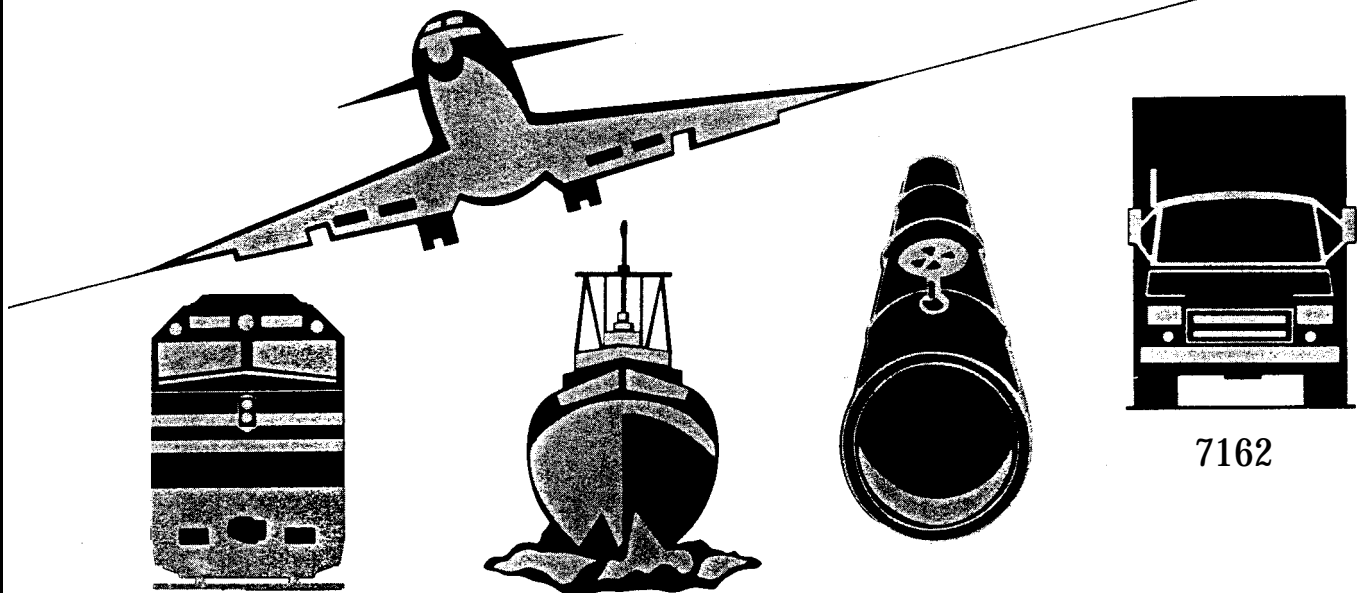


NATIONAL TRANSPORTATION SAFETY BOARD

WASHINGTON, D.C. 20594

HIGHWAY SPECIAL INVESTIGATION REPORT

PUPIL TRANSPORTATION IN VEHICLES NOT
MEETING FEDERAL SCHOOL BUS STANDARDS



7162

National Transportation Safety Board. 1999. Pupil Transportation in Vehicles Not Meeting Federal School Bus Standards. Highway Special Investigation Report NTSB/SIR-99/02. Washington, DC.

This report contains the findings of a special investigation conducted as a result of four fatal accidents involving nonconforming buses used to transport school children. In the first accident, on March 25, 1998, three children were ejected when the passenger van transporting them collided with a transit bus in Sweetwater, Florida. On March 26, 1998, two people were fatally injured when the specialty bus transporting the students collided with a truck tractor semitrailer in Lenoir City, Tennessee. On December 8, 1998, one child was ejected and fatally injured when the passenger van transporting them collided with a pickup truck in East Dublin, Georgia. On February 16, 1999, in Bennettsville, South Carolina, three children were ejected and six children were fatally injured when the passenger van transporting them was struck by a tow truck.

From its investigation, the Safety Board identified safety issues in the following areas: the adequacy of occupant crash protection and crashworthiness of nonconforming buses used to transport school children, the adequacy of State regulations and guidelines governing nonconforming buses used to transport school children, and the adequacy of State laws governing the use of restraint systems in nonconforming buses transporting school children.

The National Transportation Safety Board is an independent Federal agency dedicated to promoting aviation, railroad, highway, marine, pipeline, and hazardous materials safety. Established in 1967, the agency is mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable cause of accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The Safety Board makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

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Highway Special Investigation Report

PUPIL TRANSPORTATION IN VEHICLES NOT MEETING FEDERAL SCHOOL BUS STANDARDS

**NTSB/SIR-99/02
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Adopted: June 8, 1999**



**National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
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Introduction

In the late 1960s and early 1970s, the National Transportation Safety Board investigated a number of catastrophic school bus accidents in which children were killed or severely injured because of the vehicles' joint failure and structural collapse. Based on its findings in these accident investigations, the Safety Board issued several safety recommendations¹ to the National Highway Traffic Safety Administration (NHTSA) to improve the crashworthiness of school buses so as to afford our nation's youth better occupant crash protection in the event of accidents.

The resulting revisions to 49 *Code of Federal Regulations* (CFR), contained in Part 571, Federal Motor Vehicle Safety Standards (FMVSS), require that large and small yellow school buses² 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. The enactment of these standards has had an enormous impact on the safety of student transportation. According to a 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.³

In recent years, the Safety Board has investigated several serious accidents highlighting a disturbing trend in pupil transportation. Some school districts, day care centers, Head Start facilities, contract transportation companies, and other concerns are using "nonconforming buses," that is, vehicles for student transportation that meet the Federal definition of a bus⁴ but not the Federal occupant crash protection standards of school buses. This trend is potentially serious in that it puts children at greater risk of fatal or serious injury in the event of an accident. During an 11-month period beginning in spring 1998, the Safety Board investigated four accidents involving nonconforming buses, summarized below, that resulted in 9 people dying and 36 people sustaining serious and minor injuries. Most of the victims, including the eight fatalities, were children.

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

¹ School bus crashworthiness standards that are applicable to this report are listed in appendix A. Past Safety Recommendations that relate to rollover strength, body joint strength, and seating and crash protection are listed in appendix B.

² The large yellow school bus, which is the vehicle that most people associate with student transportation, has a seating capacity of more than 50 and a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds. Many school systems use small yellow school buses (10,000-pound GVWR or less) when large school buses exceed their pupil transportation needs.

³ The number of student trips was obtained from a January 1999 position paper of the National Association of State Directors of Pupil Transportation.

⁴ FMVSS (CFR 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.

specialty bus⁵ 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 program⁶ 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.

Based on its findings in these accidents, the Safety Board initiated the special investigation that is the subject of this report. In the course of its investigation, the Board found that while most States require that children can only be transported to and from school on buses meeting Federal school bus crashworthiness standards, some States either allow or do not prohibit the use of nonconforming buses for school-related activities, Head Start programs, child care facilities, and “for-hire”⁷ transport despite Federal guidelines to the contrary. 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. 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.

In two of the accidents that are the focus of this special investigation (Lenoir City and Bennettsville), bus crashworthiness is an issue. In two others (Sweetwater and East Dublin), occupant crash protection is an issue. In three of the accidents, most of the child occupants were not wearing the available restraints. (The specialty bus in the Lenoir City accident was not equipped with restraints, nor was it required to be.) The proper use of age-appropriate restraints is essential for passenger safety in almost all motor vehicles. However, a review of State and local laws showed that they do not require or, in some cases, do not address this most fundamental safety feature for pupil transportation.

This special investigation report discusses the subject accidents in greater detail, the lack of occupant crash protection of the various types of nonconforming vehicles, and the State and local laws that undermine the safety of pupil transportation. The specific safety issues include the following:

⁵ *Specialty bus* is the industry term for the small buses that are commonly used as shuttle or tour buses. Additional information about specialty buses appears later in this report. No Federal standard defines the names and configurations for buses of these sizes and types. The Safety Board will address this issue in an upcoming report.

⁶ Head Start is a child development program that has served low-income families since 1965.

⁷ *For-hire* vehicles are those that are contracted by an individual or group but not by an institution, such as a school system.

- The adequacy of occupant crash protection and crashworthiness of nonconforming buses transporting school children;
- The adequacy of State regulations and guidelines governing nonconforming buses used to transport school children; and
- The adequacy of State laws governing the use of restraint systems in nonconforming buses transporting school children

Accident Synopses

Sweetwater, Florida

On March 25, 1998, about 3 p.m., a 1992 Dodge Ram model B350 15-passenger van, occupied by the driver and 10 students, ages 6 to 11, struck the left side of a Miami Transit Authority (MTA) bus at an intersection in Sweetwater, Florida. The van was owned and operated by the driver, who had been contracted by the students' parents to provide transportation to and from a local elementary school.

At the time of the accident, the van was traveling southbound on 113th Avenue en route from the school to the students' residences; the MTA bus was on its scheduled route traveling eastbound on 3rd Street. Traffic flow at the intersection of 3rd Street and 113th Avenue was controlled by a two-way stop sign for east-west traffic. Police reports indicate that as the eastbound MTA bus was approaching the intersection, it passed another transit bus that was loading passengers at a bus stop and entered the intersection without stopping at the stop sign. About the same time, the southbound passenger van, which had the right-of-way, entered the intersection and struck the side of the transit bus. At impact, the van rotated about 90 degrees counterclockwise and remained upright (figure 1). The MTA bus continued to travel eastbound and remained upright.



Figure 1. The passenger van that was involved in the Sweetwater collision

One van passenger and the van driver sustained serious injuries; the passengers' injuries resulted from contact with multiple interior surfaces, and the van driver's injuries resulted from damage intrusion in the floor pedal area. The remaining passengers sustained minor or no injuries. The transit busdriver sustained minor injuries. The van was equipped with lap-shoulder belts at the outboard seating positions and with lap belts at the interior seating positions. According to Miami-Dade County police reports, the van driver and the transit busdriver were wearing their lap-shoulder belts when the accident occurred. The van passengers were not wearing the available restraints. Three children were ejected from the van; all sustained closed-head injuries. One child who was not ejected suffered a closed-head injury and a fractured clavicle.

Lenoir City, Tennessee

On March 26, 1998, about 2:20 p.m., a Rocky Top Tours, Inc.,⁸ "mini-coach,"⁹ occupied by 22 William Blount High School students, 2 adults, and an adult driver, was struck on the left side by a truck tractor semitrailer combination vehicle near Lenoir City, Tennessee. The specialty bus was en route from an academic competition in Kingston, Tennessee. According to witnesses, the specialty busdriver, who was operating in the right eastbound lane on Interstate (I)-40, missed her intended exit and was turning left across the left eastbound lane of I-40 to make a U-turn at a median crossover. The truck tractor



Figure 2. The specialty bus that was involved in the Lenoir City collision

⁸ Rocky Top Tours, Inc., is an intrastate and interstate passenger carrier that is registered with the U.S. Department of Transportation as USDOT 602917.

⁹ *Mini-coach* is the manufacturer's term for this specialty bus.

semitrailer, which was traveling in the left eastbound lane, struck the specialty bus at a point directly behind the driver's seat, tearing the bus body open (figure 2).

One student passenger was ejected and sustained fatal injuries, and an adult passenger seated in the impact area sustained fatal injuries. The driver and other passengers of the specialty bus sustained injuries ranging from minor to serious; the truckdriver sustained minor injuries.

The accident bus was a 1990 National Coach specialty bus designed to carry 24 passengers and a driver. The driver's seating position was equipped with a lap-shoulder belt, which the police determined had been used; the passenger seating positions were not equipped with seat belts.

East Dublin, Georgia

On December 8, 1998, about 8:10 a.m., a 1995 Ford 15-passenger van, occupied by a driver; five children, ages 4 and 5; and an adult aide, struck the left side of a 1996 Chevrolet pickup truck in East Dublin, Georgia (figure 3). The van was transporting the children from their homes to the local East Dublin Georgia Head Start program center. The van was traveling westbound on County Road 20. When the van reached the intersection of Georgia State Route 31, its driver drove through a stop sign, entered the intersection, and hit the southbound pickup, which was being operated by a 17-year-old driver. Each vehicle overturned onto its left side and came to rest in a grassy area near the southwest corner of the intersection.



Figure 3. The passenger van that was involved in the East Dublin collision

During the accident sequence, a 4-year-old child was ejected from the van and sustained fatal injuries; he was found about 10 feet from the van. Eight of the 10 windows in the van shattered during the accident. The van driver sustained serious injuries; the adult aide and remaining four children sustained minor injuries. Although the pickup truckdriver was wearing his seat belt and remained in his vehicle, he sustained fatal injuries from impact and intrusion.

Safety Board investigators interviewed the adult aide, who stated that she could not remember any details of the accident, including the children's seating positions and restraints use. The van driver refused Safety Board requests for an interview. The children were not interviewed because of their ages. Investigators found a child safety seat in the van, but could not determine whether it had been used by any of the children because it had been moved during rescue operations. The outboard seating positions were equipped with lap-shoulder belts, and the interior seats were equipped with lap belts only.

The Laurens County Rural Transit System owned the van and transported the children under contract to the Middle Georgia Community Action Agency, Inc. (MGCAA), which operated the Head Start center.

Bennettsville, South Carolina

On February 16, 1999, about 5:20 p.m., a 1996 Dodge 15-passenger van, occupied by an adult driver and six children, ages 7 to 11, was traveling eastbound on County Road 209 when it was struck by a northbound tow truck on State Route 9 (figure 4). The van driver reported that she had stopped for the intersection stop sign, then had proceeded across the two southbound lanes to the median crossover area, where she again had stopped before proceeding across the northbound lanes. She said she never saw the tow truck approaching. A witness who had been stopped at the westbound stop sign said, however, that the van did not stop at the sign and continued to travel into the path of the tow truck, which struck the right side of the van. After impact, the van came to rest upright against a tree about 100 feet northwest of the intersection. The overturned tow truck was next to the van.

The outboard seating positions were equipped with lap-shoulder belts, and the interior seats were equipped with lap belts only. None of the van occupants was restrained at the time of the accident. Of the six children in the van, three were ejected during the accident sequence and sustained fatal injuries. Three children remained in the van; however, they sustained fatal injuries because their seating positions were in the impact area. The van driver sustained moderate injuries. The tow truckdriver sustained moderate injuries.

The 15-passenger van was owned and operated by the Wallace Family Life Center, an affiliate of the United Methodist Church. The van had picked up the children at school around 3 p.m. and had taken them to the center for after-school care. The children were en route home after the center had closed when the accident occurred.



Figure 4. The passenger van that was involved in the Bennettsville collision

Table 1 summarizes the four accidents that are the subject of this special investigation. A table listing the occupant injuries according to the criteria of the International Civil Aviation Organization appears in appendix C.

Table 1. Summary of Subject Accidents

Accident Location	Type of Vehicle	Type of Operation	Occupants	Ejected/ Injury Type	Not Ejected/ Injury Type
Sweetwater	15-pass. van	Privately operated "for hire" To and from school	10 children (ages 6-11); 1 adult	3 children/ minor	1 child/serious 6 children/none 1 adult/serious
Lenoir City	24-pass. + driver specialty bus	Contracted by school To and from school activities	22 children (high school age); 3 adults	1 child/fatal	1 child/serious 16 children/minor 4 children/none 1 adult/fatal 2 adults/none
East Dublin	15-pass. van	Contracted with transit agency To and from Head Start	5 children (ages 4-5); 2 adults	1 child/fatal	4 children/minor 1 adult/serious 1 adult/minor
Bennettsville	15-pass. van	Church-owned From school to day care to home	6 children (ages 7-11); 1 adult	3 children/ fatal	3 children/fatal 1 adult/serious

Adequacy of Occupant Crash Protection and Crashworthiness of Nonconforming Buses Transporting School Children

In the early 1970s, the Federal Government deliberately developed stronger design standards for school buses because they carry children. All bus structures, regardless of type, must meet Federal standards; however, only school buses have Federal standards specifically addressing occupant protection, joint strength of the body panels, and roof rollover protection. Table 2 summarizes the occupant crash protection attributes required by Federal or industry standards for the types of buses discussed in this report.

Table 2. Required Crash Protection Attributes for Various Bus Types

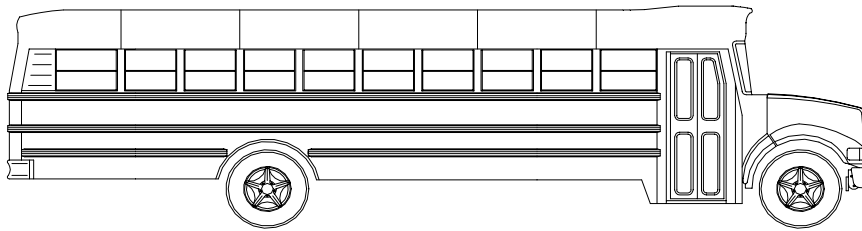
Type of Bus	Crashworthiness (Joint Strength and Roof Rollover)	High Backed Padded Seats	Minimum Seat Spacing	Seat Belts
Large school bus Gross vehicle weight rating (GVWR) > 10,000 lb.	Yes*	Yes*	Yes*	No
Small school bus GVWR ≤ 10,000 lb.	Yes*	Yes*	No	Yes*
Motorcoach	Yes**	Yes**	No	No
Specialty bus	No	Varies	No	No
15-passenger van	No	No	No	Yes*

* Federal Standard

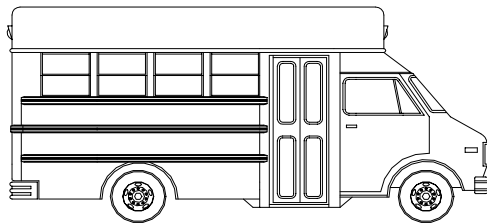
**Industry Standard

Figure 5 shows the five types of buses discussed in this report that are used to transport school children. The occupant crash protection standards for school buses assure their passengers a higher degree of safety than other vehicles. Specialty buses, vans, and motorcoaches do not have comparable crashworthiness and occupant protection standards required by the Federal Government.

