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news

SCHOOL BUS SAFETY

Mentality of some drivers is frustrating

Achieving Justice
PAUL HERGOTT



School bus drivers made the news last month with their complaints about drivers ignoring school bus warning lights.

A little on-line searching led me to a public posting site that left me gobsmacked.

Here is one of the online postings: "Huh. News to me that you were required to stop when oncoming too; thought it was only when overtaking given the painted wording on the bus is 'Do not pass when signals flashing.' Anyone able to link me to the applicable sections of the MVA?"

The "s-word" screamed out at me when I read that. My 11-year-old daughter, ever cautious about using inappropriate words, would have cautioned me: "You shouldn't say 'tupid' with an 's', Daddy."

She would be correct, as she so often is. There's nothing stupid about ignorance.

I hasten to clarify my use of the word "ignorance". I do not intend the negative connotation with which it is sometimes used. I use the word with the literal meaning—"lack of knowledge or information."

I have a "tip of the iceberg" mentality that leads me to feel certain that the person who contributed that online posting is the tip of an iceberg of ignorance.

This column is my little bit of heat contribution to melting the iceberg.

Section 149 of the Motor Vehicle Act dictates: "The driver of a vehicle...on meeting or overtaking a school bus...on or near which a sign or signal is displayed indicating the school bus is receiving or discharging school children, must stop the vehicle before reaching the bus and not proceed until the bus resumes motion or the driver of the bus signals to other drivers that it is safe to proceed."

I'm happy to provide the link to anyone who e-mails that request.

Get caught breaking that driving law and you're subject to a \$167 ticket and three demerit points on your license. But you'd have to be "tupid with an s" for that to be a motivation for your driving behaviour.

A collaborative study between the BC Coroners Service and BC Injury Research and Prevention Unit published November 9, 2010, identified risky pedestrian behaviour (observed in 57.6 per cent of fatalities) and lack of active supervision (observed in 33 per cent of the deaths of children under 10) as key factors in child pedestrian fatalities in British Columbia.

These two key factors are present when children are boarding and offloading a school bus—children will dart across the street to catch their bus and will dart out

SEE HERGOTT A15

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Motorists have to anticipate the unexpected around school buses

HERGOTT FROM A14

from the nose or rear of a bus when departing; they are never accompanied by their parents.

Special care must be taken any time children are around.

Absent-minded children will dart out in front of traffic and parents will be distracted.

As motorists, we must anticipate these factors and drive accordingly.

Wouldn't you know, there is another section

of the Motor Vehicle Act that requires extra caution when there are children around.

Section 181 provides the common sense requirement that "...a driver of a vehicle must observe proper

precaution on observing a child or apparently confused or incapacitated person on the highway."

Yes, children are lumped in with confused and incapacitated people, and for good reason.

Don't be distracted

by the word "highway" by the way. That word is extremely broadly defined to include pretty much anywhere a vehicle might pass.

Let's each of us take extra precautions any time we suspect children

might be around. We need to watch like hawks in residential areas (where the study found 51.5 per cent of child pedestrian fatalities occur), at public transit stops, around schools and playgrounds,

in parking lots, and anywhere else children might be lurking.

Paul Hergott is a personal injury lawyer at Hergott Law in West Kelowna. paul@hlaw.ca

CAPITAL news



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TOP 30 OVER ALL STANDINGS

RANK	FULL NAME	TOTAL	G	A	W	L	SO
1	Nicole Desautels	1085	435	626	44	-21	1
2	Tracy Nimetz	1076	425	620	54	-25	2
3	Dylan Franson	1060	397	632	54	-25	2
4	Ron Ekman	1058	386	641	54	-25	2
5	Ron Bray	1056	389	636	54	-25	2
6	Jonathan Cone	1054	405	618	54	-25	2
7	Cale Romanko	1052	394	627	54	-25	2
8	Capital News Classics	1051	378	642	54	-25	2
9	Wes Zawertallo	1046	396	619	54	-25	2
10	Rob Madu	1045	403	611	54	-25	2
11	Jerry Werenicz	1045	370	644	54	-25	2
12	Dorothy McInnis	1042	382	629	54	-25	2
13	Craig Mirva	1041	391	619	54	-25	2
14	Lise Halvorson	1037	391	615	54	-25	2
15	Matthew Brownlee	1037	383	623	54	-25	2
16	Richard Allison	1037	365	641	54	-25	2
17	Rachel Clark	1036	353	652	54	-25	2
18	Steven Mountford	1034	394	609	54	-25	2
19	Happy Ezard	1034	386	617	54	-25	2
20	Tim Jansen	1031	411	589	54	-25	2
21	Jody Nimetz	1029	418	580	54	-25	2
22	Melissa Hawks	1027	393	603	54	-25	2
23	Stephen Allison	1027	379	623	50	-27	2
24	Brian Harms	1024	383	610	54	-25	2
25	Robert Simonelli	1024	368	625	54	-25	2
26	David Kerr	1022	404	587	54	-25	2
27	Kyle Sanguin	1021	386	611	44	-21	1
28	Liz St-Amour	1021	372	618	54	-25	2
29	Bob Gretz	1020	366	629	50	-27	2
30	Tanner Pidluzny	1018	407	580	54	-25	2

LOCAL EXPERT

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