABERE: The driver will get a suspension letter. And as I understand it -- and you would need to confirm this with DOE -- I believe DOE would also notify the driver that, "You are not eligible to drive at this time."

SENATOR LAGANA: What I'm saying -- does the school board report back that they've been pulled off, just as a confirmation that the person has actually been taken off the road? -- is what I'm asking.

MS. PENNABERE: Not that I'm unaware of. But we can try to get that information.

SENATOR LAGANA: Okay.

I just have one other thing that kind of came to my attention that, since you're up here, I'll ask you.

But sadly, this happened in my -- another thing in my District. There was a Lodi Motor Vehicle employee; and they were arrested and indicted on charges of tampering with records. And this is from an article, April 16. It appears that somebody who was working in the Lodi Motor Vehicles had altered the records of more than 200 people in the course of two years. And some of the records that they altered were school bus endorsements.

Are you aware of this investigation right now?

MS. FULTON: Yes, Senator. Actually, our own Security Investigations Group identified this fraud and started this investigation to uncover it.

SENATOR LAGANA: Are you aware, or can you report, if there are people right now who were issued school bus endorsements who should not have gotten them? Are there people out there driving school buses who we know their records were altered by this person?

MS. FULTON: Senator, my understanding is that all of those situations were corrected; meaning, everybody who was fraudulently issued a license -- they've been pulled.

SENATOR LAGANA: Okay; so there's no--

MS. FULTON: But let me confirm that; let me just say, I will confirm that and get back to you.

SENATOR LAGANA: Okay; thank you very much. I appreciate it.

SENATOR DIEGNAN: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Thank you.

Ms. Fulton, you mentioned the 12 points. So if I have a regular driver's license, and I get 12 points, my license is suspended -- is that correct -- by Motor Vehicles?

MS. FULTON: Yes.

ASSEMBLYMAN MCGUCKIN: And if I go a year without a moving violation, do I lose 2 points?

MS. FULTON: Yes, sir.

ASSEMBLYMAN MCGUCKIN: So then I would be eligible again to get a license?

MS. FULTON: Yes, sir.

ASSEMBLYMAN MCGUCKIN: And if I took an online class, or a driver's safety course, I would also be able to reduce my points, correct?

MS. FULTON: That's correct.

ASSEMBLYMAN MCGUCKIN: Is it the same 12-point threshold for school bus drivers?

MS. FULTON: Yes; yes, sir, it is.

ASSEMBLYMAN MCGUCKIN: Do you think maybe we should have a different standard for school bus drivers, maybe, when they

get to 6 points or something like that? Maybe a probation -- some type of thing?

It just seems to me that, you know, it's one thing about a driver's license; but for purposes of school buses, if they're having moving violations, maybe every two years, or every year, they're not going to lose their license. But nevertheless, there's a real pattern and history of it, and perhaps it's something -- do you think that would be something that the Legislature should take a look at?

MS. FULTON: Assemblyman, we're looking at a lot-- We are working directly with the Department of Education; we have a task force pulled together -- an informal group pulled together -- to talk about a number of different things that we should look at. Whether it's to your point -- should lower points be a better requirement -- what we want to do is make a recommendation that would really change things, in terms of the safety of our students, that would be effective.

And right now I can't say that I have the data that that-- What you're saying is very sensible. What we want to do is really look into data, go back to NTSB, and have the best recommendations that we can, conscious of what Assemblyman Giblin brought up -- that it is very difficult to hire school bus drivers. I mean, our initial response is, it's tough to hire school bus drivers, but that doesn't mean we should ever hire any school bus driver who's not capable of keeping our kids safe and who we can't trust to keep our kids safe.

So we're trying to look at all of the possible options of how we can improve safety within our capability, within our oversight.

So right now, I don't think-- Intuitively, what you're saying makes sense. We want to look at some data, learn more from what NTSB has in their database, so that we make the best recommendations possible.

ASSEMBLYMAN McGUCKIN: And just last question -- is a CDL license also 12 points to lose it?

MS. FULTON: Yes.

ASSEMBLYMAN McGUCKIN: Okay; thank you.

SENATOR DIEGNAN: I know a lot of members have questions. But the Commissioner of Education is here; I know he is under a very tight schedule. Could you stay (indicates)? We can let you go (indicates); you're off the hook.

And why don't we have the Commissioner join us, because I think a lot of the questions are going to probably-- And then the Assembly Chair will take over from that point forward.

So Commissioner, are you here? Where is he?

Oh, he never travels alone. Come on up. (laughter)

Thanks for joining us, Commissioner.

**LAMONT O. REPOLLET, Ed.D.:** Good morning.

Thank you for the opportunity to testify today.

My name is Dr. Lamont Repollet, Commissioner of Education; and I am joined by my colleagues -- Mr. Bob Bumpus, Assistant Commissioner; and Kevin Dehmer, Assistant Commissioner -- to discuss school bus safety.

On May 17, 2018, a school bus carrying students and adults from Paramus school district was involved in a motor vehicle crash that

injured dozens and took from the community the lives of one student and one teacher.

It is a moment in time that seems frozen for Paramus. As a former Superintendent and Principal, you never want to be in this position that Paramus officials faced on that day. I will never forget what I witnessed that day. In Paramus, I saw school and district leaders rise to the demand placed upon them facing tragic conditions. I saw school and district leaders act passionately and decisively to begin to usher their community through grief and onto healing by providing student support services through counseling.

What I saw was a community coming together to support each other in the time of heartache; and now, we as a State, must help them heal.

I am not here to discuss the details of the accident. Law enforcement is investigating the facts of the accident, and I will allow those professionals to speak for themselves. My testimony will focus on New Jersey Department of Education's reinvigorated commitment to enhance the school safety and efficiency of student transportation.