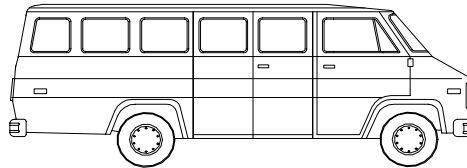
Although Federal regulations specify the minimum construction standards for all buses, industry builds the various types of nonconforming buses based on their anticipated usage and service life. Specialty buses, which are generally used for light duty transportation, such as local tours or airport shuttles, are expected to accrue the same lifetime mileage as a passenger car or light truck. They typically are built like recreational vehicles, such as motor homes. Fifteen-passenger vans, which are generally used as passenger vehicles, are expected to accrue about the same lifetime mileage as passenger cars. The vans typically are built to the Federal standards required for all buses that are not school buses. Motorcoaches, which generally are used for long distance interstate



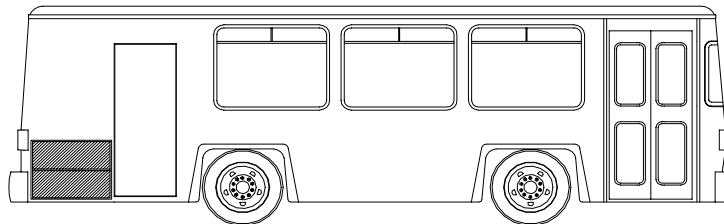
Large school buses must be built to Federal school bus standards



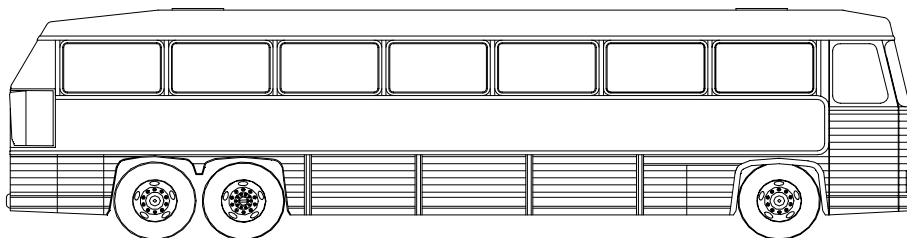
Small school buses must be built to Federal school bus standards



15-passenger vans must be built to Federal bus standards



Specialty buses must be built to Federal bus standards



Motorcoaches must be built to Federal bus standards;

Figure 5. Types of buses and applicable standards

transportation, are expected to accrue several million miles in their service life. The motorcoach industry typically manufactures motorcoaches stronger than Federal regulations require because of their anticipated usage. Because of their size and weight, motorcoaches afford their passengers greater safety than vans and specialty buses. Motorcoaches have other safety features to protect the passengers, such as seat anchorages and improved body crush, which were incorporated as a result of crash testing.

Occupant Crash Protection Standards

School bus occupant crash protection standards require that the vehicle have compartmentalization, that is, an interior design using high-back, padded seats spaced comparatively close together, so that, during an accident sequence, occupants have less room to move around the vehicle or to be ejected.¹⁰ Fifteen-passenger vans do not have federally required seating compartmentalization.

During the Sweetwater accident sequence, several children in the passenger van struck multiple interior surfaces; three children were ejected and sustained head injuries. One child who remained in the vehicle received serious injuries from striking interior surfaces. In the East Dublin accident sequence, the four children in the passenger van who received minor injuries and who were not ejected probably were wearing restraint devices. The child who died probably was not wearing a restraint device and, given the vehicle's dynamics during the crash, probably struck multiple interior surfaces before being ejected.¹¹

In its 1989 Safety Study *Crashworthiness of Small Poststandard School Buses*¹² the Safety Board states:

Unrestrained passengers on a school bus are less likely to be ejected than occupants of passenger cars because they are not seated next to a door, windows are usually partitioned, seatbacks are usually closer and higher, and passengers are farther from the windshield.

The unrestrained passengers in Sweetwater and East Dublin accidents did not receive the benefits provided by the occupant crash protection standards of school buses. The Safety Board concludes that had the unrestrained children in the Sweetwater and East Dublin accidents been in a school bus or a vehicle built to comparable seating standards, the compartmentalization of the vehicle may have contained them within their seating areas and prevented them from striking multiple interior surfaces or from being ejected.

¹⁰ To provide additional protection to passengers in small school buses, FMVSS 222, "School Bus Passenger Seating and Crash Protection," requires that either lap belts or lap-shoulder belts be installed at all designated passenger seating positions in small school buses (under 10,000 pound GVWR). In February 1999, based on testing that it had conducted, NHTSA published *Guideline for the Safe Transportation of Pre-school Age Children in School Buses* (see appendix D), which recommends that preschool-age children be transported in child safety restraint systems.

¹¹ Whether the child's fatal injuries resulted from his striking the interior of the van or being ejected could not be determined because the family did not allow an autopsy.

¹² NTSB/SS-89/02.

Body Integrity Standards

Federal standards for school bus body joint strength (FMVSS 221) require body panel joint strength levels that typically are greater than those in specialty buses and vans. Federal rollover standards (FMVSS 220) necessitate a strong cage-like structure to support the roof in the event of a rollover. Thus, the greater body panel joint and the structural strength of a school bus provide an extra measure of safety in collisions as compared to nonconforming buses.

In November 1998, NHTSA issued an amendment to FMVSS 221 requiring that small school buses (equal to or less than 10,000 pounds GVWR), such as the type shown in figure 6, meet the same body joint strength standards as larger school buses by May 5, 2000. The standard requires that school bus body panel joints be strong enough to resist separation during a crash that can cause sharp cutting edges and openings through which children can be ejected.



Figure 6. The strong cage-like structure of the small school bus supports the roof in the event of a rollover. The body panel joints resist separation during a crash.

In 1993, the Safety Board investigated an accident in Snyder, Oklahoma,¹³ that had a scenario similar to that of the Bennettsville collision, except that the vehicle struck in the

¹³ For additional information, see Highway Accident Report *Collision of Small School Bus and Tractor-Semitrailer near Snyder, Oklahoma* (NTSB/HAR-94/04).

side was a small school bus that met FMVSS 220 and the striking vehicle was a fully loaded truck tractor semitrailer. As table 3 shows, despite the larger size and far greater weight of the striking vehicle in the Snyder accident, the school bus afforded better protection from intrusion damage than the nonconforming 15-passenger van in the Bennettsville accident.

Table 3. Comparison of Snyder and Bennettsville Accidents

Striking Vehicle	Weight	Speed (estimated)	Struck Vehicle	Weight (approximate)	Amount of Intrusion
Tow truck (Bennettsville)	10,000 lbs	55 mph	15-Passenger van	5,730 lbs	44 inches
Truck tractor semitrailer (Snyder)	66,500 lbs	55-60 mph	20-Passenger small school bus	8,324 lbs	29 inches

The Safety Board concludes that had the children in the Bennettsville accident been riding in a school bus instead of a passenger van, the striking tow truck probably would not have intruded as much, and the children in the impact area probably would have had more survivable space because of the school bus's greater structural strength.

The bus in the Lenoir City accident met the FMVSS applicable for specialty buses, yet it did not provide ample protection to its occupants. Upon impact, the side of the specialty bus was torn from the frame and its floor was split (figure 7). One passenger was ejected through the opening that was created.

The degree of damage probably resulted from the vehicle's construction, which was typical of small (in this case, 24-passenger) specialty buses that are built with large windows to facilitate sightseeing and that are primarily used for short-distance excursions. The Lenoir City specialty bus had a floor that was constructed of thin metal-covered plywood supported by a tubular metal frame. The sides of the bus body were a framework of square metal tubing that supported the exterior sheet metal panels. Body panels were attached to the framework by means of riveting, adhesive compounds, and 2-inch-wide double-sided tape. The specialty bus had some fiberglass components, most of which formed the front and rear body fascia.

A school bus or a motorcoach would more likely have provided the occupants with greater protection because of Federal or industry design requirements. (A school bus would have been designed with greater joint strength to comply with the FMVSS for crashworthiness; a motorcoach would have been designed with greater strength to meet the demands during its long service life.) The Safety Board concludes that in the Lenoir City accident, the passenger probably would not have been ejected and the specialty bus probably would have sustained less damage had the vehicle met Federal school bus or equivalent structural standards because it would have had greater floor and joint strength.

The Safety Board concludes that given their better crashworthiness and occupant protection, had school buses or buses providing equivalent occupant crash protection been used in the four accidents that are the subject of this special investigation, the vehicles probably would have sustained less damage and the passengers may have suffered fewer and less severe injuries.



Figure 7. Cracked plywood flooring in Lenoir City specialty bus

Adequacy of Existing Regulations and Guidelines Governing Vehicles Used to Transport School Children

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. As part of this special investigation, the Safety Board reviewed the statutes and policies governing the transport of children for the States and local areas in which these four accidents occurred. In some cases, the laws were ambiguous. Some statutes allowed the transport of school children in nonconforming buses in certain situations. Others did not address the carriage of children enrolled in certain programs. Table 4 shows the school bus definitions and summarizes the vehicle requirements for pupil transportation contained in NHTSA guidelines and in the State and local laws of Florida, Tennessee, Georgia, and South Carolina. In the following section, the Safety Board reviews Federal and national laws and rules and discusses how the regulations in these four States, contrary to Federal guidelines, allow school children to be transported in vehicles not meeting school bus occupant crash protection standards.

Federal and National Guidelines

NHTSA

In 1974, Congress directed NHTSA to require that new school buses meet the FMVSS (49 CFR 571) on specific aspects of bus safety, including floor strength, seating systems, and crashworthiness. NHTSA's Safety Program Guideline 17, *Pupil Transportation Safety*, establishes minimum recommendations for a State highway safety program for pupil transportation, including program administration; identification, operation, and maintenance of buses used for carrying students; and training for passengers, pedestrians, and bicycle riders. Guideline 17 recommends that buses meeting the structural FMVSS for school buses be used for transporting children to and from school or school-related activities.

In recent years, NHTSA has published opinions and regulatory amendments defining school bus safety requirements.¹⁴ With respect to the use of nonconforming buses for 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:

¹⁴ NHTSA's published opinions and regulatory requirements for school buses can be found on the agency's website (www.nhtsa.dot.gov).

Table 4. Comparison of NHTSA Guidelines and State Laws Governing Pupil Transportation

	NHTSA	Florida	Tennessee	Georgia	South Carolina
School bus definition	Any vehicle designed to carry more than 10 passengers to or from school or school-related activities. All new school buses must meet FMVSS on specific aspects of school bus safety, including floor strength, seating systems, and crashworthiness.	All vehicles operated by or under contract with local school boards to transport children to and from school or school-related events must meet Federal school bus standards contained in 49 CFR 571. Use of 15-passenger vans prohibited.	Vehicle with 11 or more seating accommodations, including the driver's, that is used for purposes that include carrying pupils to or from school or school-related events. Conventional buses, transit buses, or van-type equipment.	Motor vehicle operated for the transportation of children to or from school or school-related activities.	Motor vehicle that complies with State board of education color and identification requirements that is used to transport children to or from public school or school activities.
	Recommended/Required Vehicle for Use				
Use	NHTSA	Florida	Tennessee	Georgia	South Carolina
To/From school	Recommends buses meeting school bus FMVSS.	State requires buses meeting school bus FMVSS, if operated by public school. Dade County Code excludes privately operated buses seating 24 pupils or fewer from the State requirement for school buses.	Recommends school bus or buses meeting same standards.	Requires school bus.	School bus recommended but not required. Legislation proposed to transport all children on school buses.
To/From school-related activities	Recommends buses meeting school bus FMVSS.	Requires buses meeting school bus FMVSS, if operated by public school.	State recommends school bus or bus meeting same standards. Blount County policy manual recommends school buses or commercial vehicle.	Excludes 15-passenger vans from school bus standards.	School bus not required.
Head Start	Recommends buses meeting school bus FMVSS.	School bus not required unless operated by a public school.	School bus transportation laws not applicable.	School bus transportation laws not applicable.	School bus not required under State law but covered under Federal Regional IV Office of Head Start.
Day care	Recommends buses meeting school bus FMVSS.	School bus transportation laws not applicable.	School bus transportation laws not applicable.	School bus transportation laws not applicable.	School bus transportation laws not applicable.

[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 1998, NHTSA issued an interpretation letter regarding the use of nonconforming vans at day care centers. The Iowa Department of Education had asked if the school bus FMVSS applied to buses operated by publicly or privately owned day care facilities to transport children to and from school. NHTSA responded that the pertinent issue is whether the bus is “used significantly” to transport children to or from school or a school-related event. Citing a case in which students were being transported 5 days a week, NHTSA stated, “In our view, such regular use of the vehicle to pick up students ‘from school’ (even if the same students are not transported each day), would constitute a ‘significant’ use of the vehicle.”

NHTSA wrote that regular use on alternate days would be considered “significant.” In the same interpretation, NHTSA pointed out that Federal regulations only pertain to the purchase of a new vehicle and advised that State laws should be consulted because they stipulate what vehicle types are required for student transportation.

Head Start Bureau

Currently, the Head Start Bureau¹⁵ does not have any mandatory requirements for the transportation of children in Head Start programs, even though approximately 60 percent of Head Start participants receive transportation services.

In 1993, the Head Start Bureau issued an Information Memorandum, “Safe Transportation of Head Start Children,” encouraging all Head Start grantees to contact their State Directors of Pupil Transportation to determine if Head Start is included in State student transportation plans. The memorandum recommends that if Head Start is not included in the plans, grantees should use the State school bus operations plan as a guide to develop pupil transportation safety procedures.

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. (See appendix E.) The NPRM proposes that the transport of Head Start children be limited to school buses.

According to a Head Start Bureau representative, school associations, child safety advocacy groups, and manufacturers generally support the rulemaking effort. Many transit agencies and State and local government agencies oppose the NPRM, citing financial concerns. For example, transit agencies pointed out that under the NPRM, if buses transporting Head Start children were required to be “school bus yellow,” a transit agency

¹⁵ The Head Start Bureau is a subordinate organization of the Administration for Children, Youth, and Families, which is within the Administration for Children and Families of the Department of Health and Human Services (DHHS).

would not be able to use that vehicle for any other type of transportation, which could cause a financial hardship.

The Head Start Bureau representative indicated that the agency is in the process of reviewing the final rule. The Safety Board considers this regulatory requirement very important; the DHHS should make every effort to expedite the rulemaking to prevent future injuries and fatalities to children enrolled in Head Start programs.

National Associations

The National Association of State Directors of Pupil Transportation Services (NASDPTS)¹⁶ states in a 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.”

In December 1998, the National Association for Pupil Transportation (NAPT)¹⁷ and NASDPTS enacted a joint resolution stating that they supported additional Federal, State, and local legislation to eliminate the transport of children to educational programs in vehicles that do not meet school bus FMVSS.

Inconsistency Between State Laws and Federal Guidelines

In each of the subject accidents, the transport of children in nonconforming buses was allowed by State law or local codes, which is inconsistent with the intent of Federal and national recommendations to use school buses for pupil transportation.

Florida

In Florida, neither the State nor the local school board has regulations governing the type of vehicle that a private contractor hired by a parent or a parents’ group must use to carry children to school. Thus, by statutory exclusion, the use of the nonconforming van involved in the Sweetwater accident was allowed for pupil transport even though Florida statutes require that all vehicles operated by or under contract with school boards for transporting students to and from school meet Federal school bus occupant crash protection standards.¹⁸ Likewise, Dade County does not require that privately operated buses with a seating capacity of less than 24 pupils meet the State requirement to use school buses for pupil transportation.¹⁹

¹⁶ NASDPTS is comprised mainly of State government agency representatives who are engaged in school transportation. Federal agencies, other associations, and transportation services suppliers, such as school bus manufacturers, supporting the efforts of NASDPTS to promote school transportation safety and efficiency may also have member representatives to NASDPTS.

¹⁷ The NAPT is an organization that promotes safety and efficiency in pupil transportation.

¹⁸ Florida Statutes, Chapter 234.051.

¹⁹ Dade County Code, Section 30-372.

Tennessee

In Tennessee, State laws²⁰ require that buses used to transport pupils for activities other than to and from school meet the construction requirements imposed on school buses. However, another section of the State regulations²¹ listing approved buses for pupil transportation includes some vehicles that may meet the definition of nonconforming bus, including “conventional buses” and “van-type equipment.” Moreover, the Blount County regulations governing pupil transportation in Lenoir City²² allow the use of “commercial vehicles” for extracurricular activities. Thus, the lack of uniform guidance in the State of Tennessee regulations and the lack of specificity in the Blount County policy manual permit the use of nonconforming buses, such as the specialty bus in the Lenoir City accident, for pupil transportation. Allowing the use of such vehicles that do not meet school bus occupant crash protection standards to transport students to and from extracurricular activities is contrary to Federal guidelines.

