
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2019 - 2020 Regular

Bill No: SB 371 **Hearing Date:** April 24, 2019
Author: Caballero
Version: March 25, 2019
Urgency: No **Fiscal:** No
Consultant: Brandon Darnell

Subject: Schoolbuses: stop requirements.

NOTE: This bill has been referred to the Committees on Transportation, Education, and Judiciary. A "do pass" motion should include referral to the Committee on Judiciary.

SUMMARY

This bill authorizes school districts to install automated school bus video enforcement system for school bus passing violations.

BACKGROUND

Existing law:

- 1) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist therefor, and authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or may contract with and pay responsible private parties for the transportation.
(Education Code § 39800)
- 2) Requires the driver of any vehicle, upon meeting or overtaking from either direction, any school bus displaying a flashing red light signal and stop signal arm, to stop until the light stops flashing. Stopping is not required if the bus is stopped on a multi-lane or divided roadway and the vehicle is traveling in the opposite direction.
- 3) Authorizes school bus drivers who witness a violation to report that violation to a local law enforcement agency, who shall issue a letter of warning to the registered owner of the vehicle.
- 4) Requires school bus drivers to activate an amber warning light 200 feet before the school bus stop, deactivate the amber warning light after reaching the school bus stop, and activate the flashing red light signal system when the school bus is stopped for the purpose of loading or unloading pupils, with specific exemptions. The amber and red lights shall not be activated any other time.

- 5) Requires, in instances where traffic is not controlled by a traffic officer or traffic control signal, school bus drivers to escort all pupils up through grade 8 who need to cross the highway and to hold a "STOP" sign.

ANALYSIS

This bill authorizes school districts to install automated school bus video enforcement system for school bus passing violations. Specifically, this bill:

- 1) In addition to any other monitoring devices lawfully authorized to be installed in or on a schoolbus, authorizes a school district may install and operate an automated schoolbus video enforcement system on the outside of a school bus for the purpose of enforcing school bus passing violations.
- 2) Specifies that an "automated schoolbus video enforcement system" means a camera system that monitors and records motor vehicles overtaking or passing a schoolbus when the schoolbus is stopped and displaying a flashing red signal system and a stop signal arm, if equipped with a stop signal arm.
- 3) Requires a schoolbus equipped with an automated schoolbus video enforcement system to also be equipped with highly visible signage on the rear of the schoolbus that reads as follows:

"STOP WHEN LIGHTS ARE FLASHING - IT'S THE LAW"

"VIDEO ENFORCED STOP"

- 4) A school district that adopts an automated schoolbus video enforcement system may do all of the following:
 - a) Contract with private vendors for the operation and maintenance of the system.
 - b) Craft working arrangements and agreements with law enforcement and governing bodies of cities and counties in the school district's jurisdiction regarding the responsibilities associated with the administration and cost of deploying that system, including, but not limited to, an agreement for use of the base fine paid for a schoolbus passing violation when the violation was captured by an automated schoolbus video enforcement system and the image or video was used to convict the offender.
- 5) If a school district utilizes an automated schoolbus video enforcement system, requires all of the following conditions to be met:
 - a) The video images shall capture only the vehicle make and model, color, and license plate displayed.
 - b) The video images shall not contain images of any person in the vehicle or images of any other vehicles or persons in the vicinity of the vehicle.

- c) The video images captured or generated by the automated schoolbus video enforcement system shall contain all of the following:
 - i) A clear view of vehicles passing the schoolbus on either side.
 - ii) The date and time the recording was made.
 - iii) An electronic symbol showing the activation of the amber lights, flashing red lights, stop signal arm deployment, and brake activation.
 - d) Video images captured or generated by the automated schoolbus video enforcement system shall be destroyed within 90 days of recording if no violation occurred.
 - e) Video images captured or generated by the automated schoolbus video enforcement system shall not be included on the driving record of the vehicle driver.
 - f) Notwithstanding any other law, any information, image, or other data captured or generated by the automated schoolbus video enforcement system is confidential, shall be encrypted, and, unless demanded by subpoena, shall be available only to the school district, contractor, law enforcement, or offender for purposes of appeal and enforcement.
 - g) A school district shall not use an automated schoolbus video enforcement system or any information, image, or other data captured or generated by that system for any purpose other than the purposes authorized by this section.
- 6) Authorizes the State Board of Education may adopt standards, rules, and regulations to address student privacy concerns that may arise from the use of an automated schoolbus video enforcement system.
 - 7) Specifies that the vehicle owner and vehicle driver have a right to a copy of the automatic captured video image if a violation is charged. If the vehicle is a rented vehicle, the rental company has a right to view, but not own, store, or share, an image of the vehicle charged with a schoolbus stop violation.
 - 8) Requires a school district that adopts an automated schoolbus video enforcement system to have a public communication plan to provide information to persons in the school district's jurisdiction that the system will be deployed, and shall provide the information at least 30 days before its deployment.
 - 9) Specifies that during the first 90 days of the deployment of an automated schoolbus video enforcement system, a vehicle owner or driver in violation of the schoolbus passing prohibition who is captured by the system shall receive a warning letter and not a citation, unless two or more violations by the same vehicle have occurred during the 90-day period.

