



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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**Date:** July 6, 1999

**In reply refer to:** H-99-26

Mr. Dale Marsico  
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In 1999, the National Transportation Safety Board initiated a special investigation as a result of its findings from four recent accidents involving “nonconforming buses,” that is, vehicles for student transportation that meet the Federal definition of a bus<sup>1</sup> but not the Federal occupant crash protection standards of school buses.<sup>2</sup> In the subject accidents, 9 people were killed, and 36 were injured. One of the accidents investigated occurred on December 8, 1998, in East Dublin, Georgia, when a 15-passenger van transporting children to a Head Start program collided with a pickup truck. During the accident sequence, a 4-year-old child was ejected from the van and sustained fatal injuries. The van driver sustained serious injuries; the adult aide and remaining four children sustained minor injuries. The van was owned and operated by the Laurens County Rural Transit System.

The nonconforming bus involved in the East Dublin accident did not and was 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 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.

The States, which are responsible for enforcing the use of school buses, in most cases, require that children be transported to and from school only on buses meeting Federal school bus crashworthiness standards. However, despite clear guidelines to the contrary from NHTSA and

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<sup>1</sup> 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.

<sup>2</sup> For additional information, refer to Special Investigation Report—*Pupil Transportation in Vehicles Not Meeting Federal School Bus Standards* (NTSB/SIR-99/02).

national associations, some States by statutory exclusion or exception either allow or do not prohibit the use of nonconforming buses to school-related activities, including Head Start programs.

In 1977, NHTSA issued an interpretation letter in a response to an inquiry as to whether Head Start facilities are considered preprimary schools for purposes of applying the Federal school bus safety standards. The letter reads, in part:

[NHTSA] has determined that these [Head Start] facilities are primarily involved with the education of preprimary school children. Thus, the buses used to transport children to and from the Head Start facilities are considered school buses...and must meet all Federal school bus safety standards.

In 1995, the Head Start Bureau issued a notice of proposed rulemaking (NPRM) 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.

In Georgia, the State law<sup>3</sup> requires that children be transported to and from school and church in a school bus meeting specifications prescribed by the State Board of Education. However, Head Start transportation is not addressed in the specifications because the program is not within the purview of the Georgia State Board of Education. Thus, by exclusion, Georgia law allows the use of a nonconforming van to transport children from school to a Head Start facility despite NHTSA's interpretation that Head Start is an educational program and, as such, children enrolled in the program should be transported in school buses to and from the centers. The State exclusion is also contrary to the national Head Start Bureau's proposal that the transport of Head Start children be limited to school buses.

For its special investigation report, the Safety Board reviewed a February 1999 survey conducted by the National Association of State Directors of Pupil Transportation Services. Of the 32 directors responding, 20 said that their States permitted the use of nonconforming vans for Head Start transportation; only 8 States specifically prohibited using vehicles other than school buses to transport Head Start children.<sup>4</sup>

The Safety Board is disturbed by the trend toward using nonconforming vehicles rather than school buses in pupil transportation. When States and various school systems allow children to be transported in vehicles not meeting Federal school bus construction standards, the Federal intent of protecting school children is undermined. This trend is potentially serious in that it puts children 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 require the use of school buses or buses built to equivalent occupant crash protection standards. According to a

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<sup>3</sup> Georgia Official Code, Section 40-8-112.

<sup>4</sup> The total number of responses to some questions varied because some State directors did not answer all survey inquiries.

NHTSA fact sheet on school buses, the number of school bus passenger fatalities nationwide averages fewer than 10 each year out of approximately 10 billion student trips.<sup>5</sup>

Based on the Community Transportation Association of America's (CTAA's) mission of enabling mobility for people at risk of being unable to provide or afford their own transportation and given your association's network of community-based agencies and coordinated services, the Safety Board believes that the CTAA can take an active role in improving the safe transportation of children enrolled in Head Start programs.

The Safety Board therefore recommends that the Community Transportation Association of America:

Inform your members of the circumstances of the East Dublin, Georgia, accident and of the added safety benefits of transporting children by school bus, and encourage them to use buses built to Federal school bus structural standards or equivalent to transport children. (H-99-26)

Also, the Safety Board issued Safety Recommendations to the Department of Health and Human Services, the Governors of the U.S. States and Territories, the Mayor of the District of Columbia, the National School Boards Association, the National Association of Independent Schools, the National Conference on School Transportation, the National Parent Teacher Association, the National Association of Child Care Professionals, the National Child Care Association, the National Head Start Association, the Young Men's Christian Association, the Young Women's Christian Association, and the national headquarters of 14 major churches.

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-99-26 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  
Chairman

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<sup>5</sup> The number of student trips was obtained from a January 1999 position paper of the National Association of State Directors of Pupil Transportation.