As Commissioner of Education, I oversee a Department that ensures compliance with statutory and regulatory requirements for driving a school vehicle. The demand upon me, therefore, is to reflect on how our Department can improve implementation of these policies and protocols to better ensure safe transportation of students to and from school activities.

Since that day in May, the Department started the review of our policy, and procedures, and regulations regarding school bus safety. Many of you have heard me articulate my continuous improvement model

*ACE* -- Assess, Create, and Execute. This is a model I have utilized in every professional position I've held to produce a culture of change. I am applying that model to short-term and immediate changes to improve safety.

Assess: Our assessment of student transportation procedures revealed room for improvement in the practices through which our county offices ensure that school bus drivers hired or contracted out by districts meet all of the licensure, criminal history background checks, and other requirements of drivers dictated by statute and by the Motor Vehicle Commission. The process today can be slow and laborious, requiring districts to individually submit multiple forms to DOE, which are often stored by hard copy. We are taking deliberate steps to update this archaic process and roll out a new system for the 2018-2019 school year.

Create: The DOE anticipates that, in the next few months, we will complete development of a more systematized and digitized system for monitoring compliance of district driver rosters with all applicable statutes and regulations.

Execute: Delivery of this digitized system in the 2018-2019 school year will deliver bus driver compliance information to districts more quickly and in real time, in a more accessible and user-friendly format, improving district decision-making around the drivers they employ or contract.

We are *ACEing* long-term changes as well. This will include those close collaborations with the Motor Vehicle Commission to ensure we provide school districts with the most up-to-date and accurate information

regarding school bus driver histories and profiles. The systems are in desperate need for an upgrade.

Information sharing amongst these offices sometimes is hampered by bureaucratic logjams. Digitizing our systems for monitoring compliance of district driver rosters has potential to vastly improve information sharing among these agencies, and between agencies and school districts.

We have begun discussions with the Motor Vehicle Commission to enhance our collaboration and information-sharing mechanisms, and will continue to collaborate until we find solutions to these problems.

Student safety is not something we take lightly. It is my job to ensure that Department regulations, policies, and procedures have the greatest potential to create a safe learning environment for all of our students.

Again, I would like to thank the Committee for having me here today; and I welcome any of the member's questions.

ASSEMBLYMAN BENSON: Assemblywoman Egan Jones.

ASSEMBLYWOMAN JONES: Thank you, Chairman Benson.

I'm delighted to see the Department of Education here, because I think most of the questions that we've heard already involve this chain of communication.

Motor Vehicle -- every night, I am told -- forwards, to the Department of Education, a roster of those people who should not be driving anymore -- or have infractions. Where is the delay, then, getting to

either the contracting bus company, the superintendent of schools in the district where those people are functioning as drivers?

DR. REPOLLET: The information is housed at the Department, and we forward that information to the district; and that information is based off of information received from the Motor Vehicle Commission. So if a bus driver in a particular district has a violation, we notify that bus driver -- we notify that district of the violations that occur with that driver.

ASSEMBLYWOMAN JONES: The question is, how often? They notify you every day; the end of every business day? When does that superintendent, when does that school district get notified from the Department of Education?

DR. REPOLLET: When there is a violation of something on their report that is sent to them. The days -- I don't know the amount of days; and I can find out from my team, if there are a specific amount of days.

**R O B E R T B U M P U S:** Yes; so I'm the Assistant Commissioner in charge of Field Services, and part of my responsibility is with the County Offices of Education.

So as soon as we get that information, that information is shared on a consistent basis, on a timely basis.

ASSEMBLYWOMAN JONES: As soon? Every day they do this? You do it every day then?

MR. BUMPUS: Yes; we attempt to get that information to the County Offices and the district, simultaneously, on a consistent basis. I'm

not sure if it's done within 24 hours; but it's done within a very sort amount of time.

And some of this is-- You know, we don't get it every day; we're not getting this information every day. But when we do get it, we ensure that the districts and the County Offices are notified. We double-check from the County Offices on whether the districts have received the information.

ASSEMBLYWOMAN JONES: And in getting information, do they let you know what action they have then taken?

MR. BUMPUS: That action is then transmitted back to the County Office. We have transportation coordinators in each County Office who keep a check on the *sanctity*, let's call it, of the CDL license -- whether it is still appropriate, whether it's been suspended, whether it's been revoked.

ASSEMBLYWOMAN JONES: A question earlier -- and I think before you all joined us -- was in reference to-- We know we have a specific point system and specific violations. But there was the question of having the right mindset. A person suspended repeatedly, not for moving violations generally speaking, but they were suspended because they failed to have insurance, they failed to have this, making wrong choices. But those individuals should never get a license to drive children because they've demonstrated they make bad choices.

This horrific accident was sure a bad choice. I know, you know, we're all humans, and we're all going to make mistakes sometimes. And your job, our job, is to find a way to mitigate those opportunities for making the wrong choice and putting others in peril.

I respect all of you; I want to hear from you, how you think. We can make sure those people, specifically, aren't driving school buses.

I appreciated Assemblyman Giblin's question about the safety of the buses. I was commenting, as I passed a very large school bus complex this morning, on how ungainly the buses looked; yet they are probably structurally safer than many other commercial buses. So I was gratified to hear that.

So our real problem is trying to decide who really -- besides getting a CDL -- who really is qualified to handle those kids, and speaks-- The young man who spoke was wonderful; was breaking my heart, because that day my grandson, just a grade ahead, was on a school trip. And when I first heard it, you know, my heart stopped. But this young man was so clear in how he spoke of the safety things he needs to see. And you know, hang the cost. I'm following that young man's recommendations for sure.