Georgia

In Georgia, the State law²³ 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 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 proposals that the transport of Head Start children be limited to school buses.

The Safety Board believes that the DHHS should require that Head Start children be transported in vehicles built to Federal school bus structural standards or the equivalent.

As mentioned earlier, NHTSA’s *Guideline for the Safe Transportation of Pre-School Age Children in School Buses* recommends that preschool-age children be transported in child safety restraint systems²⁴ on school buses. Because Head Start children are primarily preschool age, the Safety Board believes that the DHHS should incorporate and mandate the use of the guidelines from this NHTSA publication into its rules for the transportation of Head Start children.

²⁰ *Manual for School Administrators*, Tennessee State Board of Education.

²¹ *Pupil Transportation of the Department of Education*, Chapter 0520-1-5, Tennessee State Board of Education.

²² *Blount County School Board Policy Manual*.

²³ Georgia Official Code, Section 40-8-112.

²⁴ Commonly known as a child safety seat or child restraint.

The Safety Board is convinced that, pending regulatory revisions, other entities can take an active role in improving the safe transportation of children enrolled in Head Start programs. In East Dublin, the children were being transported by a local transit company. The Community Transportation Association of America (CTAA) comprises a network of community-based agencies and coordinated services that ensures mobility for an estimated 75 million people at risk of being unable to provide or afford their own transportation. Among those at risk are the economically disadvantaged preschool-age children enrolled in Head Start programs. The Safety Board believes that the CTAA should inform its members of the circumstances of the East Dublin accident and the added safety benefits of transporting children by school bus and that it should encourage them to use buses built to Federal school bus structural standards or the equivalent to transport children.

South Carolina

The transportation of children enrolled in day care centers is not specified in Federal or State laws. Thus, by statutory exclusion, the use of the nonconforming van involved in the Bennettsville accident was allowed for pupil transportation. However, the Bennettsville van was used to pick up children after school to take them to the Wallace Family Life Center. Therefore, according to NHTSA's interpretation of the Federal regulations, the regular use of the vehicle to transport students from school meant the children should have been transported in a school bus.

While the operation of the vans and the specialty bus in the Sweetwater, East Dublin, Bennettsville, and Lenoir City accidents probably met applicable State and local laws, the children transported in those vehicles were not afforded the same level of protection as children transported on school buses or buses built to equivalent structural standards. When the State government does not prohibit the use of vans or buses not complying with school bus FMVSS or comparable standards for school transportation, parents may believe their children are being transported in the safest mode possible. The Safety Board concludes that Federal and State laws regarding student transportation do not provide uniform safety. Further, the lack of State legislation regarding Head Start and day care transportation allows for situations in which students may be transported in a vehicle that does not provide the maximum available protection during accidents.

For this report, the Safety Board reviewed a February 1999 NASDPTS survey to which 32 State directors responded. Table 5 shows the results of the survey. 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.²⁵ Twenty-three States allow the use of vans in day care centers and six do not.

²⁵ The total number of responses to some questions varies because some State directors did not answer all survey inquiries.

Table 5. Results of the NASDPTS Survey

Does the State Prohibit the Use of Nonconforming Buses for Pupil Transportation...	Yes	No
to and from school?	26	6
to and from school-related activities?	19	13
for Head Start?	8	20
for day care?	6	23

What is particularly disturbing about the NASDPTS survey results and the findings from the four accidents that are the subject of this report is that they highlight problems that the Safety Board identified more than 15 years ago. In 1983, based on its investigations of several school bus accidents and its review of accident data, the Safety Board concluded that while the overall safety record of school bus transportation in this country was good, the protection of school bus passengers in crashes was a matter of intense concern. On September 28, 1983, the Safety Board made the following safety recommendation to the Governors of the 50 States and the Mayor of the District of Columbia:

H-83-40

Review State laws and regulations and take any necessary legislative action to ensure that vehicles designed to carry more than 10 passengers and weighing less than 10,000 pounds GVWR and used to transport children to and from school, school-related events, camp, day care centers, or similar purposes meet all FMVSS applicable to small school buses.

Of the recipients responding, only 11 (Alaska, California, Connecticut, Florida, Guam, Louisiana, New Mexico, New York, North Dakota, Oklahoma, and Virginia) said that they required the use of buses meeting FMVSS for transporting school children during these events. Based on their responses, Safety Recommendation H-83-40 was classified “Closed—Acceptable Action” for these 11 recipients.²⁶ However, in reviewing the State statutes for the 1998 Sweetwater accident, the Safety Board determined that Florida law does not prohibit the use of nonconforming buses that are privately hired to transport school children.

The survey responses also indicate that several States allow vehicles that do not meet the FMVSS for small school buses to be used to transport school children in some situations. For example, Florida prohibits the use of nonconforming buses for public school transportation, but not for private schools. Florida, California, New Mexico, and Oklahoma²⁷ permit the use of nonconforming buses by day care and Head Start providers.

²⁶ The disposition of this safety recommendation for the remaining States appears in appendix B.

²⁷ The States mentioned here are used as examples. Not all States for which Safety Recommendation H-83-40 was closed responded to the survey.

Based on concerns expressed by the school transportation industry, questions posed to NHTSA, and its special investigation findings, the Safety Board is convinced that children being transported on nonconforming buses are not receiving the protection that would be provided by buses meeting the structural FMVSS applicable to school buses. Therefore, the Safety Board classifies Safety Recommendation H-83-40 “Closed—Superseded” and recommends that the Governors of the States and the Mayor of the District of Columbia require 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 CFR Part 571. Enact regulatory measures to enforce compliance with these statutes.

The Safety Board believes that all States should adopt NHTSA’s *Guideline for the Safe Transportation of Pre-school Age Children in School Buses*, distribute the guideline to all school bus operators transporting preschool-age children to and from school or school-related activities, and encourage those operators to implement the guideline.

The Safety Board is also convinced that a number of national associations are in a unique position to promote the use of school buses to maximize safety in pupil transportation. The National School Boards Association (NSBA), a not-for-profit federation of State associations of school boards across the United States and its territories, is a nationwide advocacy and outreach organization for public school governance. A goal of the NSBA is to foster systemic reform in the public schools by encouraging and preparing local school board members to become catalysts for change.

The National Association of Independent Schools (NAIS) is a voluntary membership organization for more than 1,000 precollegiate schools and associations in the United States. Independent schools are distinct from other schools in that they are supported primarily by tuition, charitable contributions, and endowment income rather than by tax or church funds. A primary mission of the NAIS is to serve as an advocate for member schools to national and regional media, to 10 Federal agencies, and to 13 congressional committees. The NAIS tracks and analyzes legislation and regulations in a number of areas and provides its member schools with information through a variety of sources, including statistical surveys, magazines, and a website.

The National Conference on School Transportation, which usually is held every 5 years, is attended by representatives from State departments of education, public safety, motor vehicles, and other State agencies responsible for the administration of pupil transportation at the State level. A primary purpose of the conference is the review and revision of the *National Standards for School Transportation*, which the conference then provides to State policymakers and legislators as guidelines for developing State standards.

The National Parent Teacher Association (PTA) is the oldest and largest volunteer child advocacy organization in the United States. For more than 100 years, this not-for-profit organization of parents, educators, students, and others has been a leading force in promoting the education, health, and safety of children and their families. The PTA has

had a major role in promoting school bus safety, producing a bus driver guide, a parental tip card, and a children's film, "Be Cool, Follow the Rules," which demonstrates safe conduct on and around the school bus and includes instruction on emergency evacuation.

The National Association of Child Care Professionals (NACCP), with almost 10,000 members, is the leading association serving child care owners, directors, and administrators in the United States. A goal of the NACCP is to improve, enhance, and strengthen the skills and management competencies of its members.

The National Child Care Association (NCCA) is a professional trade association with a membership of over 6,000 licensed private child care centers and preschools, more than 60,000 child development staff members, and 24 State-affiliated associations. The NCCA represents the interests of the licensed, private childhood care and education community, frequently testifying before Congress on policies affecting child care services.

The National Head Start Association (NHSA) is a private not-for-profit membership organization representing the 750,000 children in and the 139,000 staff members of the 2,051 Head Start programs in America. The NHSA provides a national forum for the continued enhancement of Head Start services for poor children from infancy to age 5 and their families.

The Young Men's Christian Association (YMCA) and the Young Women's Christian Association (YWCA), are the largest nonprofit community service organizations in America. Together, the YMCA and the YWCA are the nation's largest providers of child care. They have thousands of centers throughout the United States serving the health and social service needs of 16 million men, women, and children.

Churches and other religious organizations that sponsor youth activities, particularly after-school day care, also can take an active role in ensuring the transportation safety of children.

The Safety Board believes that the associations listed above and the headquarters of major churches should inform their members about the circumstances of the accidents discussed in this special investigation report and urge that they use buses built to Federal school bus structural standards or the equivalent to transport children.

Adequacy of Laws Governing the Use of Restraint Systems in Vehicles Transporting School Children

The Safety Board recognizes that, although safety-conscious schools and organizations are increasingly replacing nonconforming buses with school buses, vehicles not meeting the occupant crash protection standards of school buses will continue to be used for pupil transport until Federal or State laws stipulate otherwise. The Board is therefore convinced that children being transported in nonconforming vehicles to or from school or school-related activities should be provided the protection of occupant restraints. Table 6 summarizes the seat belt requirements for three of the States featured in this investigation report.²⁸ A review of current State laws, particularly allowable exclusions pertaining to seat belt use in nonconforming buses for pupil transportation, raises some concerns. The following discussion reviews past Safety Board actions and the use of restraint devices in the Sweetwater, East Dublin, and Bennettsville accidents.

Table 6. Seat Belt Laws for the Subject States

State	Law
Florida	<ul style="list-style-type: none"> All passengers under the age of 16 must be restrained by a safety belt or child restraint device. A bus used to transport persons for compensation is excluded.
Georgia	<ul style="list-style-type: none"> Each minor over 4 years of age in a passenger vehicle shall be restrained by a seat safety belt. Every child under 4 years of age shall use a child passenger restraining system; if the child is 3 or 4 years of age, the seat belt shall be sufficient to meet the requirements of this subsection.
South Carolina	<ul style="list-style-type: none"> Every driver and occupant must wear a safety belt. (This requirement does not apply to school, church, or day care buses.)

Past Safety Board Actions

In 1994, the Safety Board reiterated Safety Recommendation H-83-39 asking that the Governors of the 50 States “review State laws and regulations and take any necessary legislative action to ensure that passengers in small school buses and school vans are required to use available restraint systems whenever the vehicle is in motion.”²⁹ In 1996, the Safety Board performed a safety study, *The Performance and Use of Child Restraint Systems, Seat Belts, and Air Bags for Children in Passenger Vehicles*, which resulted in the Board recommending that the Governors of all the States conduct a review and enact legislation, if needed, to “ensure that children up to 8 years old are required by the State’s mandatory child restraint use law to use child restraint systems and booster seats”

²⁸ Under Federal law, vans are required to be equipped with seat belts. Specialty buses such as the type involved in the Lenoir City accident are not required to be equipped with seat belts, and the accident vehicle was not. The Lenoir City accident will therefore not be discussed in this section.

²⁹ Safety Recommendation H-83-39 was reiterated in the Snyder, Oklahoma, accident report.

(H-96-14), “eliminate exemption for children to substitute seat belts in place of child restraint systems” (H-96-15), and “require children 8 years or older to use seat belts in all vehicle seating positions” (H-96-16).

The Board is still awaiting response from Florida and South Carolina regarding Safety Recommendations H-96-14 through -16. Based on information received from Georgia, the Safety Board classified Safety Recommendation H-96-16 “Closed-Acceptable Action” and is awaiting response to Safety Recommendations H-96-14 and -15.³⁰

Use of Restraints in the Subject Accidents

The 15-passenger vans in the Sweetwater, East Dublin, and Bennettsville accidents were equipped with two front bucket seats and four rows of bench seats. Each front bucket seat was equipped with a continuous loop three-point lap-shoulder belt restraint. The first, second, and third row bench seats were equipped with continuous loop three-point lap-shoulder belt restraints in the left seating positions and two-point lap belt restraints in the center. The vans in the Bennettsville and Sweetwater accidents had two-point lap belts in the right positions. The van in the East Dublin accident was equipped with continuous loop three-point lap-shoulder belts in the right seating positions. In all vans, the fourth row bench seat was equipped with a continuous loop three-point lap-shoulder belt for each of the two outboard positions and two-point lap belts for each of the two center positions.

The owner of the nonconforming bus in the Sweetwater accident provided transportation to school children on a weekly “for-hire” basis. The parents opted to pay for the service because the school bus stop was several blocks from their houses and they were concerned for their children’s safety. Because the for-hire van was not contracted by the school system, the driver was exempt from requiring the children to wear the seat belts with which the van was equipped.³¹ The children on the Sweetwater van were, therefore, not afforded the level of safety that is provided to children riding in other than for-hire passenger vehicles or in district school buses, which require the use of available occupant protection. The Safety Board concludes that had the passengers been wearing their seat belts during the Sweetwater accident sequence, the three children probably would not have been ejected and the fourth child probably would not have sustained such extensive injuries from striking the van’s interior surfaces.

In the East Dublin accident, investigators found one child safety seat in the van. According to the MGCAA, the aide on the nonconforming bus was responsible for ensuring that all children were properly secured in the vehicle. Based on Georgia law,³² every child in the passenger van should have been secured in a child restraint system or a seat belt. The aide cannot remember where the children were seated or whether they were wearing restraints. Because one child was ejected from the vehicle during the accident

³⁰ The disposition of these safety recommendations for the remaining States appears in appendix F.

³¹ Florida State Traffic Laws, Chapter 316.614(4).

³² Georgia Code 40-8-76.1(3).

sequence, the Safety Board is convinced that this child was either unrestrained or not properly restrained in a child restraint or seat belt. The other children who remained in the van sustained minor injuries; therefore, they probably were restrained. The Safety Board concludes that had the fatally injured 4-year-old child in the East Dublin accident been properly secured in a child safety restraint system or seat belt, he probably would not have been ejected and would not have sustained fatal injuries.

In the Bennettsville collision, none of the children on the nonconforming bus were wearing seat belts, nor were they required to be.³³ While the van's right side was crushed so badly that the children seated on that side had little survivable space, the van's left side sustained little crush damage. One child on the left side of the bus struck her head on the roof of the van before she was ejected. The Safety Board concludes that the Bennettsville accident was so severe that the child passengers probably would have been injured and perhaps killed regardless of the safety measures taken. However, had the three children seated on the left side of the passenger van been wearing their seat belts, they probably would not have been ejected, which would have increased their chances of survival.

The Safety Board therefore believes that the Governors of the States and the Mayor of the District of Columbia should review their State and local laws and, if applicable, revise them to eliminate any exclusions or exemptions pertaining to the use of age-appropriate restraints in all seat belt-equipped vehicles carrying more than 10 passengers (buses) and transporting school children.

³³ South Carolina Code of Laws, Section 56-5-6530(3).

Conclusions

1. Had the unrestrained children in the Sweetwater, Florida, and East Dublin, Georgia, accidents been in a school bus or a vehicle built to comparable seating standards, the compartmentalization of the vehicle may have contained them within their seating areas and prevented them from striking multiple interior surfaces or from being ejected.
2. Had the children in the Bennettsville, South Carolina, accident been riding in a school bus instead of a passenger van, the striking tow truck probably would not have intruded as much, and the children in the impact area probably would have had more survivable space because of the school bus' greater structural strength.
3. In the Lenoir City, Tennessee, accident, the passenger probably would not have been ejected and the specialty bus probably would have sustained less damage had the vehicle met Federal school bus or equivalent structural standards because it would have had greater floor and joint strength.
4. Given their better crashworthiness and occupant protection, had school buses or buses providing equivalent occupant crash protection been used in the four accidents that are the subject of this special investigation, the vehicles probably would have sustained less damage and the passengers may have suffered fewer and less severe injuries.
5. State laws regarding student transportation do not provide uniform safety. Further, the lack of Federal and State legislation regarding Head Start and day care transportation allows for situations in which students may be transported in a vehicle that does not provide the maximum available protection during accidents.
6. Had the passengers been wearing their seat belts during the Sweetwater, Florida, accident sequence, the three children probably would not have been ejected and the fourth child probably would not have sustained such extensive injuries from striking the van's interior surfaces.
7. Had the fatally injured 4-year-old child in the East Dublin, Georgia, accident been properly secured in a child safety restraint system or seat belt, he probably would not have been ejected and would not have sustained fatal injuries.
8. The Bennettsville, South Carolina, accident was so severe that the child passengers probably would have been injured and perhaps killed regardless of the safety measures taken. However, had the three children seated on the left side of the passenger van been wearing their seat belts, they probably would not have been ejected, which would have increased their chances of survival.

