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First Student puts the brakes on some Orinda school bus routes

By Sora O'Doherty

Half of the school bus routes in Orinda have been changed to such an extent that parents will probably not use them in the fall.

The Lamorinda School Bus Transportation Agency board might have considered an extension to see how the routes could be improved, but was stymied because school bus contractor First Student refuses to provide services to routes deemed unsafe. Although the routes have been safely operated for over 20 years, the LSBTA commissioned a study by School Bus Consultants that branded many bus stops and routes as unsafe. Route 18, which used to service El Toyonal, is canceled, with no stops left on the route, replaced by a group stop in Orinda Village. Routes 11-2 (Manzanita) and 13 (Charles Hill) are also severely impacted.

Consultants presented LSBTA members with a revised report at its July 13 meeting that made no changes to their recommendations. Many members of the public, mostly parents, vociferously objected to the changes, but the board seemed out of options when First Student stated flatly that they would not continue to operate the disputed routes, even as a temporary extension to allow a search for solutions.

First Student, whose representatives included Dave Collins, area general manager for California, and Henry Cooper, location manager, also rejected a proposal to have pilot cars precede the school buses to assure safety, and said that they would not operate under those conditions.

In the end, the board adopted the recommended revisions to all the routes, but set up a subcommittee to try to find solutions for the worst affected routes, and noted that no parent would be financially penalized if they drop the bus in the fall but seek to rejoin later. LSBTA board members made clear they were extremely concerned that the changes proposed by SBC in the name of safety could also result in more dangerous conditions for students, from walking along or crossing unsafe streets to being transported in private cars, which is considered less safe than transport in a school bus.

Two Orinda board representatives, Julie Rossiter of the Orinda Union School Board and Amy Worth, vice mayor of Orinda, will serve on the subcommittee. Rossiter voted against adopting the SBC recommendations, and Worth stated that it would be her preference to continue to operate the routes during the search for solutions. The other members of the subcommittee are Laura Allaire, school bus liaison for Wagner Ranch Elementary School and LSBTA board member, and Moraga City Council Member Jeannette Fritzski, who volunteered to join the subcommittee so that more than Orinda would be represented. General Counsel to the LSBTA Mala Subramanian advised that to continue the routes in the face of the SBC report would constitute negligence - perhaps even triggering strict liability for any ensuing accident.

Although asked repeatedly by the Moraga Town Council representative Fritsky to provide some authority for her position, Subramanian could not. Amy Roach, a parent and an attorney with many years of government work experience with the state of California, noted that legally the board does not have contract liability and that it is not negligent to operate the bus routes in question. "My child is 70 times safer on a school bus than in my car," Roach said, concluding that this is "one big experiment with the child's safety."

Parent Courtney Brothers said she spoke with a First Student driver who said she had no problems with route 11-2, even in the presence of the dump trucks being used in the Miner Road sinkhole repair, and was very unhappy to hear of its possible discontinuance. Sarah Butler, formerly an OUSD board member, explained the difficulty of dealing with this issue, which only came up in May, over the summer. She urged the board to slow down and form a subcommittee.

Many parents who addressed the board were lawyers or engineers who offered their professional opinions on the crucial issues of safety and liability. The speakers pleaded for an extension of the bus routes for next year in order to allow for changes to be made to address the problems identified by SBC. The consultants rejected the notion that narrower buses could solve the problems in Orinda, citing industry best practices, but they were unable to refer the board to any written collection of such best practices.

Larry Theis, Orinda director of public works who conducted stakeholder meetings, strongly recommended keeping the routes as is and using a pilot car, at least for El Toyonal. The proposed changes, he said, reduce the service provided to the community. Theis and Jason Chen, an Orinda senior engineer, garnered praise from the speakers for their commitment to trying to solve the bus problem, and Theis praised the community as being exceptionally cooperative, noting that area residents will already yield the right of way to the school bus.

Parent Eileen Fitz-Faulkner asked the board to consider how many accidents will be caused by the lack of a school bus, and urged the board to look for buses with double turning axles, like fire trucks. Nick Kosla noted, like many others, that he had purchased his home because of the existence of the school bus route, and wondered if the safety issue had been thoroughly vetted when the routes were adopted some 20 years earlier. He sought a second opinion looking for solutions, such as a traffic safety analysis based on the existence or absence of the school bus route.

Worth reiterated that in fact the El Toyonal route, the most challenging, has been operating safely for 20 years with only a couple of minor accidents. When questioned when the safety of the Orinda routes was called into question, Cooper stated that he was hired during the 2014-15 school year and received concerns from drivers. In reviewing the routes, he observed conditions that concerned him, and communicated his concerns to his superiors and to the school bus program.

Bob Smith, a California licensed engineer, pointed to the relative risk of students riding in safe school buses or riding in private cars or even walking. He called it a purely legal question and said that the board was

trading the children's safety for a tiny bit of liability. Laura Allaire, the Wagner Ranch school bus liaison, drew the board's attention to the high number of students who will be adversely impacted by the changes: 10 percent of Wagner Ranch Elementary School students and 15 percent of Orinda Intermediate School students. She noted that even many private cars cannot navigate El Toyonal without crossing the double yellow lines from time to time.

Tracy Hampton, who lives on Brookwood Road, noted that Durham School Services operates a school bus on the same route. There are other options, she said, urging the board to adopt an extension to allow time to find them. Darren Cook said any potential benefits of the changes outweigh the risks. "Do you trust the methods and expertise of the consultants?" he asked. "Would you bet a child's life on it?"

But the board was left with the reality that school starts in about a month and First Student would not operate the routes. So the subcommittee was formed, and will look at a host of potential improvements, from moving stops to having the buses turn around on private property offered by homeowners for the purpose, to investigating other providers and other equipment. Gerson seemed to sum up the spirit of the meeting, stating, "What is best for the kids, not what is best for our bottom line."

After the meeting, disappointed parents were heard to be discussing the possibility of a private contract with Durham to safely get their children to school.

The revised SBC study can be found at this link:

<http://nebula.wsimg.com/3ad6bbcd908f087af78682aee4a5e5b9?>

[AccessKeyId=ACBAD635E8DD86102CE4&disposition=0&alloworigin=1](http://nebula.wsimg.com/3ad6bbcd908f087af78682aee4a5e5b9?AccessKeyId=ACBAD635E8DD86102CE4&disposition=0&alloworigin=1)

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