But I appreciate your being here. And the fact that you're not quite certain how quickly everybody gets this, and how quickly you're notified that they are acting on it means we need to tighten those knots.

MR. BUMPUS: I agree.

ASSEMBLYMAN BENSON: Thank you.

Next is Assemblyman Wimberly.

ASSEMBLYMAN WIMBERLY: Thank you, Chairman.

Some of this has been covered, but now that we have the Commissioner here and Motor Vehicles -- the age situation with Mr. Muldrow and Paramus -- that's a major concern for me. I have two school-aged children. And, you know with aunts, and grandparents; at age 77. Is

there a cut off to be a bus driver? Like, is there an age that -- like, 80 is the age, or-- Can anybody answer that?

DR. REPOLLET: So Assemblyman, we had some conversations during our joint meeting.

MS. FULTON: We did.

DR. REPOLLET: And age came up, and we wanted to make sure that we didn't violate anyone's age restrictions or any types of rights because of the ages. So I do know that we talked about looking at creating processes in place where there are assessments, maybe, periodically, that will allow them to have some type of competency tests; maybe an extra driving test for those individuals who have the school bus driver's endorsement. And we're still looking to communicate with the AG's Office to ensure that we don't violate anyone's rights because of age.

But we have looked into that, and we had some conversations. And we'll be producing a report at the end of our assessment that's going to have some next steps for us, and short-term and long-term things that we can do to ensure that.

One of the things -- especially to what Assemblywoman Jones talked about -- was looking at creating a better accountability system. Currently, right now, we have, as I mentioned in my initial report -- we talked about the old aging infrastructure that we have -- right? -- in regards to real time and allowing information. I think we're looking, for the long-term, how can we create better systems -- whether it's infrastructure, whether it's technology -- to ensure that we can have better communication. And that will allow us to have better accountability to ensure that anything that becomes a red flag -- whether it's from Motor Vehicle Commission,

information that the district -- that the Department gets throughout the districts -- are we on the same page. And I think those are the things that we're having some healthy discussions on regarding our processes that we currently have in the Department.

ASSEMBLYMAN WIMBERLY: Well, Commissioner -- and not to discriminate against anybody with their age -- but when you talk about vision; you know, I heard you talk about physicals. But when you talk about mental health, as you age, and issues of forgetting and being forgetful-- Over the years you've heard stories of children being left on buses.

And there's just really no disrespect when it comes to age. I'm a member of the AARP now (laughter), so I don't take that personal.

But I personally-- When my mom was 77 years old, I don't know if I would have wanted her driving a bus full of 50 kids. And I don't think-- I think, you know, the AG's Office will, I guess, have to address this and look at things of this issue. But I don't even think we should put our senior citizens in that position to drive buses at a certain age. I'm sure, you know -- Assemblyman Giblin talked about, you know, probably, truck drivers, and they work the night shift, and then get up in the morning and drive our kids to school. I'm just as much concerned about fatigue.

So these are some of the issues that I think we have to address that, you know, legally it may be a situation -- protection of, you know, age rights, or workers' rights, and things of that issue -- but I don't think there's a limit we should do, or extent that we should stop, when it comes to protecting our children. And it's unfortunate in these situations that come up, you know-- In particular, when he talked about Baltimore, and you talk

about somebody with epilepsy; and yet they figure out a way to beat the system. That means that we have to do a better job. I think there's a series of bills, here, that Senator Lagana has put together that will address these issues.

But I have a major concern about the age of the bus drivers. I do not want to violate any rights; I don't want anybody protesting or e-mailing me about this. (laughter) But the one question I will ask is, would you want that person to drive your child? And I'm not looking at it to discriminate and -- you know, look at this. Because I personally knew Mr. Muldrow. He was a person who was a volunteer, for many years, in our community as a softball coach and stuff like that. But I still have questions about his driving record and just the ethics of some of the issues with his driving record.

But like I said, I'm not looking to create a situation where age discrimination overtakes the safety of our children.

MS. FULTON: Assemblyman, if I might.

When we think about the things that the driver should have -- you know, good vision, cognition, stamina; you know, not have any condition that might cause a seizure or loss of consciousness or any of those things. All of those things are assessed in the medical certification. The question is -- the question that we have been exploring is-- Just as, you know, those of us who've gotten older have to go and see our physician more often, should we be requiring a medical certification more often as you hit certain age points? So that you're being evaluated for -- is there any cognitive impairment? Is there any loss of mobility, or vision, or any of

these things -- stamina -- these things that can absolutely impact your ability as a driver?

So yes, we want to be aware. Look, there are some 60-year-olds who are not as capable as a healthy 80-year-old. But are we being sensible about the timeliness with which we evaluate some of the losses that you might experience due to age?

So I think we're inviolate agreement; but that's definitely something we want to consider.

ASSEMBLYMAN WIMBERLY: And like I said, in particular, how difficult, on the cognitive end, is it to maintain that? Because somebody's state of mind could change from month to month; from having Alzheimer's to anything else. And like you said, you know, we don't want to be in a position that we're looking for a bus that doesn't have a tracking system in it, you know?

So I just hope, you know, this hearing brings to light some of the small things that people may take for granted. But like you said, you can modify speed; you can modify a lot of things. But you cannot modify somebody's state of mind on a day-to-day basis.

DR. REPOLLET: And that's something, Assemblyman, that we're going to look -- that we have some conversations to discuss, to make sure that we do it so we don't violate any rights; but also take into consideration the concerns that our committee had in regarding, the same as your committee, but make sure we do it in the right way.

ASSEMBLYMAN WIMBERLY: All right; thank you very much.

SENATOR DIEGNAN: The age issue -- does that need to be done by statute, or is that regulation?

