



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: July 6, 1999

In reply refer to: H-99-25

See Distribution

In 1999, the National Transportation Safety Board initiated a special investigation¹ based on its findings in four recent accidents involving “nonconforming buses,” that is, vehicles that meet the Federal definition of a bus,² that are used for pupil transportation, and that do not meet the Federal occupant crash protection standards for school buses. In the subject accidents, summarized below, 9 people were killed, and 36 were injured.

On March 25, 1998, in Sweetwater, Florida, a 15-passenger van hired by parents to take children to and from school collided with a transit bus. Three children were ejected and sustained head injuries. On March 26, 1998, in Lenoir City, Tennessee, a 25-passenger specialty bus³ taking children from a school-related activity collided with a truck tractor semitrailer. Two people, one of whom was ejected, were fatally injured. On December 8, 1998, in East Dublin, Georgia, a 15-passenger van transporting children to a Head Start program collided with a pickup truck. One child was ejected and fatally injured. On February 16, 1999, in Bennettsville, South Carolina, a 15-passenger van transporting children home from an after-school church program was struck by a tow truck. Three children were ejected, and a total of six children were fatally injured.

The nonconforming buses involved in these accidents did not and were not required to meet Federal school bus occupant crash protection standards, which require that all school buses transporting children to and from school or school-related activities have roof rollover protection, energy-absorbing seats, and greater body joint strength than most other types of vehicles. Enactment of these Federal standards in the 1970s stemmed, in large part, from safety recommendations issued to the National Highway Traffic Safety Administration (NHTSA) by the Safety Board as a result of its investigation of a number of catastrophic school bus accidents. In these tragic cases, many children were killed or severely injured when the buses structurally collapsed or suffered joint failure during the accident sequences.

¹ For additional information, refer to Special Investigation Report—*Pupil Transportation in Vehicles Not Meeting Federal School Bus Standards* (NTSB/SIR-99/02).

² The *Code of Federal Regulations* at Part 571.3 defines *bus* as a motor vehicle designed to carry more than 10 persons and *school bus* as a bus that carries students to or from school or school-related activities.

³ *Specialty bus* is the industry term for the small buses that are commonly used as shuttle or tour buses. Presently, no Federal standard defines the names and configurations for buses of these sizes and types.

The Federal Government regulates the standards to which vehicles must be built, but the States mandate what type of vehicle should be used to transport school children. For the most part, the States require that children be transported to and from school only on buses meeting Federal school bus crashworthiness standards. However, some States by statutory exclusion or exception either allow or do not prohibit the use of nonconforming buses to school-related activities, Head Start programs, and day care centers. The guidelines for the States and for the transportation industry from Federal agencies and national associations clearly state that vehicles built to school bus standards should be used for these activities.

NHTSA's Safety Program Guideline 17, *Pupil Transportation Safety*, establishes minimum recommendations for a State highway safety program for pupil transportation. Guideline 17 recommends that buses meeting the Federal structural standards for school buses be used for transporting children to and from school or school-related activities. A 1997 NHTSA interpretation letter states that because Head Start facilities are primarily involved with the education of preprimary school children, the buses used to transport children to and from the facilities "are considered school buses...and must meet all Federal school bus safety standards." A 1998 NHTSA interpretation letter regarding the use of buses transporting children between schools and publicly or privately owned day care centers states that if the bus is "used significantly"⁴ to transport children to or from school or a school-related event, the vehicle must meet the Federal school bus safety standards.

The Head Start Bureau issued a notice of proposed rulemaking (NPRM) in 1995 to establish required safety features and operating procedures for any vehicle, including all buses, used to transport children to Head Start programs. The NPRM proposes that the transport of Head Start children be limited to school buses.

The National Association of State Directors of Pupil Transportation Services (NASDPTS) states in a recent position paper, "We believe that it is appropriate to require higher levels of safety in vehicles that transport children to and from school and school-related activities." NASDPTS further states that "school children should be transported in school buses which provide them with the highest levels of safety, not in vans which do not meet the stringent school bus safety standards issued by the Federal Government."

For its special investigation report, the Safety Board reviewed a February 1999 NASDPTS survey. Of the 32 directors responding, only 26 directors said that their States prohibit the use of nonconforming vans to transport children to and from school; 6 directors said that their States had no such prohibitions. Regarding the transport of children to and from school-related activities, 19 States prohibit the use of nonconforming vans, and 13 do not. Twenty states currently permit the use of nonconforming vans for Head Start transportation, while eight do not.⁵ Twenty-three States allow the use of vans in day care centers, and six do not.

⁴ In the case that resulted in the letter of interpretation, the van was transporting students (not necessarily the same students) 5 days a week.

⁵ The total number of responses to some questions varies because some State directors did not answer all survey inquiries.

The Safety Board is disturbed by the trend toward using nonconforming vehicles rather than school buses in pupil transportation. When children are transported in vehicles not meeting Federal school bus construction standards, they are at greater risk of fatal or serious injury in the event of an accident. The Safety Board is firmly convinced that the best way to maximize pupil transportation safety is to ensure that all vehicles carrying more than 10 passengers (buses) and transporting children to and from school and school-related activities, including, but not limited to Head Start programs and day care centers, meet the school bus structural standards or the equivalent as set forth in 49 *Code of Federal Regulations* Part 571.

A number of national associations and churches (see attached distribution list) because of their involvement in education, transportation, or youth development are in unique positions to promote the use of school buses. The Safety Board believes that, pending the enactment of regulatory requirements, these associations and churches can help to maximize safety in pupil transportation.

The Safety Board therefore recommends that these associations and churches:

Inform their members about the circumstances of the accidents discussed in this special investigation report and urge that they use school buses or buses having equivalent occupant protection to school buses to transport children. (H-99-25)

Also, the Safety Board issued safety recommendations to the U.S. Department of Health and Human Services, the Governors of the U.S. States and Territories, the Mayor of the District of Columbia, and the Community Transportation Association of America.

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 action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you within 90 days regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-99-25 in your reply. If you need additional information, you may call (202) 314-6444.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

By: Jim Hall
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