



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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**Date:** August 4, 2003

**In reply refer to:** H-03-18

Ms. Annette M. Sandberg  
Acting Administrator  
Federal Motor Carrier Safety Administration  
400 Seventh Street, SW  
Washington, DC 20590

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On May 8, 2001, about 8:57 a.m., central daylight time, a 1993 Dodge 15-passenger van was eastbound on U.S. Route 82 near Henrietta, Texas, en route from Burkburnett, Texas, to an outlet mall in Gainesville, Texas. The driver and 11 passengers, all members of the First Assembly of God Church, occupied the van. As the vehicle approached milepost 538 in the left lane, at a calculated speed of 61 to 67 mph, the left rear tire experienced a tread separation and blowout; subsequently, the van departed the roadway and rolled over at least two times in the median, ejecting seven passengers before coming to final rest. The driver and three of the ejected passengers sustained fatal injuries, and eight passengers sustained serious injuries.<sup>1</sup>

On July 1, 2001, about 2:30 p.m., eastern daylight time, a 1989 Dodge Ram 15-passenger van was northbound in the left lane on U.S. Route 220, near Randleman, North Carolina, en route from Myrtle Beach, South Carolina, to Roanoke, Virginia. The van, owned by Virginia Heights Baptist Church of Roanoke, Virginia, was occupied by the driver and 13 passengers, ages 13 to 19. As the vehicle approached the Level Cross, North Carolina, exit, at a witness-estimated speed of 65 mph, the left rear tire experienced a tread separation and blowout; subsequently, the van moved from the left lane into the right lane, then back into the left lane, where it overturned and came to rest in the travel lanes. During the accident sequence, four passengers were ejected, one of whom was fatally injured and three of whom sustained serious injuries; the driver and the other nine passengers sustained injuries ranging from none to serious.<sup>2</sup>

The National Transportation Safety Board determined that the probable cause of the accidents was tire failure, the drivers' response to that failure, and the drivers' inability to maintain control of their vans. Contributing to the accidents was the deteriorated condition of the tires, as a result of the churches' lack of tire maintenance, and the handling characteristics of the vans. Contributing to the severity of the injuries was the lack of appropriate *Federal Motor*

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<sup>1</sup> For additional information, read National Transportation Safety Board, *Dodge 15-Passenger Van Rollover on U.S. Route 82 Near Henrietta, Texas, on May 8, 2001, and Dodge 15-Passenger Van Overturn on U.S. Route 220 Near Randleman, North Carolina, on July 1, 2001*, Highway Accident Report NTSB/HAR-03/03 (Washington, DC: NTSB, 2003).

<sup>2</sup> For additional information, read NTSB/HAR-03/03.

*Vehicle Safety Standards* applicable to 15-passenger vans in the areas of restraints and occupant protection.

According to the National Highway Traffic Safety Administration's (NHTSA's) *Federal Motor Vehicle Safety Standards*, 12- and 15- passenger vans, which can carry more than 10 passengers, are buses and therefore not required to meet the same safety and occupant protection requirements as passenger vehicles. Yet these vans are built neither to the standards for school buses nor to the industry standards for motorcoaches. Moreover, vans are often used in the same manner as passenger vehicles, even though they have different safety requirements and are required to meet different safety standards in some areas. Vans have a higher center of gravity and can accommodate more occupants than passenger vehicles, but are currently held to less stringent occupant protection and roof crush requirements than passenger vehicles. Even though these vans are used in a manner similar to passenger cars, the occupants are not afforded the same level of safety as those occupants riding in passenger cars.

Although NHTSA classifies 12- and 15-passenger vans as buses, the Federal Motor Carrier Safety Administration (FMCSA) considers them commercial vehicles only if they are used for compensation, in which case a van designed to carry 8 or more passengers is considered a commercial vehicle. Therefore, any individual who has a driver's license and is not operating the vehicle for compensation can operate a 12- or 15-passenger van without additional training, despite NHTSA's statement in its consumer advisory that they have different operating characteristics from passenger cars. Because the vans in the Henrietta and Randleman accidents were not used for compensation, the FMCSA did not consider them commercial vehicles; therefore, the operators were not required to have a commercial driver's license. The FMCSA regards 12- and 15-passenger vans as commercial vehicles based solely on their intended use (for compensation), not on their handling characteristics. Yet the van's handling characteristics are the same, regardless of whether the driver is being paid. These vans are the only type of vehicle that may or may not be classified as commercial, depending on use; all other vehicles, such as trucks over 26,000 pounds or buses carrying more than 15 passengers, are always defined as commercial vehicles.

Despite NHTSA's consumer advisory, the general public may not be aware that 12- and 15-passenger vans, which are not sold or used differently from passenger vehicles, have unique operating characteristics. Church officials in the Henrietta and Randleman accidents did not know that the vans differed from passenger cars in any way except size, even though the accident vans were not required to meet the same safety standards as passenger vehicles. Additionally, the vans may or may not be defined as commercial vehicles, depending on their use, leading to further confusion on the part of the public and a lack of consistent requirements for training and licensure.

The Safety Board concludes that NHTSA's and the FMCSA's inadequate and inconsistent vehicle classification of 12- and 15-passenger vans leaves a gap that adversely affects regulations pertaining to the manufacture and safe operation of these vehicles.

Therefore, the National Transportation Safety Board recommends that the Federal Motor Carrier Safety Administration:

In cooperation with the National Highway Traffic Safety Administration, revise your definitions of buses and commercial motor vehicles to apply consistently to 12- and 15-passenger vans, taking into account the unique operating characteristics and multiple functions of these vans. (H-03-18)

The Safety Board also issued safety recommendations to the National Highway Traffic Safety Administration, the 50 States and the District of Columbia, the American Driver and Traffic Safety Education Association, the American Automobile Association, the National Safety Council, the American Association of Motor Vehicle Administrators, Ford Motor Company, and General Motors Corporation.

Please refer to Safety Recommendation H-03-18 in your reply. If you need additional information, you may call (202) 314-6177.

Chairman ENGLEMAN, Vice Chairman ROSENKER, and Members GOGLIA, CARMODY, and HEALING concurred in this recommendation.

By: Ellen G. Engleman  
Chairman