MS. FULTON: It probably would require a statute, Mr. Chairman.

SENATOR DIEGNAN: I mean, I'm a senior citizen, and I could not agree more. Somebody over the age of 75 should not be driving a bus; I mean, they just shouldn't. You're talking about a school bus; it's not a compact car. And I just think that -- to me, that is a no-brainer. And that's not discriminatory at all; and if you read the law, it's not age discrimination, it's based on legitimate-- A 77-year-old person should not be driving a bus on a highway. And I think we should stop double-talking it, and I think it's something we should move forward with immediately. And I think AARP would probably support it. I don't think anybody would disagree that, as you get older, obviously, certainly things become more challenging.

ASSEMBLYMAN BENSON: Next up, we have Assemblyman (Indiscernible).

Okay.

Assemblywoman Lopez.

ASSEMBLYWOMAN LOPEZ: Thank you for your testimony, Commissioner.

My question to you -- can you just speak a little bit about the role of bus monitors in other states? Do they exist to ensure student behavior on the bus?

DR. REPOLLET: I'm not quite sure about other states, but I do know we have bus monitors and aides on our school buses, depending on the classification of the students who are on the bus.

ASSEMBLYWOMAN LOPEZ: Special needs.

MR. BUMPUS: If I may.

ASSEMBLYWOMAN LOPEZ: Yes, please.

MR. BUMPUS: So the drivers and aides must go through a series of training; and that training includes appropriate training and behavior management; effective communication, particularly for teenagers and pre-teens; use of adaptive equipment for students with disabilities, particularly severe disabilities; and understanding behavior in general, but behavior of students who may be classified as *emotionally disturbed* and *behaviorally challenged*.

So that training happens consistently; it's done on an annual basis, and it's reviewed by the district and also the County Offices.

ASSEMBLYWOMAN LOPEZ: So just so I'm clear, for clarification -- so the bus monitor is for special needs children.

MR. BUMPUS: Yes; and sometimes it depends on the number of students who are also classified. Some students have one-to-one aides on buses.

ASSEMBLYWOMAN LOPEZ: I understand that. This is a big concern of mine. In my opinion, and I think others would agree, we should have monitors on the bus for all children to ensure behavior, to ensure that they're safe.

So thank you; thank you for your testimony.

ASSEMBLYMAN BENSON: Thank you.

ASSEMBLYMAN BENSON: Okay; next up I have Assemblyman Chiaravalloti.

ASSEMBLYMAN CHIARAVALLOTI: (off mike) Thank you, Commissioner Repollet, for being here.

I just have three questions in three different areas. I (indiscernible) today. I know you have in the past, but I just wanted to clarify. And one is, when we talk about the age -- I guess my approach would be a little bit different than Chairman Diegnan. I think Senator Laganà hit an important point concerning retesting. Because, honestly, receiving a CDL and all the proper certificates when you're 25, and then not having to go back and retest, is -- if nothing's changed, etc. -- I think that is something that we should take a look at.

The second thing -- and this is really for MVC -- you mentioned a number of different ways you can receive a suspension. What was that number?

MS. FULTON: Over 400, sir.

ASSEMBLYMAN CHIARAVALLOTI: So there are over 400 ways to get a suspension. And Assemblyman McGuckin suggests that maybe we should lower the points. Are all those 400 treated the same, as far as levels? So for instance, if you get suspended for a parking ticket, it's sent over to the DOE the same way if you got suspended for reckless driving? We treat them all the same?

MS. FULTON: Yes, we do, sir. If you're suspended, you're suspended, period.

ASSEMBLYMAN CHIARAVALLOTI: Okay.

So one thing I would encourage, as you guys begin your dialogue and your review. If we have over 400 different ways someone can get a suspended license, maybe -- and I think Assemblywoman DeCroke touched on this -- maybe we should categorize them, and there should be some there that are red flags. And maybe those should be either worth more points, or should -- the DOE should be noted because they are more severe, right? It's not just poor judgement; it's not just not paying your paying your parking tickets. But it's something that has to do with operating a vehicle, and we wouldn't want that individual to operate a vehicle.

Commissioner -- and maybe to the Assistant Commissioner -- I am a little concerned about the response to Assemblywoman Egan Jones' question. I guess my first question is, do you get the report on a daily basis, Monday through Friday, or not? Are they e-mailed to you? Because there was testimony given that they are e-mailed Monday through Friday, every night. Do you receive them?

MR. BUMPUS: I believe we do; I will look into that to make sure that we do.

ASSEMBLYMAN CHIARAVALLOTI: Okay.

DR. REPOLLET: (off mike) (Indiscernible) to our Criminal History Unit, so we have to find that information out from our Criminal History Unit.

As we start to look at this in depth, we're identifying opportunities in which we can improve. And I think accountability on all levels, Assemblyman, is something that we're going to take, and we're not taking it lightly.

ASSEMBLYMAN CHIARAVALLOTI: I appreciate that you're not taking it lightly. What I will say to you, though, is that if we're sitting here today taking testimony -- and we just heard from the 11-year-old boy, Peter -- and you're telling me that a report could have gone out on Friday night -- right? DOE doesn't look at it until Monday morning; it doesn't go to the County until sometime Monday -- maybe not Monday, maybe Tuesday afternoon. And if my child is riding a bus Monday, Tuesday, Wednesday, and I don't know, or the board -- no action has been taken, and the driver has a suspended license. I have to tell you, that needs to stop, like, yesterday. That doesn't need to stop after review, all right? That process needs to be streamlined and it needs to be stopped immediately, okay? And I don't want to hear about technology; I understand you guys are working hard. But I have to tell you, when I hear terms *consistent* and *timely* -- as an attorney, they raise a red flag to me.