Recommendations

As a result of its investigation, the National Transportation Safety Board makes the following Safety Recommendations:

To the Department of Health and Human Services:

Require that Head Start children be transported in vehicles built to Federal school bus structural standards or the equivalent. (H-99-20)

Incorporate and mandate the use of the guidelines from the National Highway Traffic Safety Administration's *Guideline for the Safe Transportation of Pre-school Age Children in School Buses* into the rules for the transportation of Head Start children. (H-99-21)

To the Governors of the 50 States and the Mayor of the District of Columbia:

Require 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. Enact regulatory measures to enforce compliance with the revised statutes. (H-99-22)

Review your State and local laws and, if applicable, revise them to eliminate any exclusions or exemptions pertaining to the use of age-appropriate restraints in all seat belt-equipped vehicles carrying more than 10 passengers (buses) and transporting school children. (H-99-23)

Adopt the National Highway Traffic Safety Administration's *Guideline for the Safe Transportation of Pre-school Age Children in School Buses*, distribute the guideline to all school bus operators transporting preschool-age children to and from school or school-related activities, and encourage those operators to implement the guideline. (H-99-24)

To 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; the American Baptist Churches in the USA; the National Baptist Convention of America; the Southern Baptist Convention; the Church of the Brethren; the Catholic Bishops; the Christian Reformed Church; the Christian Schools International; the Episcopal

Church, USA; the First Church of Christ, Scientist; the Church of Jesus Christ of Latter Day Saints; the American Lutheran Church; the Lutheran Church in America; the Evangelical Lutheran Church in America; the United Methodist Church; the United Methodist Church Communications; the African Methodist Episcopal Churches; the Church of the Nazarene; the Presbyterian Church in America; the National Office of the Presbyterian Church, USA; the Seventh Day Adventist Church; the United Pentecostal Church International; the National Association of Evangelicals; the Foundation for Evangelism; the Unitarian Universalist Association, the National Association of Church Business Administration; the Union of American Hebrew Congregations; the United Jewish Communities; the Messianic Jewish Alliance of America; the Union of Messianic Jewish Congregations; the National Spiritual Assembly of the Baha'is of the United States; the American Buddhist Congress; the Nation of Islam; the Arya Pratinidhi Sabha America; the American Atheists; and the American Ethical Union:

Inform your members about the circumstances of the accidents discussed in this special investigation report and urge that they use buses built to Federal school bus structural standards or the equivalent to transport children. (H-99-25)

To 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)

BY THE NATIONAL TRANSPORTATION SAFETY BOARD

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Member

June 8, 1999

Appendix A

Federal Motor Vehicle Safety Standards for Buses³⁴

Federal Motor Vehicle Safety Standards Affecting Buses (Precrash)

Small Bus Only ^a	School Bus Only ^b	Number	Standard
		101	Control Location, Identification and Illumination
		102	Transmission Shift Lever Sequence
		103	Windshield Defrosting and Defogging
		104	Windshield Wiping and Washing System
		105	Hydraulic Brake Systems
		106	Brake Hoses
		108	Lamps, Reflective Devices and Equipment
		111	Rearview Mirrors
		113	Hood Latches
		116	Motor Vehicle Brake Fluids
		119	New Pneumatic Tires
		120	Tire Selection and Rims
		121	Air Brake Systems
		124	Accelerator Control Systems
	X	131	School Bus Pedestrian Safety Devices

a. Includes small school buses (GVWR ≤ 10,000 pounds)

b. Includes both large and small school buses

³⁴ All FMVSS are from 49 CFR Part 571.

Federal Motor Vehicle Safety Standards Affecting Buses (Crash and Postcrash)

Small Bus Only ^a	School Bus Only ^b	Number	Standard
X		201	Occupant Protection in Interior Impact
X		202	Head Restraints
X		203	Impact Protection for the Driver
X		204	Steering Control Rearward Displacement
		205	Glazing Materials
		207	Seating Systems (Driver)
		208	Occupant Crash Protection (Driver)
		209	Seat Belt Assemblies
		210	Seat Belt Assembly Anchorages
X		212	Windshield Mounting
X		214	Side Impact Protection
		217	Bus Emergency Exits and Window Retention and Release
X		219	Windshield Zone Intrusion
	X	220	School Bus Rollover Protection
	X	221	School Bus Body Joint Strength
	X	222	School Bus Passenger Seating and Crash Protection
X		301	Fuel System Integrity
		302	Flammability of Interior Materials
X		303	Fuel System Integrity of Compressed NG Vehicles
		304	Compressed Natural Gas Fuel Container Integrity

a. Includes small school buses (GVWR ≤ 10,000 pounds).

b. Includes large and small school buses.

Federal Motor Vehicle Safety Standards Applicable to School Buses^a

	GVWR ≤ 10,000 lb.	GVWR > 10,000 lb.
Occupant Protection Standards	201, 202, 203, 204, 205, 207, 208, 209, 210, 212, 214, 217, 219, 220, 221, 222	205, 207, 208, 209, 210, 217, 220, 221, 222
Precrash Standards	101, 102, 103, 104, 105, 106, 108, 111, 113, 116, 119, 120, 121, 124, 131	101, 102, 103, 104, 105, 106, 108, 111, 113, 116, 119, 120, 121, 124, 131
Postcrash Standards	301, 302, 303, 304	301, 302, 303, 304

a. Standards 212, 214, 219, 301, and 303 are dynamically tested.

Summaries of Crash and Postcrash Standards

FMVSS 201 Occupant Protection in Interior Impact--This standard specifies requirements to afford impact protection for occupants. It applies to passenger cars and to multipurpose vehicles, trucks and buses with a GVWR of 4,536 kilograms or less, except that the requirements for upper interior components do not apply to buses with a GVWR of 3,860 kilograms.

FMVSS 202 Head Restraints--This standard specifies requirements for head restraints to reduce the frequency and severity of neck injury in rear-end and other collisions. This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 or less. For school buses, this standard only applies to the driver's seating position.

FMVSS 203 Impact Protection for the Driver--This standard specifies requirements for steering control systems that will minimize chest, neck and facial injuries to the driver as a result of impact. This standard applies to passenger cars and to multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less. However, it does not apply to vehicle that conform to the frontal barrier crash requirements of Standard no. 208 by means of other than seat belt assemblies. It also does not apply to walk-in vans.

FMVSS 204 Steering Control Rearward Displacement--This standard specifies requirements limiting the rearward displacement of the steering control into the passenger compartment to reduce the likelihood of chest, neck, or head injury. This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses. However, it does not apply to walk-in vans.

FMVSS 205 Glazing Materials--The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions. This standard applies to glazing materials for use in passenger cars, multipurpose vehicles, trucks, buses, motorcycles, slide-in campers, and pickup covers designed to carry persons while in motion.

FMVSS 207 Seating System--The purpose of this standard is to establish requirements for vehicle seats, their attachment and installation in order to minimize injury to occupants during a crash. This standard applies to passenger cars, multi-purpose passenger vehicles, trucks and buses. The applicability of this safety standard for buses applies only to the driver seat position.

The seat must be able to withstand a force 20 times the weight of the seat, applied both forward and rearward. Also, the seat must be able to withstand this force when the seat is adjusted to any position. If the seat has seat belt assemblies attached directly to the seat, the seat must be able to withstand the additional forces imposed by FMVSS 210 for seat belt anchorage's simultaneous with the forces required for FMVSS 207. In addition, the seat must also be able to withstand a rotational moment of 3,300 inch-pounds with the seat in the rearmost travel position.

FMVSS 208 Occupant Crash Protection--The purpose of this standard is to reduce the number of vehicle occupant deaths and the severity of injuries through specifying vehicle crash-worthiness requirements. These requirements limit the forces and accelerations measured on anthropomorphic dummies in crash tests. The standard also specifies equipment requirements for active (manual) and passive (automatic) restraint systems.

This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. Buses with a 10,000 pound GVWR or less are required to have a lap and shoulder belt at the driver's position and all outboard seating positions and a lap belt at all inboard seating positions. School buses with a 10,000 pound GVWR or less must have a lap and shoulder belt at the driver's position and either a lap belt or a lap shoulder belt at all rear passenger positions. This standard does not provide protection for bus occupants in buses over 10,000 pounds GVWR.

For buses over 10,000 pounds GVWR the requirement of FMVSS 208 is met through the installation of an FMVSS 209 approved seat belt assembly (or other automatic crash protection device) for the driver seat position. The pelvic portion of such a belt assembly shall include

either an emergency locking retractor or an automatic locking retractor.

FMVSS 209 Seat belt Assemblies--The purpose of this standard is to specify requirements for all seat belt assemblies in passenger cars, multipurpose passenger vehicles, trucks, and buses.

The initial requirement is that a designated seat belt assembly is to be designed for use by one, and only one, person at any one time. The seat belt shall provide pelvic and/or upper torso restraint. The hardware and webbing shall be free from burrs and sharp edges. The seat belt assembly buckles shall be readily accessible and easily released, while minimizing the possibility of inadvertent release. Each belt assembly shall be marked as to the manufacturing source and the date of manufacture. The belt assembly webbing shall have a minimum of 1.8 inches width, and have a minimum breaking strength of 6,000 pounds for a lap belt only, 5,000 pounds for a lap belt used in conjunction with a shoulder belt, and 4,000 pounds for shoulder belt used in conjunction with a lap belt. The elongation shall not exceed 20 percent at a 2,500 pound force for a lap belt used singularly, or 30 percent at 2,500 pounds for a lap belt and 40 percent at 2,500 pounds for a shoulder belt used in conjunction. The belt webbing shall not significantly degrade due to exposure to sunlight, micro-organisms, or from abrasion. The belt hardware shall also be temperature and corrosion resistant.

FMVSS 210 Seat belt Assembly Anchorage--The purpose of this standard is to establish requirements for the seat belt assembly anchorages to ensure their proper location for effective occupant restraint and establishes minimum strength requirement to reduce the likelihood of their failure.

This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. As the seat belt installation requirement for buses over 10,000 pounds GVWR applies only to the driver seat position this standard is not relevant to, or applicable for, passenger seat positions on buses.

The seat belt anchorage point, either to the seat frame or floor of the vehicle, has various dimensional requirements designed to provide suitable belt geometry to allow occupants to sustain crash forces properly distributed to the skeletal portion

of the body. For a manual lap or lap and shoulder belt these anchorage points must be able to withstand a pull of 5,000 pounds, applied between 5 and 15 degrees from the horizontal. The tensile load must be applied in a period less than 30 seconds and be able to maintain such a load for at least 10 seconds.

FMVSS 212 Windshield Mounting--This standard establishes windshield retention requirements for motor vehicles during crashes. The purpose of this standard is to reduce crash injuries and fatalities by providing for retention of the vehicle windshield during a crash, thereby utilizing fully the penetration-resistance and injury-avoidance properties of the windshield glazing material and preventing the ejection of the occupants from the vehicle. This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses having a GVWR of 4536 kilograms or less. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or to open-body type vehicles with fold-down or removable windshields.

FMVSS 214 Side Impact Protection--This standard specifies performance requirements for protection of occupants in side impact crashes. The purpose of this standard is to reduce the risk of serious and fatal injury to occupants of passenger cars in side impact crashes by specifying vehicle crashworthiness requirements in terms of accelerations measured on anthropomorphic dummies in test crashes, by specifying strength requirements for side doors and by other means. This standard applies to passenger cars and multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less, except for walk-in vans.

FMVSS 216 Roof Crush Resistance--The purpose of this standard is to reduce injuries and deaths due to crushing of the roof into the passenger compartment in rollover accidents.

This standard applies to passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR of 6,000 pounds or less. This standard does not apply to convertible passenger cars, school buses, or buses with a GVWR of 6,000 pounds or more.

A rigid, unyielding block test device, with a contact surface measuring 2.5 feet by 6 feet, is pressed against the edge of the vehicle roof at a

shallow angle. The block is loaded to provide a downward force of 1.5 times the unloaded weight of the vehicle. The crush of the roof shall not exceed 5 inches as measured by the contact surface of the test device.

FMVSS 217 Bus Emergency Exits and Window Retention and Release--The purpose of this standard is to minimize the likelihood of occupants being thrown from the bus and to provide a means of readily accessible emergency egress. This standard establishes requirements for the retention of windows other than windshields in buses, and establishes operating forces, opening dimensions, and markings for bus emergency exits.

FMVSS 219 Windshield Zone Intrusion--This standard specifies limits for the displacement into the windshield area of motor vehicle components during a crash. The purpose of this standard is to reduce crash injuries and fatalities that result from occupants contacting vehicle components displaced near or through the windshield. This standard applies to passenger cars and multipurpose passenger vehicles, trucks and buses, of 10,000 pounds or less GVWR. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or to open-body-type vehicles with fold-down or removable windshields.

FMVSS 220 School Bus Rollover Protection--The purpose of this standard is to reduce the number deaths and severity of injuries resulting from failure of the school bus body structure to withstand forces encountered in rollover crashes. This standard applies to school buses. This standard does not apply to other buses or to other vehicle categories.

A force is applied to the roof of the bus. The force is applied through a rigid, unyielding rectangular block test device called a force application plate. For buses with a GVWR of more than 10,000 pounds the plate measures 36 inches wide and is 12 inches shorter than the vehicle roof. The plate is pressed against the roof of the bus with a force equal to 1.5 times the unloaded weight of the vehicle. With the force application plate vertical movement not exceeding 5.125 inches, the bus windows shall be operable per the process described in FMVSS 217.

FMVSS 221 School Bus Body Joint Strength--This standard establishes requirements

for the strength of the body panel joints in school bus bodies. This standard originally applied to school buses with a GVWR exceeding 10,000 pounds. A recent final rule extends the requirement to all small school buses manufactured on or after May 5, 2000. Each body panel joint, where the various body panels are connected, must be able to withstand a load of at least 60 percent of the strength of the inherent body panel.

FMVSS 222 School Bus Passenger Seating and Crash Protection--This standard establishes occupant protection requirements for school bus passenger seating and restraining barriers. The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers. This standard applies to school buses.

FMVSS 301 Fuel System Integrity--The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes, and resulting from ingestion of fuels during siphoning.

This standard applies to passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less and school buses with a GVWR greater than 10,000 pounds. The applicable fuel for these vehicles shall have a boiling point above 32 degrees F.

School buses with a GVWR of more than 10,000 pounds are tested by being struck by a moving barrier which approximates a 4,000-pound automobile. The bus test condition replicates a full load of fuel, operational fuel pump, and normal load condition of 120 pounds per occupant seat position. The moving barrier test device strikes the bus body, at speeds up to and including 30 mph, in a lateral and rear configuration per test procedure in FMVSS 208. The bus body is then rolled in quarter turn sequences. Fuel leakage must not exceed a rate of one ounce per minute.

FMVSS 302 Flammability of Interior Materials--This standard specifies burn resistance requirements for materials used in the occupant compartment of motor vehicles. The purpose of this standard is to reduce the deaths and injuries to motor vehicle occupants caused by vehicle fires, especially those originating in the interior of the vehicle from sources such as

matches and cigarettes. This standard applies to passenger cars, multipurpose passenger vehicles, trucks and buses.

FMVSS 303 Fuel System Integrity of Compressed Natural Gas Vehicles--This standard specifies requirements for the integrity of motor vehicle fuel systems using compressed natural gas (CNG), including the CNG fuel systems of bi-fuel, dedicated, and dual fuel CNG vehicles. The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel leakage during and after motor vehicle crashes. This standard applies to passenger cars, multipurpose passenger vehicles, trucks and

buses that have a GVWR of 10,000 pounds or less and use CNG as fuel. This standard also applies to school buses regardless of weight that use CNG as motor fuel.

FMVSS 304 Compressed Natural Gas Fuel Container Integrity--This standard specifies requirements for the integrity of compressed natural gas (CNG), motor vehicle fuel containers. The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel leakage during and after motor vehicle crashes. This standard applies to containers designed to store CNG as motor fuel on-board any vehicles.

Appendix B

History of Safety Recommendations on School Bus Crashworthiness and Operations

Recommendation No.: H-68-009
Issue Date: 9/18/68
Recipient: Federal Highway Administration
Status: Closed—Acceptable Action

Consider the need for requirements for structural strength of school bus bodies in connection with its study of desirable standards for protection of school bus occupants. In particular, the Board recommends that Program A.1.1.4 of the National Highway Safety Bureau, titled “Design, Fabrication, and Test of a Safe School Bus Interior,” be expanded to include consideration of structural integrity and intrusion into the school bus interior.

Recommendation No.: H-70-014
Issue Date: 8/27/70
Recipient: National Education Association
Status: Closed—No Longer Applicable

Adopt a policy of using fastening methods that inhibit the raising of sharp edges and that provide much greater efficiency of joints to prevent the disintegration of school bus bodies. This policy might well be implemented by voluntary specifications and adopted by the National Education Association and used by school bus purchasers and manufacturers.

Recommendation No.: H-70-015
Issue Date: 8/27/70
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Include in its accident research investigations and studies, a search for evidence of the nature of school bus disintegration and the significance of the disintegration phenomena in injury causation.

Recommendation No.: H-71-033
Issue Date: 4/22/71
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

The Board has discussed its special study *Inadequate Structure Assembly of Schoolbus Bodies* with the Vehicle Equipment Safety Commission (VESC), officers and members of the Schoolbus Manufacturing Institute and of the Ward Company. The VESC will issue standards; Ward Schoolbus Manufacturing Company indicated it would welcome a NHTSA standard

specifying joint strength and school bus body strength. The Board urges NHTSA to move expeditiously in this field.