- 10) Specifies that a driver of a schoolbus equipped with an automated schoolbus video enforcement system shall not incur any increased liability or be liable for the operation of that system.
- 11) Prohibits Video or images captured by an automated schoolbus video enforcement system from being used for the purpose of employee surveillance or discipline.
- 12) Authorizes a school district to equip its schoolbuses with an extended secondary stop signal arm that extends between three to six feet from the side of the school bus, but requires a schoolbus so equipped to only be driven on two-lane highways and highways in rural areas of the state.
- 13) States Legislative findings that protecting the privacy of a person whose image is captured by a schoolbus video enforcement system enhances public safety and the protection of individual rights, thereby furthering the purposes of Section 3 of Article I of the California Constitution.

STAFF COMMENTS

- 1) ***Need for the bill.*** “Each school day in California, more than 20,000 school buses transport 600,000+ children to and from schools across the state. Research and surveys conducted in California by the National Association of the State Directors of Pupil Transportation Services estimated that every school day in California there are more than 21,000 violations of the school bus stop law. The rate of school bus stop law violations in California amounts to 3.4 million violations during the school year. These school bus stop law violations come with serious consequences regarding children’s safety.

The California Highway Patrol (CHP) SWITRS vehicle collision data system shows that since 2006 there have been more than 125 fatal or severe injuries due to vehicles colliding with student pedestrians associated with getting on or off their school bus.

Sixteen other states allow school districts to equip their school buses with video technology to help enforce school bus stop laws and remind vehicle drivers there will be consequences if they put students in jeopardy by violating the school bus stop law, ignoring the flashing red lights and deployed stop sign, and driving around the stopped school bus. Each state reports a positive impact on the reduction of school bus stop law violations. For example in Cobb County, Georgia there was a 40 percent decrease in violations issued between 2013 and 2014, after deployment of stop arm video technology.”

- 2) ***Amendments to be taken in the Senate Judiciary Committee.*** This bill has been triple referred to the Senate Transportation Committee, the Senate Education Committee, and the Senate Judiciary Committee. In the Senate Transportation Committee, the author agreed to amendments – to be take in the Senate Judiciary Committee – on both of the following topics:
 - a) Minimizing fiscal incentives.

- b) Law enforcement review before issuing a citation.

Additionally, staff is informed that the author intends additional amendments – also to be take in Senate Judiciary Committee due to the time constraints of a triple referral – on all of the following topics:

- a) Further clarify that use of the stop law video information is limited to the purposes of the bill only.
 - b) Addressing the type of stop law video captured citation – civil vs. criminal – with only base fine, no points on driver's record, and no added on court fees, for first two stop law video captured violations.
- 3) **Pupil safety.** This bill, as it is in print and as staff is informed it will be upon amendment, restricts the use of the stop law video information to the purposes of the bill, absent a subpoena. It appears there is a significant concern by opponents over the use of the stop law video information for any purpose beyond enforcing the stop law. However, if the bill moves forward, the author may wish to consider working with proponents and opponents of the bill to amend the bill to allow for the use of the video images for purposes of supporting pupil safety, whether that be driver training purposes or appropriate school discipline purposes.
- 4) **Related and previous legislation.** AB 934 (Gipson, 2019) requires each schoolbus, school pupil activity bus, youth bus, and child care motor vehicle to be equipped with an internal video system, and requires each schoolbus equipped with a stop signal arm to be equipped with an external video system.

AB 1798 (Chu, Chapter 206, Statutes of 2018) requires all schoolbuses in use in California to be equipped with a passenger restraint system by July 1, 2035.

AB 1840 (Education Omnibus Trailer Bill, Chapter 426, Statutes of 2018) revised to deadlines of AB 1072 to instead require schoolbuses, school pupil activity buses, except as provided, youth buses, and child care motor vehicles to be equipped with an operational child safety alert system on or before March 1, 2019. The bill grants specified school districts, county offices of education, charter schools, private schools, and other entities that operate those vehicles an additional 6 months to meet that requirement if certain documentation is submitted to the Department of the California Highway Patrol on or before March 1, 2019.

AB 1072 (Mendoza, Chapter 721, Statutes of 2016) requires, on or before the 2018-19 school year, school buses, other specified buses which transport students, and child care motor vehicles to be equipped with an operational child safety alert system.

SUPPORT

California Coalition for Children's Safety and Health
CSAC Excess Insurance Authority

California School Employees Association
Peace Officers Research Association of California

OPPOSITION

American Civil Liberties Union of California
Safer Streets L.A.

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