



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Calls on Assembly to Pass Bill Requiring Criminal Background Checks for All Bus Drivers

CHARLES J. FUSCHILLO JR. July 26, 2011

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Following the suspension of another eight charter bus operators for safety reasons, Senator Charles J. Fuschillo, Jr. (R-Merrick) today called on the Assembly to pass legislation he sponsors to require all bus drivers to submit to a criminal history check. Yesterday's suspensions follow a string of fatal bus crashes over the last several months involving bus drivers with histories of criminal driving convictions.

"There have been a number of tragic crashes involving bus drivers who had no business being behind the wheel; yesterday's suspensions are another reminder that unsafe bus drivers and bus companies are still on the road. Bus drivers who literally hold their passengers lives and safety in their hands must be qualified to handle that responsibility. Using background checks to weed out unfit, unqualified bus drivers will make our roads safer for everyone. The Assembly should join with the Senate in passing this legislation," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

Senator Fuschillo's legislation (S5171B) would require all new bus drivers to submit to a criminal background check when they are hired. Drivers would be subjected to a 90 day conditional period while the background check is being undertaken. All current bus drivers would submit to a criminal background check the next time they renew their commercial driver's license. This requirement, which currently applies only to school bus drivers, would disqualify bus drivers who have a history of criminal driving convictions such as DWI and license revocation from getting behind the wheel. The legislation was passed by the Senate on June 2<sup>nd</sup>.

The New York State Department of Transportation (DOT) yesterday suspended the operating licenses of eight New York State charter bus companies, including four on Long Island, for safety violations. All of the companies failed three or more roadside inspections of drivers or buses in the last six months, failed their semi-annual bus inspections, or received a federal out-of-service order. DOT will undertake a full review of each company's drivers' records, as well as their vehicle fleets and company finances.

Yesterday's suspensions are just the latest in a number of incidents that highlight the growing need to improve safety in the bus industry. The most notable occurred on March 12<sup>th</sup>, when a tour bus returning to New York City from a Connecticut casino crashed in the Bronx, killing 15 people. According to reports, the driver of the bus, Ophadell Williams, had prior convictions for manslaughter, grand larceny, and driving without a license. His driver's license was suspended following the crash after evidence surfaced that he made false statements on his application form.

More crashes involving drivers with histories of criminal driving convictions subsequently occurred. On May 7th, a New York City tour bus driver who allegedly struck and killed a Philadelphia

man in Manhattan was charged with vehicular manslaughter after police found a travel cup with vodka in his bus' cup holder. Timothy White was killed as he crossed Ninth Avenue with the walk signal. The driver, Steve Drappel, was arrested and charged with vehicular manslaughter, criminally negligent homicide, and driving while intoxicated. Drappel has a history of DWI arrests.

On May 8th, an out-of-control tour bus driver almost ran over a New York City Police Officer at the Midtown Tunnel. The driver, Anthony Judd, was charged with reckless endangerment, fleeing a police officer, running a stop sign and driving with a revoked license. Judd's driver's license had been revoked 14 times, most recently in December 2009.

"An individual with a history of criminal driving convictions should not be given the responsibility of protecting the safety of others. Dangerous bus drivers put the safety of both their passengers and other drivers on the road at risk, and as we've seen, the results can be tragic and deadly. There are more than enough examples of as to why this legislation is needed, and we hope it will become law to make our roads safer for everyone," said John Corlett, Legislative Committee Chair, AAA New York State.

Over the last four months, DOT has performed approximately 3,000 roadside inspections with 542 drivers and/or vehicles being taken out of service. Enacting Senator Fuschillo's legislation would aid the state's efforts to improve bus industry safety by creating a new tool to help prevent dangerous bus drivers from getting behind the wheel in the first place.

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