Recommendation No.: H-72-030
Issue Date: 9/22/72
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Expediently adopt a Federal Motor Vehicle Safety Standard to control the strength of structural joints of school buses. In this connection, careful consideration should be given to Requirement 5.6, "Body Structure," of the Vehicle Equipment Safety Commission. This standard should apply to the strengthening of the window columns of school buses.

Recommendation No.: H-73-014
Issue Date: 6/21/73
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Assess the human factors involved in seat belt usage in school buses through a demonstration project. The project should include pupil transportation buses that are equipped with seat belts and highback, padded seats.

Recommendation No.: H-73-016
Issue Date: 5/22/73
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Establish separate vehicle-type classes for transit buses, interstate buses, and school buses, based upon exact definitions of the intended use and performance of the buses in defined highway environments. Consider, at the least, the following factors: the number and classes of passengers carried, the maximum intended speed of operation, the classes of highways over which operation is intended, the luggage-carrying capability of the vehicle, the duration of trips, and the intent to provide for standing or seated passengers.

Recommendation No.: H-73-019
Issue Date: 5/22/73
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Alternate Action

Require, for the school bus category, the cushioning performance called for in the first performance option along with the seat strength performance and seat belt anchorages at each seat location proposed in the second performance option. A warning system should not be required. Consider establishing a separate school bus category for intermittent higher-speed or interstate-highway operation that would require seat belts to be installed.

Recommendation No.: H-75-022
Issue Date: 9/18/75
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Initiate a program of dynamic rollover testing of school buses to provide data, in combination with data already obtained from static testing, to be used to develop a performance requirement that will ensure reasonable structural integrity in rollover environments.

Recommendation No.: H-78-011
Issue Date: 3/8/78
Recipient: National Highway Traffic Safety Administration
Status: Closed—No Longer Applicable

Review available accident statistics involving 1975 and later model school buses equipped with seating arrangements that comply with Federal Motor Vehicle Safety Standard No. 222 to determine if the specific seating, restraining barrier, and impact zone requirements for school buses have reduced the injuries sustained by occupants on these school buses when involved in collisions and rollovers. A report of the findings should be submitted to the National Transportation Safety Board at the earliest opportunity.

Recommendation No.: H-79-011
Issue Date: 3/22/79
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Request that each State identifies individuals or groups that transport people on a not-for-hire basis in vehicles that seat 10 or more people and disseminates information about the National Highway Traffic Safety Administration's Schoolbus Driver Instructional Program and the National Safety Council's Defensive Driving Course to these individuals and groups.

Recommendation No.: H-83-039
Issue Date: 9/28/83
Recipients: 50 States and the District of Columbia
Status: See Table Below

Review State laws and regulations, and take any necessary legislative action to ensure that passengers in small school buses (designed to carry more than 10 passengers and weighing less than 10,000 pounds GVWR) and school vans are required to use available restraint systems whenever the vehicle is in motion; ensure that all users of such vehicles are aware of and comply with these provisions.

Closed— Acceptable Action	Closed— Unacceptable Action	Open—Await Response		
Guam Hawaii Louisiana Massachusetts Montana New Mexico Oregon Virginia Washington West Virginia	Illinois Missouri Ohio Vermont	Alabama Alaska American Samoa Arizona Arkansas California Colorado Connecticut Delaware District of Columbia Florida Georgia Idaho	Indiana Iowa Kansas Kentucky Maine Maryland Michigan Minnesota Mississippi Nebraska Nevada New Hampshire New Jersey New York	North Carolina North Dakota Oklahoma Pennsylvania Puerto Rico Rhode Island South Carolina South Dakota Tennessee Texas Utah Virgin Islands Wisconsin Wyoming

Recommendation No.: H-83-040
Issue Date: 9/28/83
Recipient: 50 States and the District of Columbia
Status: See Table Below

Review State laws and regulations, and take any necessary legislative action, to ensure that vehicles designed to carry more than 10 passengers and weighing less than 10,000 pounds GVWR, used to transport children to and from school, school-related events, camps, centers, or similar purposes meet all Federal Motor Vehicle Safety Standards applicable to small school buses.

Closed— Acceptable Action	Closed— Unacceptable Action	Open— Acceptable Response		Open—Await Response	
Alaska (Alternate) California Connecticut Florida Guam Louisiana New Mexico New York North Dakota Oklahoma Virginia	Vermont	Alabama Colorado Georgia Illinois Indiana Montana New Jersey Ohio	Pennsylvania South Dakota Texas Utah Washington West Virginia Wisconsin Wyoming	American Samoa Arizona Arkansas Delaware District of Columbia Hawaii Idaho Iowa Kansas Kentucky Maine Maryland Massachusetts	Michigan Minnesota Mississippi Missouri Nebraska Nevada New Hampshire North Carolina Oregon Puerto Rico Rhode Island South Carolina Tennessee Virgin Islands

Recommendation No.: H-83-067
Issue Date: 12/14/83
Recipient: California, Department of Education
Status: Closed—Acceptable Action
Recipient: Washington, State Board of Education
Status: Closed—Acceptable Action

Initiate a program to retrofit (except where the design makes retrofitting economically prohibitive) all transit type school buses within your fleet that are not equipped with Federal Motor Vehicle Safety Standard (FMVSS) 222 approved seats with FMVSS 222 approved seat and restraining barriers if these school buses are refurbished during their normal service life.

Recommendation No.: H-84-008
Issue Date: 4/13/84
Recipients: 50 States and the District of Columbia
Status: See Table Below

When purchasing buses of the types designed to meet the Federal standards for school buses built after April 1977, which are intended for special-purpose uses in which the standards are not mandatory, conduct an evaluation of any proposed modifications for their possible adverse effects on the safety of the intended passengers.

Closed—Acceptable Action	Open Acceptable Response	Open—Await Response	
California Connecticut Maryland	Alabama Arizona Colorado Idaho Iowa Kentucky Michigan New Jersey New York North Carolina South Dakota Texas Washington	Alaska Arkansas Delaware District of Columbia Florida Georgia Hawaii Illinois Indiana Kansas Louisiana Maine Massachusetts Minnesota Mississippi Missouri Montana Nebraska	Nevada New Hampshire New Mexico North Dakota Ohio Oklahoma Oregon Pennsylvania Rhode Island South Carolina Tennessee Utah Vermont Virginia West Virginia Wisconsin Wyoming

Recommendation No.: H-85-009
Issue Date: 6/4/85
Recipient: Florida Department of Highway Safety
Status: Open—Acceptable Response

Adopt regulations to require the owner of a private bus to declare annually when the vehicle is registered if the bus is to be used for pupil transportation, and institute procedures to use the data to identify all privately owned and privately operated school buses that are subject to the vehicle inspection and driver certification requirements in Florida State Statute 316.615.

Recommendation No.: H-85-010
Issue Date: 6/4/85
Recipient: Florida Department of Highway Safety
Status: Open—Acceptable Response

Contact private school bus owners who have not had their buses inspected, and advise them that they are in violation of Florida State Statute 316.615.

Recommendation No.: H-85-011
Issue Date: 6/4/85
Recipient: Florida Department of Highway Safety
Status: Open—Acceptable Response

Instruct law enforcement officers to verify compliance with the requirement contained in Florida State Statute 316.615 for annual inspection of privately owned school buses by conducting a systematic program of roadside vehicle checks and on each occasion a private school bus is stopped for a driver violation on a specific vehicle safety violation.

Recommendation No.: H-85-051
Issue Date: 2/6/86
Recipient: National Highway Traffic Safety Administration
Status: Closed—Unacceptable Action

Revise Federal Motor Vehicle Safety Standard 221, "School Bus Body Joint Strength," to require that the joints of interior body maintenance access panels within a defined occupant contactable zone meet the joint strength performance requirement of other body panel joints.

Recommendation No.: H-86-054
Issue Date: 10/2/86
Recipient: National Highway Traffic Safety Administration
Status: Closed--Superseded

Amend or clarify Federal Motor Vehicle Safety Standard 221 to require that body panel joints for school bus body structures be tested in tension or peel, unless they can only be tested in shear.

Recommendation No.: H-86-056
Issue Date: 10/2/86
Recipient: National Highway Traffic Safety Administration
Status: Closed--Superseded

Resume testing of school bus floor joints to ensure compliance with Federal Motor Vehicle Safety Standard 221.

Recommendation No.: H-86-057
Issue Date: 10/2/86
Recipient: Thomas Built Buses, Inc.
Status: Closed—Acceptable Action

Strengthen the floor panel joints of all newly manufactured school buses to ensure that they comply with the requirements of Federal Motor Vehicle Safety Standard 221.

Recommendation No.: H-87-011
Issue Date: 5/1/87
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Amend Federal Motor Vehicle Safety Standard 221, "School Bus Body Joint Strength," to include interior maintenance access panels in the standard's performance requirements.

Recommendation No.: H-87-012
Issue Date: 5/1/87
Recipients: School Bus Manufacturers
Status: Closed—No Longer Applicable

Apply the performance requirements of Federal Motor Vehicle Safety Standard 221 to floor panels and interior maintenance access panels.

Recommendation No.: H-89-001
Issue Date: 5/25/89
Recipient: 50 States and District of Columbia
Status: See Below

Propose legislation establishing a date by which school buses manufactured before April 1977 will be phased out of use for transportation of passengers.

This safety recommendation is classified "Open—Acceptable Response" for the 14 States that still operate prestandard buses, including California, Idaho, Louisiana, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Washington, and Wyoming.

Recommendation No.: H-89-003
Issue Date: 5/25/89
Recipients: Various Church Associations and Special Activity Groups
Status: Closed—No Longer Applicable

Purchase only school bus type vehicles which meet the Federal Motor Vehicle Safety Standards set for school buses in April 1977.

Recommendation No.: H-89-006
Issue Date: 6/5/89
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Revise Federal Motor Vehicle Safety Standard 301 to provide additional protection for school buses in severe crash situations based on an evaluation of the merits of relocating fuel tanks, providing additional structure to protect fuel system components, and frangible valves in critical locations.

Recommendation No.: H-89-046
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Alternate Action

Determine the feasibility of requiring lap-shoulder belts or other restraint systems that provide upper torso restraint at front seat passenger seating positions on type A school buses (10,000 pounds or less GVWR). Amend Federal Motor Vehicle Safety Standard (FMVSS) 222, "School Bus Passenger Seating and Crash Protection," and FMVSS 210, "Seat belt Assembly Anchorages," or any other standards, as needed, should standards prove incompatible.

Recommendation No.: H-89-047
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Alternate Action

Conduct research, including computer simulation and sled crash tests using Hybrid III dummies if needed, to determine the relationship between restraining barrier design and injuries to unrestrained and lap belted passengers of different sizes on small school buses (10,000 pounds or less GVWR). Research should focus on the height, width, padding, location, and anchorage strength of the barrier and the spacing between the barrier and front seats. Amend Federal Motor Vehicle Safety Standard 222, "School Bus Passenger Seating and Crash Protection," as needed.

Recommendation No.: H-89-049
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Collect and evaluate accident data on the crash performance of the roof and emergency exits on small school buses (10,000 pounds or less GVWR) in rollovers. Data should not be limited to van based buses. Based on analysis, ascertain whether it is appropriate to amend Federal Motor Vehicle Safety Standard 220, "School Bus Rollover Protection," to make roof performance tests for small school buses (10,000 pounds or less GVWR) be identical in all aspects to those now required of large school buses (more than 10,000 pounds GVWR). If such tests are not appropriate, modify the test for small school buses to stress the roof more than the present force application plate test does.

Recommendation No.: H-89-050
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Action

Collect and evaluate accident data involving small school buses to ascertain whether school buses with a gross vehicle weight rating of 10,000 pounds or less should be required to meet joint strength requirements Federal Motor Vehicle Safety Standard 221, "School Bus Body Joint Strength."

Recommendation No.: H-89-051
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Alternate Action

Specify in new rulemaking or in an amendment to Federal Motor Vehicle Safety Standards 206, "Door Locks and Door Retention Components," a requirement for a positive latch locking mechanism on the passenger loading doors of small school buses (10,000 pounds or less GVWR) to eliminate the possibility of inadvertent door opening during a frontal crash or roll over. Work with school bus and school van manufacturers to develop the performance standards.

Recommendation No.: H-89-052
Issue Date: 3/19/90
Recipient: National Highway Traffic Safety Administration
Status: Closed—Acceptable Alternate Action

Urge manufacturers to provide means to retrofit positive latch locking mechanisms on existing door controls of small school buses (10,000 pounds or less GVWR).

Recommendation No.: H-89-053
Issue Date: 3/19/90
Recipient: School Bus and Van Conversion Manufacturers
Status: Closed—Acceptable Action

Work with National Highway Traffic Safety Administration to develop performance standards for a locking mechanism for the boarding doors of school buses with a gross vehicle weight rating of 10,000 pounds or less to eliminate the possibility of inadvertent door opening during frontal or rollover crash.

Recommendation No.: H-89-054
Issue Date: 3/19/90
Recipient: School Bus and Van Conversion Manufacturers
Status: Closed—Acceptable Action

Provide retrofit kits for small school buses (gross vehicle weight rating of 10,000 pounds or less) currently without positive latch door control locking mechanisms.

Recommendation No.: H-89-055
Issue Date: 3/19/90
Recipient: National Association of State Directors of Pupil
Transportation
Status: Closed—Acceptable Action
Recipient: National School Transportation Association
Status: Closed—Acceptable Action

Alert your members to the dangers inherent in improper installation of seat belts or restraint systems not meeting Federal standards or guidelines in school buses and urge them to correct such installations. Also alert your members of the need to instruct students to wear lap belts properly.

Recommendation No.: H-94-010
Issue Date: 12/13/94
Recipient: National Highway Traffic Safety Administration
Status: Open—Acceptable Response

Evaluate occupant restraint systems, including those presently required, for small school buses. Based on the results of this evaluation, require the installation of those systems that prove to be effective in reducing occupant deaths, injuries, and ejections.

Recommendation No.: H-97-026
Issue Date: 10/27/97
Recipient: U.S. Department of Transportation
Status: Open—Acceptable Response

Collect accident data involving school children riding on transit buses, including pedestrian accidents, to assist the development of appropriate means to ensure that school children riding

on transit buses are afforded an equivalent level of operational safety as school children riding on school buses.

Recommendation No.: H-97-027
Issue Date: 10/27/97
Recipient: U.S. Department of Transportation
Status: Open—Acceptable Response

Work with the National Association of State Directors of Pupil Transportation Services, the American Public Transit Association, and the Community Transportation Association of America to determine the most appropriate means to ensure that school children riding on transit buses in tripper service are afforded an equivalent level of operational safety as school children riding on school buses.

Recommendation No.: H-97-028
Issue Date: 10/27/97
Recipient: National Association of State Directors of Pupil Transportation
Status: Open—Acceptable Response

Work with the U.S. Department of Transportation, the American Public Transit Association, and the Community Transportation Association of America to collect accident data involving school children riding on transit buses and determine the most appropriate means to ensure that school children riding on transit buses in tripper service are afforded an equivalent level of operational safety as school children riding on school buses.

Recommendation No.: H-97-029
Issue Date: 10/27/97
Recipient: American Public Transit Association
Status: Open—Acceptable Response

Work with the U.S. Department of Transportation, the National Association of State Directors of Pupil Transportation Services, and the Community Transportation Association of America to collect accident data involving school children riding on transit buses and determine the most appropriate means to ensure that school children riding on transit buses in tripper service are afforded an equivalent level of operational safety as school children riding on school buses.

Recommendation No.: H-97-030
Issue Date: 10/27/97
Recipient: Community Transportation Association of America
Status: Open—Acceptable Response

Work with the U.S. Department of Transportation, the National Association of State Directors of Pupil Transportation Services, and the American Public Transit Association to collect accident data involving school children riding on transit buses and determine the most appropriate means to ensure that school children riding on transit buses in tripper service are afforded an equivalent level of operational safety as school children riding on school buses.

Appendix C

Injuries

The following table is based on the injury criteria of the International Civil Aviation Organization, which the Safety Board uses in accident reports for all transportation modes.

Injuries Sustained by Nonconforming Bus Occupants in the Accidents

Injury Type	Driver	Passengers	Total
Sweetwater, Florida (15-passenger van)			
Fatal	0	0	0
Serious	1	1	2
Minor	0	4	4
None	0	5	0
Total	1	10	11
Lenoir City, Tennessee (tour bus)			
Fatal	0	2	2
Serious	0	1	1
Minor	0	16	16
None	1	5	6
Total	1	24	25
East Dublin, Georgia (15-passenger van)			
Fatal	0	1	1
Serious	1	0	1
Minor	0	5	5
None	0	0	0
Total	1	6	7
Bennettsville, South Carolina (15-passenger van)			
Fatal	0	6	6
Serious	1	0	1
Minor	0	0	0
None	0	0	0
Total	1	6	7

Title 49 CFR 830.2 defines *fatal injury* as "Any injury which results in death within 30 days of the accident." It defines *serious injury* as an injury that: "(1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, or tendon damage; (4) involves any internal organ; or (5) involves second or third degree burns, or any burn affecting more than 5 percent of the body surface."