So I know you guys are working hard on this, all right? But I think we need-- At the very least that is an easy fix. That should have been fixed in May, as soon as this accident occurred and has become an issue.

Thank you.

ASSEMBLYMAN BENSON: Can I have Assemblyman Giblin?

ASSEMBLYMAN GIBLIN: DOE -- are the balance of drivers in New Jersey contracted out? Would that be pretty accurate?

DR. REPOLLET: We have a total of 451 districts that provide transportation; 105 of those districts own buses and don't contract transportation services directly; 172 don't own buses and only contract transportation services; and 174 own buses and contract transportation services.

So you see that there is a variety of ways in which students are getting to and from school; whether it's contracted, or whether it's on their own bus, in-house; or whether it's contracted with someone else.

ASSEMBLYMAN GIBLIN: Isn't it the tendency to move toward contracted, versus individually owned buses by the school district?

DR. REPOLLET: I think that's more of a question for the district, in regards to *a*) how many students you have; whether it's a walking district or busing district; financially -- is it financially feasible to actually own your own buses, versus transportation?

So from a State Department, it's one of those individual district responsibilities.

ASSEMBLYMAN GIBLIN: The issue of medical certification -- who covers the cost of that; the individual driver, the school district, the contractor?

MS. FULTON: It can be the driver, or it can be the bus operator. It depends on what the operator's policy is.

ASSEMBLYMAN GIBLIN: Yes, but isn't it true that most of these drivers are 20-hour a week employees, at best; and probably virtually all of them have no health care coverage, I would think. I mean, I think that's the whole intent of contracting out -- they're trying to save money by eliminating pensions, and health benefits, and pay the people minimal wages at best. I mean, that seems to be the trend that I notice throughout the state. But that's -- I'm wondering about this issue of who pays for this medical certification.

MS. PENNABERE: I'm not sure who pays for the medical certification; but I can tell you, just from Motor Vehicles procedures, to get

a permit prior to you getting your CDL, the fee is \$125. Then there's a cost by the medical examiner, but I do not know-- Those costs can probably vary, but I do not know exactly what they are.

ASSEMBLYMAN GIBLIN: Okay; that's it.

Thank you.

ASSEMBLYMAN BENSON: Okay; next up I have Assemblyman Karabinchak, and then I have two Senators after that.

Assemblyman.

ASSEMBLYMAN KARABINCHAK: Thank you, Mr. Chairman.

I want to thank everybody who spoke today. This was important to have this dialogue. Obviously a lot of questions that came out were extremely important, especially in their meaning in different places.

Some of the things that-- I just wrote some notes down, which are so important -- the background checks, the medical checks that are every two years. Whether -- who pays for them or not, that should be decided ahead of time.

The cameras in the buses, on the driver and also on the students. The IT -- the technology today is phenomenal, and we're not taking advantage of it. Unfortunately, our State is so far behind on technology, and there's no reason that we should be. We should be able to know how the bus is driving, whether it's erratic, how it's stopping, the speed it's going. All of this is done -- you could do it on your phone. So we have the technology. This is just one little piece that protects our students, our children.

Transparency. As Tom just said, 20-hour jobs, whether it's part-time, or what are-- What are their other jobs? We should know what their other job is; if they're working 11 to 7 in the morning, getting in a bus and driving for the next couple of hours, that has an effect on that person, and their ability, and their reaction time. These are important items that are coming up.

Lowering the level of suspension of a bus driver is something to be looked at. That doesn't necessarily -- I'm not going to support that they lose their license from driving; but it should be looked at. If there's a parking ticket, I would say that's de minimus. However, if it's a speeding ticket, if it's erratic driving on a highway in their own car -- that translates in how they're going to drive the bus.

Even with GPSs, this gentleman, who made this fatal mistake, tried to make a U-turn -- where he should have never, ever been making a U-turn -- because he missed the turn. I don't know what information he was given on how to get to his destination; I don't know what his mindset was that he wanted to make this erratic turn. However this is something that -- whether it's an operator or whether it's a special trip, this should be thought of by every board of ed. And if it has to be legislation, then that's what it will be.

But this is something that we have to now think about. These are details that every board of ed in the State of New Jersey should be looking at.

And I agree; there has to be oversight here. There has to be. There has to be somebody who's overseeing what's going on in all of these municipalities and these different areas of our state. Because every place is

different in the state. It's a great state; our educational system is, in my opinion, the best in the nation. And I want to keep it that way; but I also want to keep our students and our children safe here. That's paramount. I don't care what it costs. I've said this before -- with the security that we're looking for in our schools, this should be a priority and this is something that I'd like to see changed.

ASSEMBLYMAN BENSON: Thank you, Assemblyman.

ASSEMBLYMAN KARABINCHAK: One of the other things -- I just have 30 more seconds.

ASSEMBLYMAN BENSON: Make it quick.

ASSEMBLYMAN KARABINCHAK: Thirty more seconds.

ASSEMBLYMAN BENSON: We're running over time, at this point.

ASSEMBLYMAN KARABINCHAK: Because what's going on -- and we're going to talk about a lot of things. What we didn't talk about is some of the breeches where this problem may have occurred. There should be fines; there should be funding that's taken away; there should be operators losing their licenses if they don't do, and meet, the intent of what we're going to bring out of this house -- or both of these houses.

So there has to be some stringent accountability on whoever it is -- if it's the board of eds that are missing this and letting somebody drive; if it's an operator who's letting somebody drive -- they should be losing funding, or they should be losing their contract to do it anywhere in the state, not just a one-spot. So there's going to be forced accountability there.

And with that, Mr. Chairman, I'm done.

