

Ray H-443

SP-20

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: June 4, 1985

Forwarded to:

Ms. Susan Mond  
Safety Director  
National Parent-Teacher Association  
700 N. Rush Street  
Chicago, Illinois 60611

SAFETY RECOMMENDATION(S)

H-85-14 and -15

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/

A postaccident inspection revealed several preexisting vehicle discrepancies. The left front shock was separated completely from its front axle attachment, the right outside dual tire on the rear axle was flat, and three of the six tires were worn smooth. The inflation pressures were 36 and 56 psi for the two front tires and 28 to 43 psi for the three inflated rear tires. The manufacturer's recommended maximum inflation pressure is 85 psi for a single tire wheel and 75 psi for a dual tire wheel. A sharp piece of metallic spring wire, which had penetrated the tread and ruptured the inner tube before the accident, was found in the flat tire.

The busdriver purchased the used bus in January 1983. Although privately-owned schoolbuses in Florida are required to be inspected annually, the bus did not have a current State inspection sticker. The owner performed vehicle maintenance at her discretion. She did not keep, nor was she required to keep, any maintenance records.

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 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 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.

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2/ Ibid.

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 Dade County Council of the Parent-Teacher Association/Parent-Teacher-Student Association (PTA/PTSA) conducted visual surveys during the summer of 1983 to identify privately-owned and privately-operated schoolbuses transporting children to and from public schools and to identify private schoolbus operators who routinely violated good pupil transportation safety practices. Examples of poor safety practices which prompted the surveys included:

- o Children seated in the step well or on the operator's lap while the bus was in motion with the front entrance door open;
- o Unauthorized adult passengers aboard the bus;
- o Unauthorized stops to permit children to purchase items from vendors that required the children to cross busy streets.

The PTA/PTSA Council had reported eight private schoolbus operators to the Florida Highway Patrol by telephone to determine if the operators were in compliance with all applicable State regulations governing private schoolbuses. The driver involved in this accident was one of these. The outcome of the telephone complaints by the PTA/PTSA Council could not be determined.

The PTA/PTSA Council also has been active in promoting legislation to require statewide identification of all private schoolbus operators. No single State agency has oversight responsibility to ensure that private schoolbus operators meet all applicable State regulations. The PTA/PTSA Council believes that it is imperative that legislation be enacted to regulate private schoolbus operators and to ensure that they meet all applicable State and local regulations governing driver licensing, training, and vehicle inspection requirements. A bill was introduced, but was not passed, in the 1984 State legislative session in Florida to amend a State statute to expand the driver qualification and vehicle inspection requirements for privately owned and privately-operated schoolbuses.

The Safety Board commends the Dade County PTA/PTSA Council for its work in identifying drivers of privately-owned and privately-operated schoolbuses engaged in unsafe practices. Parent-teacher associations and local school boards in other States should be encouraged to conduct similar surveys to determine the extent of unsafe schoolbus driver practices on a nationwide basis, to report offenders to State officials, and to inform parents of students who use schoolbuses about the State safety requirements for schoolbus drivers and schoolbus inspections.

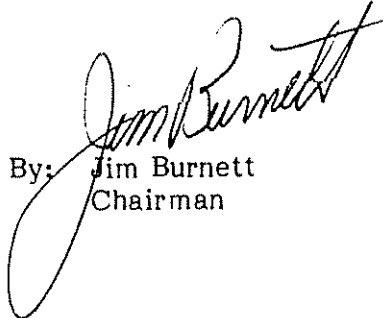
Therefore, the National Transportation Safety Board recommends that the National Parent-Teacher Association:

Encourage local Parent-Teacher Associations and local school boards in each State and the District of Columbia to conduct surveys to identify drivers of public schoolbuses and privately-owned schoolbuses who engage in unsafe pupil transportation practices, and report the findings to the State or local police. (Class II, Priority Action) (H-85-14)

Urge local Parent-Teacher Associations to conduct programs to inform parents about State safety requirements for schoolbus drivers and schoolbus inspections. (Class II, Priority Action) (H-85-15)

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 recommendations in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and BURSLEY, Member, concurred in these recommendations.

By:  Jim Burnett  
Chairman