Appendix D

Guideline for the Safe Transportation of Pre-school Age Children in School Buses

National Highway Traffic Safety Administration

February 1999

Introduction

School age children transported in school buses are safer than children transported in motor vehicles of any other type. Large school buses provide protection because of their size and weight. Further, they must meet minimum FMVSSs mandating compartmentalized seating, improved emergency exits, stronger roof structures and fuel systems, and better bus body joint strength.

As more pre-school age children are transported to school programs, often in school buses, the public is increasingly asking the National Highway Traffic Safety Administration (NHTSA) about how to safely transport them. To help answer these questions, NHTSA conducted crash testing of pre-school age size dummies in school bus seats. The test results showed that pre-school age children in school buses are safest when transported in child safety restraint systems (CSRSs) that meets FMVSS 213, "Child Restraint Systems," and are correctly attached to the seats.

Based on its research, NHTSA recommends pre-school age children transported in school buses always be transported in properly secured CSRSs. In partial response to questions from school (and child care) transportation offices, this Guideline seeks to assist school and other transportation managers in developing and implementing policies and procedures for the transportation of pre-school age children in school buses.

Note: The proper installation of CSRSs necessitates that a school bus seat have safety belts or other means of securing the CSRS to the seat. NHTSA recommends that lap belts or anchorages designed to meet FMVSS 225, "Tether Anchorages and Child Restraint Anchorage Systems," be voluntarily installed to secure CSRSs in large school buses.

RECOMMENDATIONS FOR THE TRANSPORTATION OF PRE-SCHOOL AGE CHILDREN IN SCHOOL BUSES

When pre-school age children are transported in a school bus, NHTSA recommends these guidelines be followed:

- (1) Each child should be transported in a Child Safety Restraint System (suitable for the child's weight and age) that meets applicable Federal Motor Vehicle Safety Standards (FMVSSs).
- (2) Each child should be properly secured in the Child Safety Restraint System.
- (3) The Child Safety Restraint System should be properly secured to the school bus seat, using anchorages that meet FMVSSs.

Child Safety Restraint System Defined

A Child Safety Restraint System is any device (except a passenger system lap seat belt or lap/shoulder seat belt), designed for use in a motor vehicle to restrain, seat, or position a child who weighs less than 50 pounds.

Child Safety Restraint Systems Guideline

1. Child Safety Restraint System Specifications

The provider of the CSRS should ensure:

Each pre-school age child to be transported has a CSRS appropriate for the child's weight, height, and age.

Each CSRS meets all applicable FMVSSs (look for the manufacturer's certification on the label attached to the system).

Each CSRS has been registered with the CSRS's manufacturer to facilitate any recalls the manufacturer might conduct.

If the CSRS is the subject of a recall, any necessary repairs or modifications have been made to the manufacturer's specifications.

Each CSRS is maintained as recommended by its manufacturer, including disposal of any CSRS that has been involved in a crash.

2. Proper Securement

The transportation provider should ensure:

The CSRS is used and secured correctly in the school bus.

Each child is secured in CSRSs according to manufacturer's instructions.

All CSRS attachment hardware and anchorage systems meet FMVSS 210, "Seat Belt Assembly Anchorages" or FMVSS 225, "Tether Anchorages and Child Restraint Anchorage Systems."

School bus seats designated for CSRSs meet FMVSS 225, or include lap belts that meet FMVSS 209, "Seat Belt Assemblies," and anchors that meet FMVSS 210 (designed to secure adult passengers or CSRS).

Personnel responsible for securing CSRSs onto school bus seats and children into CSRSs are properly trained and all personnel involved

with CSRSs are provided up-to-date information and training.

When transported in the school bus, pre-school age children are supervised according to their developmental and functioning level.

3. School Bus Seats Designated for Child Safety Restraint Systems

The transportation provider should ensure:

School-bus seats designated for CSRSs are located starting at the front of the vehicle to provide drivers with quick access to and a clear view of the CSRS occupants.

CSRS anchorages on school bus seats should meet all applicable FMVSSs.

When ordering new school buses, the maximum spacing specified under FMVSS No. 222, "School Bus Passenger Seating and Crash Protection," (within 24 inches from the seating reference point) is recommended for seats designated for CSRSs to provide adequate space for the CSRSs.

The combined width of CSRS and/or other passengers on a single seat does not exceed the width of the seat.

If other students share seats with the CSRSs, the CSRSs are placed in window seating position.

4. Retrofitting School Buses

The transportation provider should ensure:

Existing school bus seats should only be retrofitted with lap belts or child restraint anchorages as instructed by the school bus manufacturer.

When a school bus is retrofitted with a seat to allow for proper securement of a CSRS, instructions obtained from the school bus or seat manufacturer on how to install the seat and restraint systems should be followed.

When a school bus is retrofitted, the bus owner should ensure that seat spacing is sufficient for the CSRS to be used.

5. Evacuation

The transportation provider should ensure:

The establishment of a written plan on evacuating pre-school age children and other passengers in CSRSs in the event of an emergency. This written plan should be provided to drivers, monitors, and emergency response personnel. The plan should explicitly state how children (both in and out of the CSRS) should be evacuated from the school bus.

Evacuation drills are practiced on a scheduled basis, at least as often as that required for the school systems school-aged children.

All personnel involved in transporting children are trained in evacuation and emergency procedures, including those in the written school bus evacuation plan.

All school buses carrying children in CSRSs carry safety belt cutters that are accessible only to the driver and any monitors.

CSRSs are not placed in school bus seats adjacent to emergency exits.

Local emergency response teams are provided copies of the written school bus evacuation plan, including evacuation of pre-school age children. Emergency response personnel should be invited to participate in evacuation drills.

6. Other Recommendations

The school transportation provider should establish a policy on whether they or the child's guardian must supply a CSRS to be used on a school bus. School bus purchases should be based on the needs of a projected student population, taking into consideration projected ages, sizes, and other characteristics of the students, including any special needs, and whether pre-school age children or medically fragile students will be transported.

Specified procedures should be established for loading and unloading children in CSRSs.

Procedures should be established for the periodic maintenance, cleaning, and inspection for damage of CSRSs. Procedures should be established to train personnel involved in direct service delivery of infants, toddlers, and pre-school children on the physical day-to-day handling of these young children and means to handle potential exposure to contagious and communicable diseases.

When school bus procedures are established, it should be noted that some children in CSRSs may have special needs, including medical fragility, that must be addressed on a child-by-child basis.

Appendix E

Head Start Notice of Proposed Rulemaking on Transportation

As published in the Federal Register, June 15, 1995

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1310, Part VI

HEAD START PROGRAM

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administration for Children and Families is issuing this Notice of Proposed Rulemaking to implement the statutory provision for establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

DATES: In order to be considered, comments on this proposed rule must be received on or before August 14, 1995.

ADDRESSES: Please address comments to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.

Beginning 14 days after close of the comment period, comments will be available for public inspection in Room 2217, 330 C Street, SW., Washington, DC. 20201, Monday through Friday, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Bill Wilson, Head Start Bureau, (202) 205-8913.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

The Head Start program is authorized under the Head Start Act (the Act), section 635 of Pub.

L. 97-35, the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9801 et seq.). It is a national program providing comprehensive child development services primarily to low-income children, predominantly age three to the age of compulsory school attendance, and their families. To help enrolled children achieve their full potential, Head Start provides comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of the parents of enrolled children. Parents receive training and education that fosters their understanding of and involvement in the development of their children. They also become involved in the development, conduct, and direction of local programs. Also, the Head Start program provides services to children below the age of three and their families. These services are designed to promote the development of the children and to enable their parents to fulfill their roles as parents and move toward self sufficiency.

In fiscal year 1993, Head Start served 713,903 children through a network of 1,395 grantees and 575 delegate agencies. Delegate agencies have approved written agreements with grantees to operate Head Start programs.

While Head Start is intended to serve primarily children from low-income families, Head Start's regulations permit up to 10 percent of the children to be from families who are not low-income. The Head Start regulations also require that a minimum of 10 percent of enrollment opportunities in each grantee be made available to children with disabilities. Such children are expected to participate in the full range of Head Start activities with their non-disabled peers, and to receive needed special education and related services.

The Head Start Improvement Act of 1992 contains a new provision which authorizes the

Head Start Bureau to develop regulations for the safe transportation of Head Start children. In addition, the Final Report of the Advisory Committee on Head Start Quality and Expansion includes in its recommendations the development of "regulations to assure that safe and effective transportation services are available." The development of these "Performance Standards" for Head Start transportation support the goal of ensuring that children and families receive high quality Head Start services.

II. Background

The authority of this Notice of Proposed Rulemaking is sections 640(i) and 644 (a) and (c) of the Head Start Act (42 U.S.C. 9801 et seq.). Section 640(i) directs the Secretary to issue regulations establishing requirements for the safety features and the safe operation of vehicles used by Head Start agencies to transport children participating in Head Start programs. Section 644 (a) and (c) requires the issuance of regulations setting standards for organization, management, and administration of Head Start programs.

Since the inception of the program, most Head Start agencies have routinely provided transportation for Head Start children to and from the classroom when needed, although there has never been a requirement to do so. To date, information on transportation provided to Head Start programs has been limited to a series of Information Memoranda which provided guidance to programs on issues around transportation safety, but which did not require any action on the part of Head Start agencies. The following is a summary of that information:

* ACYF-IM-82-01, "Transportation Safety," issued on January 19, 1982. This Information Memorandum provided the first notification to Head Start programs with a Highway Accident Report prepared by the National Transportation Safety Board (NTSB) of an accident involving a Head Start vehicle. As a result of their investigation of this accident, the NTSB recommended that ACYF advise all Head Start programs of the circumstances of the accident in hopes that the report would draw attention to the importance of transportation safety. The Information Memorandum also notified programs of the NTSB's recommendation that ACYF adopt and emphasize the need for adherence to the policies and guidelines provided by the National Highway Traffic Safety Administration's (NHTSA)

Pupil Transportation Safety Standards, Highway Safety Program Standard Number 17 (now Guideline 17). A copy of Standard 17 was included and programs were "urged" to use the Standard to assess the adequacy of their transportation systems.

* ACYF-IM-93-10. "Transportation," issued on March 18, 1993. This Information Memorandum replaced ACYF-IM-82-01 and ACYF-IM-83-06, since both the FMVSS and NHTSA's Pupil Transportation Safety Standards had been revised. The Information Memorandum provided Head Start programs with a copy of the new Guideline 17 and again encouraged programs to purchase only vehicles which meet the FMVSS. The Information Memorandum also provided Head Start programs with new information regarding the Federal Highway Administration's (FHWA) Commercial Motor Vehicle Safety Act and the Commercial Driver's License (CDL) program.

As these issuances have been advisory and not legally binding, there have been differing degrees of implementation. Not all Head Start agencies offer transportation services and, among the agencies that do provide transportation, there are varying degrees of quality and safety.

Because of its impact on the quality of services provided to children and families, we strongly believe that the transportation "component" of Head Start should be on a par with the other components of education, health, social services and parent involvement in terms of budgeting, training and overall integration of the transportation services into the day-to-day activities of the program. For example, in a typical rural Head Start program where children are transported over long distances, it is possible for children to spend from 1/4 to 1/3 of their day en route to and from the classroom. It is imperative, therefore, that the time children spend on the vehicle is treated with the same level of importance as the time the children spend in the classroom and in other program activities.

We know from experience that significant variation exists among the States in terms of whether or not Head Start vehicles and Head Start drivers are included under the purview of State school bus requirements.

In preparing for this NPRM, a survey was conducted of the States to determine whether and

the extent to which, the requirements in the State's pupil transportation safety plan applied to Head Start programs. Of the 48 States that responded to the survey, 14 of them stated that their Head Start programs are covered by the regulations governing pupil transportation, 22 States responded that their Head Start programs are not covered, 10 States gave a conditional response and 1 State did not know. The survey also indicated significant variation among the States themselves in the amount of training required for school busdrivers. Of the 45 States that responded to this question, 39 have some mandated training requirements for school busdrivers, 3 States reported that driver training was handled at the local level, and 3 States reported no mandated training requirements for school busdrivers. More significantly perhaps, only 13 States reported mandated driver training for Head Start busdrivers.

This variation, both in the way Head Start programs are viewed by the States as well as the differing requirements among the States, precluded reliance on the States as the sole source for transportation safety standards for Head Start programs and was one of the primary determinants in our decision to develop minimum standards which would apply to all Head Start programs, regardless of the State in which they operate.

In the development of this proposed rule, we have with only minor variations, adopted the recommendations contained in Guideline 17. As such, this proposed rule was developed through ongoing consultation with the Federal Highway Administration, specifically with NHTSA's Safety Counter Measures Division, on the application of the FMVSS and Guideline 17 to Head Start programs. It should be noted that we do not wish to place Head Start programs in conflict with State requirements.

On the contrary, it is our intention to continue to work with the States beyond the implementation of the rule to enhance the relationship between Head Start programs and the State agencies responsible for pupil transportation safety. Toward that end, we have consulted with the National Association of State Directors of Pupil Transportation throughout the development of this proposed rule and we welcome the identification of any actual or potential problems that may be identified during the review of this

NPRM.

Where Guideline 17 lacked specificity or was silent on some aspect that was considered important, we have relied on other resources, such as the National Standards for School Bus Operations, in determining, for example, the minimum hours of pre-service and in-service training for drivers, the content requirements for driver training and the rules for trip routing. The NTSB's Special Report 222 provided valuable information regarding the use of seat belts on school buses, other special equipment, such as crossing control arms, the need for strict rules for trip routing, and the need to train children in safe riding practices both on and off the bus.

The NTSB's examination of the use of seat belts on school buses in Special Report 222, along with NHTSA's recommendation in Guideline 17 that passengers in vehicles with a gross vehicle weight rating of under 10,000 pounds (which is the class of vehicle most in use by Head Start programs) use occupant restraints, raises an issue of special importance to the safe transportation of Head Start children. The use of standard Type I and Type II seat belts is inappropriate for children who weigh 50 pounds or less, because of the potential for injury from the seat belt itself. Children weighing 50 pounds or less should be seated in child restraint systems designed in accordance with FMVSS No. 213, "Child Restraint Systems." Since almost all Head Start children fall into this lower weight category, we have included such a requirement in the proposed rule. Our decision to include this requirement is based on consultation with such organizations as the American Academy of Pediatrics, the Children's National Medical Center in Washington, DC and the Riley Hospital for Children, Automotive Safety for Children Program in Indianapolis, Indiana. We are particularly interested in comments addressing age mixes of children with respect to child restraints (infants and toddlers).

III. Summary of the Proposed Regulation

The proposed rule:

* Applies to all Head Start grantees and delegate agencies that provide transportation services to and from the classroom and to special events, such as field trips and other group events, which take place away from the classroom but are an integral part of the scheduled activities for children.

* Requires that Head Start vehicles meet the FMVSS for school buses and prohibits the use of small vans in the transporting of Head Start children;

* Describes the minimum qualifications for operators of Head Start vehicles;

* Describes the pre-service and in-service training requirements for operators of Head Start vehicles;

* Describes the training requirements for parents and children in vehicle and pedestrian safety;

* Describes the requirements for transportation of children with disabilities; and

* Defines the role of Head Start agencies in local efforts to plan and implement coordinated transportation systems in order to achieve greater cost effectiveness in the overall cost of providing transportation.

The contents of this proposed rule are adopted from the following sources of information:

* 23 CFR, part 1204--Highway Safety Program Guideline No. 17, "Pupil Transportation Safety," referred to in this text as Guideline 17;

* 49 CFR, part 383--Commercial Driver's License Standards: Requirements and Penalties;

* 49 CFR, part 391--Qualifications of Drivers;

* 1990 National Standards for School Buses and School Bus Operations, National Safety Council; and

* Special Report 222, "Improving School Bus Safety," Transportation Research Board, National Research Council, 1989.

IV. Section-by-Section Discussion of the NPRM

Subpart A--General

Section 1310.1--Purpose

This section describes the purpose of the regulation and references the section of the Head Start Act upon which the regulation is based.

Section 1310.2--Applicability

This section states that the new rule applies to all Head Start grantees and delegate agencies that provide transportation services. It also includes a phase in period of three years from the effective date of the rule with certain exceptions. This phase-in period should not become a disin-

centive to agencies to implement requirements as early as possible but rather be a means by which agencies can carry out their implementation responsibilities with time for careful planning. We considered allowing waivers but decided against this approach given the many waiver requests this provision would have precipitated and the fact that we envision all affected Head Start agencies fully meeting all of the requirements no later than 3 years from its effective date. We welcome comments on whether the phase-in period provides enough time (or gives too much time) for a Head Start agency to fully comply with part 1310. Also we welcome comments on whether we should provide for waivers on certain requirements which are believed to be too difficult for all affected agencies to meet in the three year period and which do not compromise the safety of Head Start children.

Section 1310.3--Definitions

This section provides the definition of terms used throughout the proposed rule. Key words and phrases defined include "transportation" (which is defined as the regular transporting of children to and from the classroom, on field trips or other events which are an integral part of the daily activities for children), "vehicle" (which is a "school bus" as defined in the National Highway Traffic Safety Administration's (NHTSA) Guideline 17), "trip routing" (which means the process for determining the fixed routes to be traveled on a daily basis), "child restraint system" (which means a device designed to restrain children weighing 50 pounds or less); certain school bus equipment, including "stop signal arm" (which is a traffic control device) and "crossing control arm" (which is a device to keep children within the line of sight of the driver when crossing in front of the bus), and such terms as "training," "driver qualifications," "Transportation Supervisor" and "Bus Monitor," which define the staffing requirements for the transportation component.