ASSEMBLYMAN BENSON: Okay, thank you.

And we have Senator Lagana; he has a short question.

SENATOR LAGANA: Thank you, Chairman.

Just something to think about. I know you were there that day, and I thank you for being there with us, with the community. It meant a lot.

So logistically speaking, what happened -- you know that there were three buses that left East Brook. The manifest for each bus was taken with them. Peter Caminiti, who testified earlier -- one of the things that he talked to me separately about, and one thing I learned being with the State Police and local law enforcement on the day of the accident, was they were having a very difficult time identifying who was on which bus; which bus was involved in the accident; identifying students and people on the bus because it was -- we all saw the pictures. It was something that they call a *mass casualty-type situation*.

So one thing I think that we need to change is having the schools -- and I don't know if it's a DOE reg or it's something that comes through from each school district -- but having the schools maintain the actual manifest for each bus so they know, when they're leaving, who's on what bus, especially when there are multiple buses involved. Because the manifest, again, was with them. I think that will help. And God forbid it doesn't happen again, but at least we'd know who's on the bus.

Another thing that came up was, again, the first responders having a hard time identifying who was there and who was hurt. And I know -- just a recommendation; I don't know if, again, this is something through regulations, some type of policy -- that when there are, at least, field trips, that the students carry some type of identification with them. I

don't know if it's something that's identifying; if it's a bracelet -- something so they know who the student is and at least know their name and what school they're from.

Again, having spent three hours in the OEM bus that day, and knowing the difficulties that the first responders were having -- one of them was identifying the people on the bus.

So just something to think about. I don't know, again, if it's something -- a legislation that we need. I probably think not; something that could come through the Department of Education. But just something to think about, I think would be beneficial.

So that's all I have; thank you.

DR. REPOLLET: Thank you, Senator.

ASSEMBLYMAN BENSON: Senator Nia Gill; and then I'm going to bring up the next group of folks.

SENATOR GILL: I just have two questions.

The medical certification -- do we know what they're being examined for? Is it just high blood pressure, or you have-- Or are there real cognitive tests to determine the cognitive abilities of the drivers? Or is it just a general--

And if you don't know now, you don't have to answer now; this is just a question. I would like to know if those certifications would-- I see there are limitations -- you have physical limitations or impairments, and things like that; and if you're epileptic. But I wonder if there were more detailed cognitive tests. I know there are some; and sight, and things like that.

And the second thing is -- and we could talk about the medical certification -- assuming something goes wrong in -- we won't say *wrong* -- assuming all criteria is not met in an oversight situation, how do we keep our children safe? I understand there's the oversight; and that's a bureaucratic process. Assuming, for some reason, the bureaucratic process -- something happens. How do we keep our children safe on the bus? Is it the addition of the harness? Are there other practical things that can keep our children safe, notwithstanding the process of oversight?

And we can probably talk about those later; but those are also the things, practical things -- if it's the seatbelts, if it's something else, if it's other things we should be doing in conjunction with, of course, oversight of the bus drivers.

MS. FULTON: I'm sorry.

Senator, I think Commissioner Repollet and I would welcome the opportunity to provide recommendations, because we're working very hard to come up with database recommendations on how we can make our kids safer.

So I appreciate the opportunity that we can come back, through the Chair, with some of those recommendations as we finish our work.

The second -- I would say, also, if you'd like, we can provide, through the Chair, a copy of the -- how many pages? -- seven-page document of all of the -- which includes kind of a laundry list of things that the medical examiner is required to assess when they do that biannual medical certification. So that can give you some of the details of what's looked at, because it's quite lengthy.

SENATOR GILL: And my last question is, is there an age of retirement for a bus driver from, you know, like, New Jersey Transit? And do we ever look at any of their -- either procedures of qualifications to determine the fitness for a bus driver? I just throw that out there because, at some point, you have to retire; and obviously, New Jersey Transit must have data and information that can scientifically establish a date where retirement should be required; and I don't know what it is.

DR. REPOLLET: That's a great question.

As we establish articulation between our offices, we're also going to extend that to offices in which this may -- bus or school safety may affect; so the Department of Transportation -- one of those areas there. And we are going to take that down, because the age requirements, just based off our initial conversation, is one thing that was kind of glaring, and we need to really look at that. But we intend to also have articulation agreements between each office and intergovernmental agency to ensure that we have covered all the bases. And that would be in our report as we start to really gather information, as far as the short-term and long-term; and then making next-step recommendations and long-term recommendations that may have more of a financial impact than some of those short-term obligations.

SENATOR GILL: Thank you very much.

SENATOR DIEGNAN: Thanks.

If we could -- if we could have our final witnesses up. The Senate President is calling, as we have budget deliberations we have to finish up.

But thank you so much.

Let's use the summer as an opportunity to put in place-- And if you could report back to us on exactly what recommendations. I mean, it seems, obviously, the seatbelts are one; the age of the drivers is another; the way the Departments interact -- I think it seems to be a little bit of a mystery.

But if we could bring-- Who are the last ones, the NJEA?

ASSEMBLYMAN BENSON: I'm going to ask -- we have four more to testify. I'm just going to ask for one representative from each of the groups; three minutes. And then, obviously, you can submit extended testimony beyond that for the Committee.

And we'll have other opportunities as we hear some of the bills.

I have NJEA; I'll let Marie come up and start as soon as you get up here. And then from Jersey School Bus Contractors Association -- if I can have either Dan Hillman, Keith, or Bruce -- whoever you would like to have come up. And then Fred Potter from the Teamsters.

If you would prefer just to send in written testimony -- you don't have to, but come up.

And then, lastly, Jonathan Pushman, from the School Boards Association.

Please start.

