FACT SHEET FOR ADVERTISING ON SCHOOL BUSSES

Senate Bill 1588 Amends the Vehicle Code to allow advertising on school buses.

Current Status of Bill: Referred back to Senate Rules Committee

CONS: POTENTIAL SAFETY HAZARDS

- Advertising is designed to catch the attention of passing motorists
- Advertising changes the definite and identifiable physical features that make the school bus 'sacred': distinctive school bus yellow color; unique flashing warning lamp systems; stop signal arm; front safety crossing gate; yellow reflective tape around emergency exits.
- These distinctive features send a message to motorists that children are present and extreme caution is required.
- Approximately 2 million dollars have been spent in the past three years to put additional safety equipment on school buses (school bus crossing arm and yellow reflective tape around emergency exits).
- Advertising will mar the distinctive safety features.
- Driver inattention and distraction cause motor vehicle crashes—definitive causal factor in the percentage of crashes.
- Adding advertising to the school bus sets a dangerous precedent.

CONTENT AND POTENTIAL LEGAL ISSUES

- First Amendment issues—Freedom of Speech—limited public forum.
- Difficult, impossible, or legally expensive to control the types of advertising on school buses.
- Unlike television on radio programming or advertising that is inappropriate, a school bus billboard cannot be turned off.
- Assumption that all other means have been exhausted before selling advertising on school buses.
- Any device(s) used for securing advertisements must be designed to prevent the snagging of children's clothing, backpacks, or other items.
- Revenue generated from advertising does not equal anticipated revenue.
- No amount of revenue generated from advertising on school buses can justify the loss of <u>one child</u> due to driver distraction. The safety of students must come first.

It should be noted that "although there are no reported cases in the United States involving a school bus and commercial speech, there is sufficient case law involving analogous situations where school districts created limited public forums for protected speech and nonpublic forums for certain speech which the school district's were unable to restrict or control despite the school district's opposition to the content and viewpoint being expressed." (excerpted from State School Bus Committee, Legal Opinion, Indiana Department of Education)

NOTE: The reason there is no data to prove whether or not there is a safety risk associated with advertising on school buses is that no crash data has ever been collected in sufficient quantity to statistically assess the relationship or that reliable, analytical data collection techniques were used in determining whether the driver of another vehicle involved in a crash was distracted prior to the crash. (Refer to the 1996 technical paper from the National Highway Traffic Safety Administration entitled "The Role of Driver Inattention in Crashes" estimated that 3.2 percent of all tow-away crashes were caused by driver distraction. This is consistent with the "1979 Indiana Tri-Level Study of the Causes of Traffic Accidents" which found that 4 percent of crashes were caused by the external distraction of the driver. This is also consistent with the 1994 North Carolina study which showed that 3.7 percent of 18,000 crashes were attributed to driver distraction.)

Also note: Illinois and Florida Department of Transportation Surveys indicated that 10,000 violations of the school bus stop-arm occur daily due to driver inattention and ignorance of the law. This is in spite of the big yellow school bus, bright red flashing lights, and a stop-arm standing out the left side of the school bus that says "STOP." This is unacceptable behavior. Now add to that mix further distraction of drivers "reading messages on the side or back of the school bus."

Additional resources available:	National Association of State Directors of Pupil
	Transportation Services Position Paper

Indiana Department of Education Legal Opinion