Subpart B--Transportation Requirements

Section 1310.10--General

This section contains the general requirements for the provision of transportation services for Head Start families.

Paragraph (a) of this section requires that all Head Start agencies that provide transportation services either directly, through agency owned or

leased vehicles, or through contract with a public or private provider must meet the requirements of this part. (Please note that the definition of "transportation" deliberately excludes the transporting of small groups of children to and from medical appointments or other program services, and other "incidental" transportation, such as transporting a sick child home, which are outside of the scope of this regulation.)

Paragraph (b) requires Head Start agencies to document their decision not to provide transportation to all or a portion of their enrollment. It also requires that such a decision must be reviewed and updated annually. This documentation is needed in order to have on file evidence of compliance. We expect that the regular oversight of the Policy Council in matters relating to the proper functioning of a Head Start program will serve as a review of the agency's decision not to provide transportation. Since the work of the Policy Council is already a part of the operation of each Head Start Program, we did not reference the Policy Council in this rule.

We realize the difficulties some programs, especially rural programs, will face in making the decision of whether or not to provide transportation. There are cases where a single child needs transportation for a long distance or where several children's homes are widely scattered. These cases raise issues both about the cost of providing transportation and about the desire not to keep a Head Start eligible child out of the program for lack of transportation. We are particularly interested in comments on these problems and potential solutions. For example, should there be a "reasonableness exception clause" for individual cases such as the single child a living long distance from the center? And if there is a reasonableness clause, what transportation requirements should be in effect (e.g., age-appropriate restraints and placement in the vehicle)?

Paragraph (c) requires Head Start agencies which do not offer transportation to offer assistance in arranging for transportation services to Head Start families.

Paragraph (d) requires each Head Start program to have a Transportation Supervisor. In most Head Start programs, this responsibility is currently with the Head Start Director who, in some cases, lacks the expertise and the time to deal with the many facets of transportation. Therefore, we believe it is essential to have a staff

person assigned specifically to this function so that funds are set aside in each program's budget for hiring such a person, if necessary.

Paragraph (e) requires that every Head Start vehicle have a bus monitor (more, if necessary for disabled children), either a paid staff member or a volunteer, on the vehicle at all times when children are on board. A bus monitor is essential to assuring the safe transport of this age group of children and will assist with the seating and unseating of children in the child restraint systems, managing the behavior of the children while the bus is in motion and for assisting the driver in case of emergency. In some instances it may be necessary to have more than one monitor. While we did not specifically regulate in this area, we invite comment on the appropriate ratio of monitor to child.

Paragraph (f) requires Head Start agencies to report all accidents involving Head Start vehicles with or without children on board in accordance with State procedures. Accident reporting is a critical part of improving school bus safety, both in terms of vehicle safety and vehicle operations.

Paragraph (g) requires that Head Start vehicles be equipped with communications equipment, such as a citizen band radio, to call for assistance in case of an emergency.

Paragraph (h) requires that Head Start vehicles which operate in areas with extreme heat or cold be equipped with air conditioning, "winter packs" or other specialized equipment as appropriate to ensure the safety and comfort of the passengers.

Paragraph (i) provides the requirements for release of the children at the end of the day, either from the classroom or at the vehicle stop, to a duly authorized adult. Since the Head Start program is responsible for the care and safety of the children from the time they first enter the custody of the Head Start staff until they are returned to the custody of the parent or guardian, this provision is included to ensure that children are released only to duly authorized persons. This provision is extended to the non-transported child because it does not appear anywhere else in the Head Start regulations.

Section 1310.11--Vehicles

This section specifies the minimum requirements for all Head Start vehicles used to transport

groups of children to and from the classroom, to home-based socializations, to group health screening and on field trips or other group activities scheduled by the Head Start staff.

The requirements in this provision come from three sources. The Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR part 571), set performance standards applicable to motor vehicles as defined in 49 U.S.C. 30102(a)(6) and include standards specifically applicable to school buses. These regulations are binding on Head Start grantees operating transportation programs by virtue of their issuance by the National Highway Traffic Safety Administration (NHTSA).

Head Start vehicles seating more than 10 persons are considered school buses by NHTSA for purposes of compliance with the FMVSS. It is a violation of 49 U.S.C. 30112 for a vendor to sell a vehicle which does not comply with the FMVSS. Another source is Highway Safety Guideline 17 (23 CFR Part 1204) issued by NHTSA and the Federal Highway Administration (FHWA). This document is a set of recommendations to States concerning their policies on the operation of school buses. The proposed regulations would make these recommendations binding on Head Start grantees, except for certain requirements which are only binding "to the extent allowable under State law." Finally, there are also requirements in the regulations on the design and operation of vehicles which are imposed by ACF and are in addition to the requirements in Highway Safety Guideline 17 and the FMVSS.

Paragraph (a) requires that all Head Start vehicles comply with recommendations regarding "school buses," as contained in Guideline 17, except as provided otherwise in this regulation. The National Highway Traffic Safety Administration (NHTSA) has implemented the statutory definition of "school bus" which reads in part "a passenger motor vehicle which is designed to carry more than 10 passengers * * *" (Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, 88 Stat. 1470).

We have included this requirement for two reasons. First, experts agree that school bus transportation is one of the safest forms of transportation of school-age children. According to the National Safety Council's Accident Facts (1991), in 1989, fatality rates per hundred million passenger miles were 1.12 for passenger cars and

0.04 for school buses. Also in 1989, passenger cars were involved in 72.3 percent of all traffic crashes and 61.2 percent of all fatal crashes; whereas school buses were involved in only .2 percent of all traffic crashes and in .2 percent of all fatal crashes. Therefore, in addition to the requirement regarding the use of school buses, we have explicitly prohibited the use of small vans and the use of passenger cars in transporting Head Start children.

Secondly, NHTSA, in its interpretation of Guideline 17, has consistently maintained, from the inception of the FMVSS's for school buses, that Head Start programs are "schools" under the National Traffic and Motor Vehicle Safety Act and that Head Start children should only be transported on school buses that meet the FMVSS.

Paragraph (b) reiterates the requirement under 49 CFR part 571 as interpreted by NHTSA that Head Start vehicles seating more than 10 persons be constructed in compliance with the Federal Motor Vehicle Safety Standards (FMVSS) applicable to school buses. It also establishes minimum requirements for equipment on these vehicles, including emergency equipment and supplies, and requirements on the arrangement of exterior mirrors and specialized equipment including equipment for persons with disabilities as necessary. The latter requirements are imposed by ACF and are in addition to the recommendations in Highway Safety Guideline 17 and requirements in the FMVSS.

Paragraph (c) contains additional requirements for vehicle marking (such as color and lettering) and equipment (such as a stop signal arm and signal lamps) which were taken from Guideline 17 and are applicable, if permissible within State law. It is our intent to have every Head Start vehicle qualify to operate as a school bus, which means being marked and equipped as a school bus and having all the rights and privileges of a school bus on the streets and highways, including stopping traffic to load and unload children. However, we are aware that some States do not permit Head Start programs to operate school bus-like buses since they are not "schools" by State definition. This potential for variation among the States is, therefore, taken into account in the separate requirements contained in paragraphs (a) and (b). To assist Head Start programs in this regard, the Head Start Bureau has written to each of the State Directors of Pupil

Transportation requesting information about their State pupil transportation requirements, and this information is being analyzed to determine where barriers to this goal exist and to develop plans, State by State, for overcoming these barriers.

Paragraph (d) contains a process for grantees to follow to assure that manufacturers and vendors of vehicles comply with the FMVSS, including a clear statement of the intended use of the vehicle in the bid announcement and a prescribed procedure for examining the vehicle at the time of delivery. Therefore, it is a violation of Federal law for a vendor to knowingly sell a vehicle seating more than 10 persons to a Head Start program that does not meet the FMVSS when the intended use of that vehicle is made clear at the beginning of the transaction. (49 U.S.C. 30112)

Paragraph (e) specifies that vehicles in use which do not comply with the FMVSS must be replaced as soon as possible. We believe this can be accomplished within the three year phase-in period (Sec. 1310.2) now that, in accordance with 42 U.S.C. 9839(g)(2)(C), Head Start funds may be used for capital expenditures (including paying the cost of amortizing the principal and paying interest on loans) to purchase vehicles used for programs at Head Start facilities. This new authorization makes it possible for Head Start programs to plan more effectively and spread out their expenses over several funding periods. It also substantially reduces the amount of funds necessary to be allocated to transportation in the fiscal year in which these regulations become a Final Rule.

Paragraphs (f) through (j) prescribe specific passenger safety requirements while the vehicle is in motion. They require that all persons be seated while the vehicle is in motion, that baggage and other transported items be properly stored, and prohibit the use of auxiliary seating of any kind. Most importantly, paragraph (h) requires the use of seat belts by drivers and bus attendants and paragraph (i) requires the use of child restraints for all children. These requirements are being imposed by ACF.

The Highway Safety Program Guideline No. 17 recommends that "Passengers in school buses and school-chartered buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less should be required to wear occupant restraints (where provided) while the vehicle is in motion." (Citation: Guideline 17, Section C.2.e.(5)) We

believe that properly installed and properly used child restraints provide the maximum safety for Head Start children. It is our understanding that the bus manufacturers have recently begun to test new designs specifically for transporting preschool children. Therefore, going beyond the recommendations of Guideline 17, we are requiring the use of child restraint systems on all Head Start vehicles and that they meet the performance standards in the FMVSS, 49 CFR 571.213.

Paragraph (k) contains the requirements for safety inspection and routine maintenance of vehicles. They require the establishment of procedures for routine preventive maintenance, daily pre-trip inspections by the driver, and third party inspections at least once a year. These requirements are adapted from the recommendations in the National Standards for School Buses and School Bus Operations.

Section 1310.12--Driver Qualifications

Paragraph (a) of this section prescribes the minimum qualifications for drivers of Head Start vehicles, which include a minimum age of 21, a Commercial Driver's License (CDL), and all other screening requirements (e.g. physical, mental, moral, drug and alcohol abuse, etc.) established by their respective State. All drivers who operate a vehicle designed to carry 16 or more passengers were required by the Federal Highway Administration's (FHWA) Commercial Driver License Standards to have a valid commercial driver license by April 1962, and most Head Start drivers fall into this category. However, it is possible that some Head Start programs may operate vehicles that carry less than 16 passengers, since the definition of a bus includes smaller vehicles that carry 10 or more passengers. We believe that the screening procedures and the knowledge and skills tests required for obtaining a CDL are an important step in assuring that only the most qualified people are employed as Head Start drivers. Therefore, we are including the CDL as a requirement here in order to extend the requirement to all Head Start drivers, regardless of the size of the vehicle.

Paragraph (b) requires programs to establish their own applicant screening procedures. Paragraph (c) (1)-(4) provides a list of the elements which should be included in each agency's screening process, such as an application with educational background, employment history and personal references, an interview procedure, a

check of the applicant's driving record through the National Driver Registry and the State Department of Motor Vehicles, a physical examination, and a test of visual acuity.

Under the CDL program, drivers of vehicles involved in purely intrastate commerce (as is the case for almost all Head Start drivers):

(1) Are only required to pass the knowledge and skills test for the particular vehicle they will be operating; and (2) are exempt from the age and physical qualifications requirements contained in 49 CFR part 391, "Qualifications of Drivers." This means that drivers of Head Start vehicles need only comply with their respective State standards in these two areas, which vary considerably from State to State. In some States the minimum age to drive a school bus is 16. We have chosen to adopt the minimum age requirement (21) contained in 49 CFR part 391 as the minimum age for drivers of Head Start vehicles. Some States have minimal or no physical qualifications standards for school busdrivers. Therefore, we are proposing to require that a physical examination, performed by a licensed doctor of medicine or osteopathy, be included in the screening procedures. We believe this is necessary to assure that Head Start vehicles are operated by mature and physically able individuals.

Section 1310.13--Driver Training

This section contains the pre-service and in-service training requirements for Head Start drivers.

The number of hours of training are the same as those recommended in the National Standards for School Buses and School Bus Operations. It specifies that Head Start drivers must have a minimum of 40 hours of skills training (a combination of classroom and behind-the-wheel instruction) prior to transporting children. The content areas include safe operation of the vehicle, how to run a fixed route, first aid, handling emergencies, operating special equipment, conducting routine maintenance and keeping accurate records. In addition to the skills training requirements, drivers must receive an orientation to the goals and objectives of Head Start, instruction on the role of the Head Start driver as part of the Head Start team, and specific instruction on the Head Start Performance Standards for Children with Disabilities as they relate to the provision of transportation services.

The proposed rule also requires a minimum of 8 hours of in-service training annually to maintain driver skills, enhance the driver's ability to perform daily tasks, and assist the transportation staff in staying abreast of information and/or developments in transportation technology.

The proposed rule requires Head Start agencies to be knowledgeable of driver training requirements in their respective State and to take whatever steps are necessary for their drivers to qualify to operate Head Start vehicles as school buses. The requirement in this section, along with Sec. 1310.11 (b) and (c), reflect our belief that the ability to operate Head Start vehicles as school buses, from the standpoint of the driver as well as the vehicle, adds significantly to the level of safety.

As with the driver qualifications requirements discussed in the previous section, we know that there is significant variation among the States in their driver training requirements. Some States, in fact, have no training requirements, while other States have comprehensive training programs which reflect the recommendations in Guideline 17 and the National Standards for School Bus Operations. Paragraph (e) of this section, therefore, requires Head Start agencies, in the absence of an appropriate State or local training program, to obtain the necessary training from other sources or develop their own training programs using the National Standards for School Bus Operations and/or the NHSTA driver training curriculum as a guide. We are aware of the difficulties this may present for some programs in the short term and believe the phase in period will be helpful. We are also aware of the need to assist Head Start programs in this area, and will be providing technical assistance, as needed, and further guidance in the future.

The remaining paragraphs of this section require current drivers of Head Start vehicles to meet the same training requirements as new drivers within three months of the effective date of this rule, require drivers to be evaluated annually by the Transportation Supervisor, and require bus monitors to receive the same classroom training as drivers.

Subpart C--Special Requirements

Section 1310.20--Trip Routing

This section prescribes the minimum requirements for determining and traveling the

fixed routes to be used on a daily basis to transport children to and from the classroom. In its Special Report 222, "Improving School Bus Safety," the Transportation Research Board, National Research Council stated: "The principles of school bus routing are well known. They should be consciously applied and should not be sacrificed for operational efficiency, student convenience, or political expediency." Paragraph (a) of this proposed section requires that the primary consideration in the determination of the fixed routes be the safety of the children. The basic principles included in paragraph (a)(2)-(6) are adopted from the National Standards for School Bus Operations and Special Report 222. They include such requirements as locating stops to minimize traffic disruptions and to minimize the need for children to cross in front of the bus. Where children are required to cross the street to board or exit the bus, there are strict procedures for escorting children across the street or highway. Loading of vehicles beyond their capacity is prohibited, as is arrangement of routes such that vehicles would be required to back up or negotiate "U" turns.

Finally, paragraph (a)(1) of this section limits the amount of time children may be in transit to and from the classroom to one hour in each direction. Anything beyond one hour is considered in terms of "best practice" to be detrimental to the quality of the pre-school experience for the children.

Section 1310.21--Safety Education

According to Special Report 222, most child deaths in school bus-related accidents occur off the bus in school bus loading zones, resulting in the need for safety education programs that specifically address appropriate behavior in school bus loading zones. Likewise, Guideline 17 includes the recommendation that "All children should be instructed in safe transportation practices for walking to and from school."

This section prescribes the safety training to be provided to children and their parents in both pedestrian safety and safe riding practices. It requires that the initial transportation and pedestrian safety training for children and parents occur within the first five days of the program year. It requires Head Start agencies to teach the parents what is being taught to the children so that safe pedestrian behavior can be reinforced in the home and during non-school hours.

This section also requires Head Start agencies to instruct children in safe riding practices (including the use of the child restraint system), safety procedures for boarding and leaving the bus and in crossing the street in front of the bus, and in recognizing the danger zones around the bus. Children must be instructed in emergency evacuation procedures and participate in at least three emergency evacuation drills over the course of the year.

Finally, this section requires classroom teachers to develop activities to remind children of the safety procedures prior to departing the classroom at the end of the day.

Section 1310.22--Children With Disabilities

This section cross-references the proposed rules for transportation with the Head Start Program Performance Standards on Services for Children with Disabilities. It places joint responsibility for compliance on the Disabilities Coordinator and the Transportation Supervisor and requires that any special transportation requirements for children with disabilities, such as special pickup and drop-off locations, special seating requirements, special equipment, etc., be specified in the Individual Education Plan for the child.

Section 1310.23--Coordinated Transportation

The Administration for Children and Families is a participant in the Joint Department of Health and Human Services/Department of Transportation Coordinating Council on Human Services Transportation, which was formed in October 1986 through a Memorandum of Understanding between the Department of Health and Human Services and the Department of Transportation. One of the goals of the Council is to achieve the most cost effective use of Federal, State and local resources for specialized and human services transportation. The requirements in this section are designed to promote this goal.

This section requires Head Start agencies, whenever possible and to the extent feasible, to coordinate transportation resources with other human services transportation agencies in the community in order to control costs and to maximize the quality and extent of transportation services provided to Head Start families.