**M A R I E B L I S T E N:** All right; good morning

ASSEMBLYMAN BENSON: Good morning.

MS. BLISTEN: Thank you again, Chair Diegnan and Chair Benson; and thank all of you Senators and Assembly people for being here on this important issue.

Certainly we are here due to a tragedy; but what I've always said is what we are doing, going forward, and how we do it, going forward, is going to make the next bit of difference.

I am the proud President of the New Jersey Education Association; but I am also before you as a classroom teacher, over 35 years, and I spent due time on school buses, either as a chaperone, as a teacher, or as a coach.

And so I have written testimony in a narrative form that I am submitting. But I have five points and five recommendations that I will put before you.

First and foremost, we truly believe that all safety measures -- and by the way, NJEA was in the forefront of those seatbelts years ago -- but all safety measures and procedures need to be revised and need to be reviewed periodically. And whatever legislation that you put into place, we would ask that that is already built in. For instance, at the time when seatbelts were put in, we thought that that would take care of everything; yet, we knew later on in life that the three-point harnesses would be the best aspect for that.

We also feel very strongly that all bus drivers should be employees of the district themselves. It is the districts' responsibility and ability to manage and oversee every one of those employees that makes a difference. And attached to that, of course, is the ongoing training that needs to be -- an in-servicing that should be put forth for all school employees. And we could detail out some of those recommendations, such as, driver defense training, minimum number of hours behind the wheel

before the certification-bus driver's license is put into place, mandatory two days a year for in-service training, and so on.

We also believe that there should be an adequate number of aides, bus attendants, or chaperones. The bus driver cannot possibly be asked to drive a bus, pay full attention to that bus, and be as responsible as we need him to be with 50 kids on that bus.

We also believe -- and we have testified previously -- that cameras on the outside of the buses that would capture people in vehicles who do not adhere to the law should be, in fact, in place.

But even more importantly, with me today is one of our members, who is also -- has been, for many years, a bus driver; and she also was hired by the district to be a bus driver safety coordinator.

And I am going to ask her to tell her story.

**LOIS YUKNA:** Good morning, Senators and Assembly members.

My name is Lois Yukna, and I am speaking in my role as a driver-trainer safety coordinator.

School bus safety has been my passion since the first day I stepped foot on a bus. You see, when I started driving a bus, in 1978, 40 years ago, I was not properly trained. I was handed the keys to the bus and told to teach myself how to drive it to pass the road test.

Well, I received my license; and then came the first day of school. I was on the bus, ready to pick up students, when I looked in the rearview mirror and realized my bus would soon be filled with 54 students, and I was not prepared.

I promised myself that no one else should be behind the wheel of a school bus without being properly trained. I enrolled in Brookdale

Community College, and successfully completed the Supervisors Transportation Program, and have continued with additional training through the years.

I've been training bus drivers since then, and constant training is the only way we can protect the precious cargo on our buses -- students.

I worked closely with NJEA, Senator Singer, and the Division of Motor Vehicles to legislate the commercial driver's license for bus drivers. As a trainer and safety coordinator, I was responsible for developing and training the transportation department's bus drivers and bus attendants to obtain their CDL and endorsements, to improve their skills and techniques, and keep them informed of new laws and policies affecting their careers.

I provided daily school setting trainings, to both our drivers and attendants, and then followed up with physical training on the vehicles.

I wanted parents to know how much we care about their kids' safety. I set up a school bus at a local street fair where children and their parents could see, first-hand, the school bus safety features. Incoming kindergarten students learned how to put on their seatbelts and evacuate a school bus in an emergency. At the same time, parents were asked to sign a petition that they would not text and drive.

I have continually and aggressively challenged management to address the needs and concerns of the Transportation Department, by setting high standards with a commitment to professional development so that my colleagues could improve their skills. It doesn't matter how many safety features we add inside or outside the bus. We have no control over other drivers.

I'd like to tell you a quick story about an accident that I was involved in, where my bus could have been involved in a rollover.

I was transporting kindergarten students traveling down an incline, on an icy road, approaching the bus stop, when a car traveling in the opposite direction spun out of control on the ice, came into my lane, and there was a head-on collision. The bus slid off to the side of an embankment and came to rest without all six wheels being on the road. My students and I were seat belted; but in an attempt to prevent the rollover, I could not remove my foot from the brake. Any sudden moves, to or within the vehicle, would have caused it to roll.

Because my students were trained in safety procedures -- and these were kindergarten students -- they did not panic; they followed my instructions and waited for assistance from the police department. Each child was escorted off the vehicle, one at a time, due to the position, in a safe and orderly manner.

The bus eventually had to be pulled sideways off the embankment. I was fortunate that my training, my skills in operating a school bus, my presence of mind -- but most importantly, my ability to teach my children the importance of safety, wearing their seatbelts, and how to react in an emergency -- prevented a tragedy.

ASSEMBLYMAN BENSON: Wonderful.

Lois, I'm going to have to cut you off; I'm sorry.

But thank you for your input there.

I'm going to ask to move over to New Jersey School Bus Contractors Association.

Who am I speaking to?

**DAN HILLMAN:** Dan Hillman.

I'm a member of the School Bus Contractors Association.

I can proudly sit here and say my great-grandfather started in 1924; I am the fourth generation of school bus ownership.

The School Bus Contractors Association is in support of everything that everyone is here to accomplish, and that is safety of our students. We thank you all for inviting us to come up with safe solutions for our children. That's where we stand, and we're here to help; we want to help. We want to be part of this; we want to give answers with the knowledge that we have, in dealing with parents, students, teachers, other drivers on the road, day in, and day out.

And first of all, thank you again for having us; and our condolences are with everything that took place in Paramus.

Thank you.

