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NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: June 4, 1985

Forwarded to:

Directors of Pupil Transportation  
of all States and the District of  
Columbia

SAFETY RECOMMENDATION(S)

H-85-13

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. 1/

The accident bus previously was owned and operated by the Yellow Cab Company of Birmingham, Inc., (Yellow Cab), which was under contract to the Birmingham Board of Education to transport daily about 360 mentally retarded and handicapped students to and from public schools. In October 1983, Yellow Cab sold the accident bus and one additional bus to a private entrepreneur and subcontracted with the new owner to continue operating the buses over the same routes. Upon the sale, the subcontractor assumed full responsibility for maintenance, hiring of drivers, and paying all operating and repair costs. The subcontractor owned four buses, two of which were operating at the time of the accident. He employed one driver and drove the second bus himself.

A postaccident inspection revealed several preexisting vehicle discrepancies. The brake master cylinder reservoir was empty (without brake fluid). The lower brake wheel cylinder in the left rear wheel assembly was leaking brake fluid, and the brake linings and drum were contaminated with a mixture of brake fluid and other debris from the wheel. The brake lining on the forward shoe of the right rear wheel was worn to the rivets, and the inside diameter of the brake drum was more than 0.120 inch over its original diameter of 15 inches. The inside dual inner tire on the rear axle was worn smooth (no measurable tread depth). The tread depth on the remaining five tires ranged from 3/32 to 12/32 inch, and the inflation pressures ranged from 40 to 82 psi. The manufacturer's recommended maximum inflation pressure is 85 psi for a single tire wheel and 75 psi for a dual tire wheel. The busdriver advised a Safety Board investigator that the turn signals, four-way flasher, taillights, and stoplights were inoperative at the time of the accident.

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).

The State of Alabama requires annual and monthly inspections and vehicle maintenance for all schoolbuses under contract to public school districts. The schoolbus owner stated that he was not aware of these requirements and performed vehicle maintenance at his discretion. He had inspected the accident bus visually about five times since he purchased it and had made some repairs to the vehicle brakes. He said that he had replaced the brake linings and had installed a used brake drum on the left rear wheel. He kept no maintenance records regarding the accident bus.

Before the 1983/84 school year, the Birmingham Board of Education contracted for all pupil transportation services from various commercial bus operations, including the municipal bus system and Yellow Cab. In the summer of 1983, the Birmingham Board of Education purchased and placed into service 55 new schoolbuses, and terminated all contract services for transporting the city's 4,290 nonhandicapped students. The schoolbuses owned by the Birmingham Board of Education are inspected annually by the Alabama Board of Education (ABOE) and are operated and maintained by employees of the Birmingham Board of Education who are trained and certificated by the ABOE.

The Birmingham Board of Education continued its contract with Yellow Cab to transport retarded and physically handicapped students. Neither the prior contract nor the current contract specified the requirements for the schoolbuses to be used or that the schoolbuses be subject to annual inspection by the ABOE. At the time of the accident, the ABOE was not aware of the contractual agreement between the Birmingham Board of Education and Yellow Cab. Also, the ABOE was not aware of the subcontract between Yellow Cab and the owner of the accident schoolbus. There was no prohibition against subcontract agreements at the State or local level. Consequently, none of the Yellow Cab pupil transportation vehicles was inspected by the ABOE, and none of the Yellow Cab drivers was trained and certificated by the ABOE.

As a result of this accident, the ABOE implemented a new policy, starting in the 1984/85 school year, requiring all public school systems within the State to submit a copy of all pupil transportation contracts with the annual budget for each school year. According to the ABOE, the budget of a school district will not be approved unless the contracts are submitted, or a note is made on the budget request that the school district has no outstanding contracts for schoolbus services. The new policy will permit the ABOE to identify the contractor and take appropriate steps to ensure that each contractor complies with all ABOE vehicle inspection and driver certification requirements.

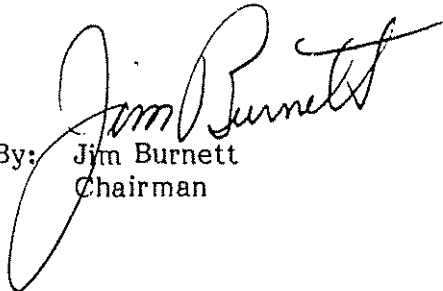
School officials should have exercised special care to ensure that privately-owned and privately-operated schoolbuses used to transport mentally and physically handicapped students were safe. Since the accident, Alabama has instituted new procedures to ensure that all contractual public schoolbus operations comply with State regulations. The Safety Board believes that all States should include and enforce in existing and future pupil transportation contracts minimum standards for schoolbus driver certification, licensing, and training, and for schoolbus inspection and maintenance comparable to those applicable to publicly-operated schoolbuses.

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

Incorporate into existing and future pupil transportation contracts within your State or District minimum standards for schoolbus driver certification, licensing, and training, and for schoolbus inspection and maintenance comparable to those applicable to publicly-operated schoolbuses and drivers of public schoolbuses. Enforce these vehicle and driver standards. (Class II, Priority Action) (H-85-13)

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

