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NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: June 4, 1985

Forwarded to:

Governors of all States
and the Mayor of the District
of Columbia

SAFETY RECOMMENDATION(S)

H-85-12

About 1:55 p.m., on September 28, 1983, a privately-owned 1971 schoolbus, being operated for profit and carrying 37 elementary school children, was traveling in the left westbound lane of U.S. Route 41 in Miami, Florida. The bus began to weave within the travel lanes, veered left onto the adjacent grass median of the dry, four-lane, divided roadway, swerved back into the travel lanes, overturned on its left side, and came to rest facing east. The busdriver and 30 students received minor to moderate injuries; 7 students were not injured. 1/

The owner-operator of the schoolbus charged parents a weekly fee for transporting their children to and from public school. The schoolbus was not affiliated with the public school system, and the driver was not considered to be a public schoolbus driver. A busdriver is not required to be trained to operate a privately-owned schoolbus in Florida, and the accident busdriver either was not aware of or chose to ignore State regulations governing student discipline, prohibition of standees in schoolbuses, and mandatory use of seatbelts by schoolbus drivers which are applicable to public schoolbus drivers and covered in a State training program for public schoolbus drivers. She also was not aware of the Dade County, Florida, requirement that operators of privately-owned schoolbuses be able to administer first-aid.

The Florida State Department of Education (FSDOE) has the administrative responsibility for the safe transportation of all public school students and establishes State policy concerning pupil transportation and schoolbus operation. Local school boards handle the day-to-day implementation of these policies. The FSDOE mandates the requirements for public schoolbus driver training and certification and for public schoolbus inspection and maintenance. These requirements were adopted from the Federal guidelines established in Highway Safety Program Standard No. 17, "Pupil

1/ For more detailed information, read Highway Accident Report--"Schoolbus Loss of Control Accidents in Miami, Florida, September 28, 1983, and Birmingham, Alabama, April 12, 1984" (NTSB/HAR-85/03).

Transportation Safety," and apply to all public schoolbus drivers and to all public schoolbuses that operate within the State, regardless of whether they are owned by or under contract to local school boards. If schoolbus drivers (or their employers) are under contract to a public school to transport public school students, then the schoolbus drivers are considered to be public schoolbus drivers, and they must comply with State requirements for public schoolbus drivers. Though a schoolbus used to provide the contract service may be privately-owned, it must comply with State requirements for public schoolbuses. The requirements do not apply to privately-owned schoolbuses or their drivers if the schoolbus is not under contract to a public school, such as schoolbuses operated by private and parochial school systems, and by private individuals, like the schoolbus and driver involved in this accident. The FSDOE encourages the participation of private schoolbus operators in its driver training and certification program for public schoolbus drivers.

About 8:05 a.m., on April 12, 1984, a privately-owned 1965 schoolbus, being operated under contract and carrying an adult aide and 25 mentally retarded and physically handicapped students, accelerated out of control while descending a steep, one-block-long grade in Birmingham, Alabama. The bus failed to stop at the intersection at the bottom of the downgrade and struck a large tree head-on. The busdriver and 7 students sustained moderate injuries, the adult aide and 8 students were treated for minor injuries, and 10 students escaped injury. 2/

The privately-owned schoolbus had been contracted by the city of Birmingham Board of Education to transport mentally retarded and handicapped students to and from public school. The contracted schoolbus and schoolbus operator were subject to State driver training, driver certification, and vehicle inspection requirements applicable to public schoolbuses and schoolbus operators. The owner of the private schoolbus was not aware of the State requirements, and the schoolbus operator had not been trained or certificated by the State to drive a public schoolbus.

The Alabama Board of Education (ABOE) has the administrative responsibility for the safe transportation of all public school students. The ABOE mandates the requirements for public schoolbus driver training and certification and for public schoolbus inspection and maintenance. The requirements were adopted from the Federal guidelines established in Highway Safety Program Standard No. 17, "Pupil Transportation Safety," and apply to all public schoolbus drivers and public schoolbuses that operate within the State, and to all privately-owned schoolbuses and their drivers under contract to a local school board, such as the schoolbus and driver involved in this accident. If schoolbus drivers (or their employers) are under contract to a public school to transport public school students, then the schoolbus drivers are considered to be public schoolbus drivers, and they must comply with State requirements for public schoolbus drivers. Though a schoolbus used to provide the contract service may be privately-owned, it must comply with State requirements for public schoolbuses. The requirements do not apply to privately-owned schoolbuses or their drivers if the schoolbus is not under contract to a public school, such as schoolbuses operated by private and parochial school systems, and by private individuals. The ABOE encourages the participation of private schoolbus operators in its driver training program for public schoolbus drivers.

The schoolbus drivers in both accidents held valid licenses to operate the schoolbuses and were familiar with their vehicles. The driver in the Florida accident was not required by State or local law to have, and had not received, training in schoolbus operations because she was operating a privately-owned schoolbus that was not under

2/ Ibid.

contract to the local public school system. Although the driver in the Alabama accident was required by the ABOE to have training in schoolbus operations because he was operating a privately-owned schoolbus under contract to the local public school system, he had not received the training.

The Safety Board believes that drivers of privately-owned and privately-operated schoolbuses should be required to be familiar with their vehicles and that they should be as knowledgeable about State and local schoolbus regulations as public schoolbus drivers are required to be. As with vehicle inspection programs, few private bus operations receive financial incentives or have the resources to develop and maintain a driver training program. The training programs for public schoolbus drivers in Florida and Alabama are open to drivers of privately-owned and privately-operated schoolbuses. However, more needs to be done to encourage statewide participation in the programs by private schoolbus drivers. The Safety Board believes that all States should develop a model instructional program targeted at all drivers of privately-owned and privately-operated schoolbuses that includes a review of all applicable laws, regulations, and policies governing pupil transportation safety, first-aid, and pretrip inspections. States should make every effort to encourage drivers of privately-owned and privately-operated schoolbuses to participate in the model program.

Therefore, the National Transportation Safety Board recommends that all States and the District of Columbia:

Develop a model instructional program to be used by local school districts targeted at drivers of privately-owned and privately-operated pupil transportation vehicles that includes a review of all applicable laws, regulations, and policies governing pupil transportation safety, first-aid, and pretrip inspections, and encourage drivers of privately-owned and privately-operated pupil transportation vehicles to participate in the program. (Class II, Priority Action) (H-85-12)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility ". . . to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and BURSLEY, Member, concurred in this recommendation.

By: 
Jim Burnett
Chairman