**ASSEMBLYMAN BENSON:** Thank you very much.

If I could have you guys move up, and I'll move you guys over (indicates).

**SENATOR DIEGNAN:** Thanks for coming.

**ASSEMBLYMAN BENSON:** Thank you so much again.

Fred, if you could start.

**FRED POTTER:** Thank you.

I am Fred Potter; I'm President of Teamsters Local 469 in New Jersey. We represent about 1,000 private sector bus drivers, and aides, and mechanics.

The Teamsters, overall, internationally, represent over 100,000. So we're pretty familiar with what happens in the school bus industry.

I will tell you that, on behalf of the Teamsters, we think that the three-point seatbelts is a great idea and should be done.

One of our concerns is that the current bid laws in New Jersey -- and there was some legislation proposed last year -- I think impedes bus safety. It encourages and creates low-road operators who compromise safety in order to lower their bids.

We deal with a number of the big operators. When I look at First Student, I look at a company that regularly trains and retrains its employees. I look at a company that, if they hire somebody with no CDL, they provide a minimum of 52 hours of training and then make sure they're qualified. If they come to work with a CDL and experience in the bus industry, they still require 12 hours of training. There's no requirement in New Jersey for mandatory hours; it just says these things will be trained. So I think they go over and above, and their safety record speaks to what that investment has.

The other is, they do driver abstracts twice a year, and pay for it themselves. In New Jersey, you're only required to do that once a year.

And the fact is, the list that's given to the board of education basically is done once a year. A lot of times, they have the last employer that filed, not their last employer. And so one of the things that we feel that should be done -- we've had employers -- especially school board employers -- who do not write a letter to the prior employer to find out: did that person fail a physical, did that person have a drug test failure. We think that's absolutely critical. We've had school bus companies, under contract, that fired drivers who failed to pass a drug test, only to find them

working for a competitor, or working for a school board. So we think more needs to be done there.

We also think some recommendations you should consider are GPS and cameras in all the buses. GPS not only knows the route of travel, the times, the speed; and it will also tell you if there is hard braking by the driver, or erratic driving. We think that's a way of identifying drivers.

It also tells you when the door opens and closes. So if this driver is letting children off the bus, or taking them places they don't belong, that's something that could be monitored.

So you talked about -- I heard some of the testimony -- and just, quickly, about the age. You know, all these drivers get physicals every two years. Sometimes, the doctor -- because of high blood pressure, something -- may only give them a six-month medical card, or a year. So there is a check in there, and the company is supposed to do some management. If the driver is making bad judgements, if they see physical or mental issues-- We've had drivers who were developing Alzheimer's on the job and, quite frankly, the company uses what the law says -- do a *fit for duty* test and send them to an appropriate doctor.

So we think the laws are good; however, I think you should consider the safety belts, the GPS, and cameras in their buses, and to enforce the current laws we have, which aren't always being followed.

Thank you.

ASSEMBLYMAN BENSON: Great; thank you so much.

And batting cleanup, Jonathan Pushman from the School Boards Association.

JONATHAN PUSHMAN: Thank you very much.

Jonathan Pushman, NJSBA.

I very much appreciate the opportunity to testify before you today. We commend the Chairs and the Committee for prioritizing this critical issue.

We feel it is particularly important that we do whatever we can to improve school bus safety; ensure that our most precious cargo, our school-age children, get to school safely, which is why we've supported various efforts in the past. Most recently, Chairman Benson, your legislation that required the training for individuals trained to deal with kids with special needs riding the school bus. Chairman Diegnan, you had Abigail's Law, which required sensors on the outsides of school buses, due to a tragic incident where somebody was killed when a school bus driver didn't see the young girl run in front of the bus.

Which brings me to the point -- we feel that the inside of the bus is really the safest place that a child can be. Getting to school on a school bus is far and away the safest way to transport our children to and from school. It is safer than walking, safer than being in an automobile.

And so we need to really do whatever we can to maximize getting kids to and from school on school buses. And this includes things like avoiding the unintended consequences of any legislation or State-level policy that we may be considering today, or moving forward.

Going forward I really urge you to look to things, like the data and the science; to do the cost-benefit analysis that can sometimes -- it's difficult to get the emotion out of this critically important issue when we're talking about the safety of our school children. But it really is important that we recognize that school districts are limited in their resources. And so

we want to make sure that the limited resources that they do have are directed to the most effective means of promoting safety.

We've heard a lot about things like recertifying, retesting drivers. We think that would be absolutely a way that we can ensure that they are being transported by qualified, safe drivers. And improving that education and training component is something we really hope that this Committee will focus on, going forward.

We'll have an opportunity to weigh in a little bit more tomorrow, when we're back here, to talk about some big pieces of legislation, including the proposal to have three-point seatbelts. We haven't quite gotten there, where we are ready to lend our unequivocal support behind that, because we know that, in terms of limited resources, we want to make sure that they are going to the right places.

The National Highway Traffic Safety Administration, which is the body that regulates school buses, has held off on mandating a Federal requirement for seatbelts because they feel like that should be maintained as a local decision, and they recognize the tight budget constraints that states and local school districts are under right now.

So we really look forward to weighing in on individual pieces of legislation as they come before you. Know that you have a partner in the School Boards Association to help you make the right public policy decisions.

ASSEMBLYMAN BENSON: Thank you so much, Jonathan. I appreciate it.

On behalf of Senator, Chairman of the Senate Transportation Committee, Diegnan and myself; and all of our Senators who have had to

leave for a meeting; and all of our Assembly members, I want to thank all of our stakeholders. We look forward to working with you over the next couple of months to effectuate some positive change to improve safety.

This meeting is adjourned.

**(MEETING CONCLUDED)**

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