This section also requires Head Start agencies to determine the true cost of providing

transportation services in their locality so that they can make knowledgeable choices between transportation options. Additionally, it requires Head Start agencies to be proactive in serving on local transportation councils, or in forming a local council where none exists, in order to promote the concept of coordinated transportation.

We acknowledge that the degree and manner to which Head Start programs participate in coordinated systems may, to some extent, depend upon whether or not the services provided by the coordinated system comply with these standards. As drafted, this proposed rule requires that if a Head Start agency is using a coordinated system, they have to be sure that the system is operating the way the rule proposes. We want to continue to support coordination as much as possible without undermining concerns for the safety of Head Start children. However, we are concerned that there are now children, especially geographically isolated children, being served through coordinated systems which may not meet the safety standards contained in this proposed rule. Therefore, we are especially interested in soliciting comments on this issue. For example, should there be a "reasonableness exception clause" for individual cases in which a child might otherwise remain unserved by Head Start? If so, what rules should apply?

V. Impact Analysis

Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in this Executive Order. The Department has determined that this rule is consistent with these priorities and principles. This Notice of Proposed Rule-making implements the statutory authority to promulgate regulations for the safe transportation of Head Start children. Congress made no additional appropriation to fund this new authority, however, and so any money spent toward the purchase of vehicles, additional personnel, training or other purposes related to this regulation is money that would have been spent otherwise by the program or other programs from the same appropriation amount. We believe that we have focused these proposed rules in ways that encourage maximum cost-effectiveness in transportation spending decisions. We request comments on possible improvements.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a "significant economic impact on a substantial number of small entities" an analysis must be prepared describing the rule's impact on small entities.

Small entities are defined by the Act to include small businesses, small non-profit organizations and small governmental entities. These regulations would affect small entities. However, it should be noted that many grantees already provide transportation services in accordance with State and local requirements. We believe meeting these proposed requirements would not be burdensome to them because we are providing a three year phase-in period for compliance with one exception pertaining to training for current Head Start drivers, for which we propose a 90 day compliance period. The financial burden on grantees who acquire vehicles that meet the standards in these proposed regulations will be eased by a new provision in the Head Start Act which authorizes the Secretary to allow Head Start grantees to use grant funds to pay the cost of amortizing the principal and the interest on loans to finance the purchase of vehicles (42 U.S.C 9839(g)(2)(C)). We also believe that as grantees become more familiar with these requirements, there will be no ongoing burden. For these reasons, the Secretary certifies that these rules will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record-keeping requirement inherent in a proposed or final rule. This NPRM contains new information collection requirements at Sec. 1310.10(b). We will submit this section to OMB for review and approval.

Organizations and individuals desiring to submit comments on this NPRM's compliance with the Paperwork Reduction Act should direct them to the agency official designated for this purpose, whose name appears in this preamble, and to the Office of Information and Regulatory Affairs,

OMB, New Executive Office Building (Room 3002), Washington, DC. 20503, Attention: Desk Officer for the Administration for Children and Families, HHS.

List of Subjects in 45 CFR Part 1310

Driver qualifications, Driver training, Head Start, Safety education, Transportation, Vehicles.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: June 9, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

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For the reasons set forth in the preamble, a new part 1310 is proposed to be added to 45 CFR chapter XIII to read as follows:

PART 1310--HEAD START TRANSPORTATION

Subpart A--General

Sec.

1310.1 Purpose.

1310.2 Applicability.

1310.3 Definitions.

Subpart B--Transportation Requirements

1310.10 General

1310.11 Vehicles.

1310.12 Driver qualifications.

1310.13 Driver training.

Subpart C--Special Requirements

1310.20 Trip routing.

1310.21 Safety education.

1310.22 Children with disabilities.

1310.23 Coordinated transportation.

Authority: 42 U.S.C. 9801 et seq.

Subpart A--General

Sec. 1310.1 Purpose.

This part prescribes regulations implementing section 640(i) of the Head Start Act (42 U.S.C. 9801 et seq.) as it applies to grantees and delegate agencies operating Head Start programs under

the Act. It prescribes new requirements for the transportation of Head Start children to and from the classroom and to special events, such as field trips and other group events, which take place away from the classroom but are an integral part of the scheduled activities for children. It describes the safety standards for vehicles used in the regular transportation of Head Start children, as well as the qualifications and training requirements for operators of those vehicles. It includes general training requirements for drivers in their overall responsibilities regarding children and parents in the daily operation of the program. It also defines the role of Head Start agencies in achieving greater cost effectiveness in the overall cost of providing transportation through participation in local efforts to develop coordinated transportation systems under the authority provided by section 644 (a) and (c).

Sec. 1310.2 Applicability.

(a) This rule applies to all Head Start grantees and delegate agencies that provide transportation services to enrolled children.

(b) Except for Sec. 1310.13(f) which becomes effective 90 days from final publication, Head Start grantees and delegate agencies have up to three years from the effective date of this part to comply with all of the requirements of this part.

Sec. 1310.3 Definitions.

Crossing control arm means a device installed in the right side of the front bumper of the bus such that, when the door of the bus is opened to admit or discharge passengers, the control arm swings out for a distance of several feet and becomes an obstacle that children must walk around in crossing in front of the bus.

Stop signal arm means a device installed in the left side of the bus, octagonal in shape with white letters and border and a red background, and with a flashing lamp which is connected to the alternately flashing signal lamp circuits.

Reverse beeper means a device which automatically sounds an intermittent alarm whenever the bus is engaged in reverse.

Type I seat belt means a lap belt for pelvic restraint.

Type II seat belt means a combination of belts for pelvic and upper torso restraint.

Driver means a person authorized by the responsible Head Start program official to operate a school bus, including a paid employee, a volunteer or a substitute for the person regularly assigned to operate the vehicle.

Guideline 17 means the National Highway Traffic Safety Administration (NHTSA)/Federal Highway Administration (FHWA) Highway Safety Program Guideline 17, "Pupil Transportation Safety" (23 CFR Part 1204).

Commercial Driver's License (CDL) means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, to an individual which authorized the individual to operate a class of a commercial motor vehicle.

Bus monitor means a person with specific responsibilities for assisting the driver in insuring the safety of the children on and off the bus and for assisting the driver during emergencies.

National Standards for School Buses and School Bus Operations means the recommendations resulting from the Eleventh National Conference on School Transportation, May 1990, published by the National Safety Council, Chicago, Illinois. The conference reconvenes every five years to update the standards.

Winter packs are devices that are available from vehicle manufacturers as extra equipment on vehicles that operate in areas of extreme cold temperatures. These devices help maintain the ambient temperature of the engine compartment in order to protect the engine oil and coolant from the effects of extreme cold and to facilitate starting of the vehicle.

Driver qualifications means the minimum health, education, code of conduct and other similar requirements that must be demonstrated in order to be eligible for employment as a Head Start driver.

National Driver Register, also called the Problem Driver Pointer System, means the National Highway Traffic Safety Administration's automated system for assisting State driver license officials in obtaining information regarding the driving records of certain individuals. Participation by the States is voluntary.

Fixed route means the established routes to be traveled on a daily basis by Head Start vehicles to transport children to and from the Head Start

classroom, and which include specifically designated stops for loading and unloading children.

Trip routing means the determination of the fixed routes to be traveled on a daily basis for the purpose of transporting children to and from the classroom.

Federal Motor Vehicle Safety Standards (FMVSS) means the National Highway and Traffic Safety Administration's standards for motor vehicles and motor vehicle equipment established under section 103 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply to school buses.

Transportation Supervisor means a staff person who has overall responsibility for the safe and efficient operation of the transportation component as outlined in these requirements.

Child restraint system means any device except Type I and Type II seat belts designed to restrain, seat, or position children who weigh 50 pounds or less as described in the FMVSS, 49 CFR 571.213.

Training means a prescribed course of instruction for drivers of vehicles provided by persons certified to provide such instruction and which includes a combination of classroom instruction and behind-the-wheel instruction on a vehicle of the same type and same size the driver will be operating. It also means instruction by qualified professionals in the areas of vehicle maintenance, first aid and emergency procedures.

Transportation means the transporting of children to and from the classroom and to home-based socialization where children are picked up and discharged at pre-arranged locations and at regularly scheduled times. It also means the transporting of children on field trips, health screening, or other activities scheduled by the Head Start staff. Incidental transportation, such as might be required to transport small groups of children to and from services or to transport a sick child home before the end of the day, is excluded from these regulations.

Coordinated transportation means the consolidation of transportation resources within a community in order to eliminate duplication, while providing the same, or increasing, the level of transportation services or reducing unnecessary spending on transportation services.

Vehicle means a school bus as defined in Guideline 17.

School bus loading zone means the designated pick and drop off location at the Head Start center and any stop along the fixed route.

Subpart B--Transportation Requirements

Sec. 1310.10 General.

(a) All Head Start grantees and delegate agencies that provide transportation services regardless of whether such transportation is provided directly on agency owned or leased vehicles or through contract with a private or public provider must meet the requirements of this part.

(b) Head Start agencies that do not provide transportation services, or that provide such services to only a portion of their enrolled children, must document the reasons why they have decided not to provide transportation, or to provide transportation to some children and not to others. In addition agencies must review and update this documentation annually.

(c) When the Head Start agency has decided not to provide transportation services, either for all or part of the children, the Head Start agency must provide whatever assistance is reasonable to help families arrange transportation for their children to and from the classroom. The specific types of assistance being offered must be made clear to all prospective families in the program's recruitment announcements.

(d) Each Head Start program must have either a full-time or part-time Transportation Supervisor, or a staff person (with the time and expertise to devote to this area) designated as the Transportation Supervisor who is responsible for ensuring compliance with regulations in this part.

(e) In addition to the vehicle's driver, each Head Start vehicle must have a Bus Monitor on board at all times when transporting Head Start children on a regular basis. Additional Bus Monitors also must be provided as necessary to accommodate the needs of children with disabilities.

(f) All accidents involving Head Start vehicles, with or without children on board, must be reported in accordance with the State procedures for reporting school bus accidents.

(g) Head Start vehicles must be equipped with a citizen band radio or similar communication

system to call for assistance in case of an emergency.

(h) Head Start vehicles that operate in areas of extreme climatic conditions should include such equipment as is necessary, such as air conditioning, winter packs, or other specialized equipment as appropriate to ensure the safe operation of the vehicle and the safety and comfort of the passengers.

(i) At the end of the day, either at the classroom or at the vehicle stop, children may only be released to the parent or legal guardian, or other individual identified in writing by the parent or legal guardian. Head Start programs should advise parents accordingly at the time of enrollment, and maintain the names of authorized persons, including alternates in case of emergency, in the case record for the family. Child rosters must be maintained at all times to ensure that no child is left behind, either at the classroom or on the bus at the end of the route.

Sec. 1310.11 Vehicles.

(a) All vehicles used for the purpose of transporting Head Start children (as defined in Sec. 1310.3 of this part) must comply with recommendations regarding "school buses," as contained in Guideline 17, except where provided otherwise in this regulation. (23 CFR part 1204, Highway Safety Guideline 17.) The use of small vans designed to carry ten or fewer persons, including the driver, and the use of passenger cars for the purpose of transporting children are prohibited by this regulation.

(b) At a minimum, all vehicles used to transport Head Start children to and from the classroom, to home-based socialization, to group health screening, and on field trips or other activities scheduled by the Head Start staff must:

(1) Comply with the Federal Motor Vehicle Safety Standards (FMVSS) applicable to school buses;

(2) Be equipped with safety equipment for use in an emergency, including a charged fire extinguisher that is properly mounted near the driver's seat, and a first aid kit with signs indicating the location of such equipment;

(3) Have a system of mirrors that conforms to the school bus requirements of FMVSS No. 111 (49 CFR 571.111) and provides the seated driver with a view to the rear along both sides of the bus

and a view of the front bumper and the area in front of the bus;

(4) Be equipped with a lower step panel at the primary point of access to enable small children to step on and off the bus safely and unassisted;

(5) Be equipped with reverse beepers; and

(6) Have specialized equipment, such as wheel chair lifts or other assistance devices as necessary to guarantee equal access to disabled children.

(c) To the extent allowable within State requirements, vehicles owned, leased, or operated by Head Start must comply with the following additional recommendations for identification and equipment of a school bus contained in Guideline 17, as follows:

(1) Be identified with the words "School Bus" printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear, and have no other lettering on the front or rear of the vehicle except as required by Federal Motor Vehicle Safety Standards (FMVSS), 49 CFR part 571;

(2) Be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of National Institute of Standards and Technology (NIST) Federal Standard No. 595a, Color 13432, except that the hood should be either that color or lusterless black, matching NIST Federal Standard No. 595a, Color 37038;

(3) Have bumpers of glossy black, matching NIST Federal Standard No. 595a., Color 17038, unless, for increased visibility, they are covered with a reflective material;

(4) Be equipped with a stop signal arm as specified in FMVSS No. 131(49 CFR 571.131) and a crossing control arm; and

(5) Be equipped with a system of signal lamps that conforms to the performance requirements of FMVSS No. 108 (49 CFR 571.108).

(d) In order to insure that the manufacturers of Head Start vehicles comply with the applicable FMVSS standards, Head Start agencies must:

(1) Assure that bid announcements contain the correct specifications for the vehicle(s) to be purchased, including a clear statement of the intended use of the vehicle; and

(2) Have a prescribed procedure for examining new vehicles at the time of delivery to assure that they are equipped in accordance with the bid specifications and that the manufacturer's certification of compliance with the FMVSS is in place.

(e) Head Start vehicles in use which do not comply with the FMVSS and the minimum capacity requirement must be replaced or retired within the three year period authorized by this regulation. (In accordance with 42 U.S.C. 9839(g)(2)(C), with the permission of the Secretary, Head Start funds may be used for capital expenditures (including paying the cost of amortizing the principal and paying interest on loans) to purchase vehicles used for programs conducted at Head Start facilities.)

(f) All passengers on a Head Start vehicle must be seated while the vehicle is in motion.

(g) Auxiliary seating, such as temporary or folding jump seats, is prohibited.

(h) Drivers of Head Start vehicles, Bus Monitors, and other passengers must wear seat belts while the vehicle is in motion.

(i) While the vehicle is in motion, all children must be seated in a child restraint system appropriate to the height and weight of the child as set forth in the performance requirements in FMVSS (49 CFR 571.213).

(j) Baggage and other items transported in the passenger compartment must be properly stored and secured so that the aisles remain clear and the doors and emergency exits remain unobstructed at all times.

(k) Head Start vehicles must be maintained in safe operating condition at all times. Procedures must be established for:

(1) A thorough safety inspection of each vehicle on at least an annual basis through an inspection program licensed or operated by the State;

(2) Performing systematic preventive maintenance on Head Start vehicles; and

(3) Daily pre-trip inspection of the vehicle by the Head Start driver.

Sec. 1310.12 Driver qualifications.

(a) In order to qualify to drive a Head Start vehicle, a person must, at a minimum:

(1) Be at least 21 years old;

(2) Have a Commercial Driver's License (CDL) as granted by a State pursuant to FHWA's Commercial Driver's License Standards (49 CFR part 383); and

(3) Meet all the physical, mental, moral and other requirements established by Federal and State regulations, including requirements regarding drug and/or alcohol misuse or abuse.

(b) Each Head Start program must establish its own applicant screening procedure. Applicants must be advised of the specific background checks required at the time application is made, and Head Start agencies must have established criteria for the rejection of unacceptable applicants.

(c) At a minimum, applicant screening procedures must include:

(1) An application which provides employment history, educational background and personal references;

(2) An interview and screening procedure which, among other things, is designed to determine that the person is of good moral character, does not use intoxicating beverages to excess and does not use narcotic and other illegal drugs;

(3) A check of the applicant's driving record through the State Department of Motor Vehicles, including a check of the applicant's record through the National Driver Register, if available in the State; and

(4) A physical examination, performed by a licensed doctor of medicine or osteopathy, to determine that the person possesses the physical ability to operate a school bus based on the requirements in their respective State.

Sec. 1310.13 Driver training.

(a) Driver training plans must include both pre-service and annual in-service training programs.

(b) Pre-service training.

(1) All Head Start drivers must receive a minimum of 40 hours of skills training prior to transporting children. Skills training should encompass a combination of classroom instruction and behind-the-wheel instruction sufficient to enable the driver to:

(i) Operate the vehicle in a safe and efficient manner;

(ii) Safely run a fixed route, including loading and unloading children, stopping at railroad crossings and other specialized driving requirements;

(iii) Administer basic first aid in case of injury;

(iv) Handle emergency situations, including school bus evacuation procedures;

(v) Operate any special equipment, such as wheel chair lifts, assistance devices or special occupant restraints;

(vi) Conduct routine maintenance and safety checks of the vehicle; and

(vii) Maintain accurate records.

(2) In addition to the skills training, pre-service training should include:

(i) An orientation to the goals and objectives of Head Start with an emphasis on the educational and developmental needs of children;

(ii) The role of the Head Start Driver in providing a supportive social and emotional climate for children and in supporting the role of parents in the Head Start program; and

(iii) An overview of the Head Start Program Performance Standards for Children with Disabilities as they relate to the provision of transportation services for disabled children.

(c) In-service training.

(1) Head Start drivers should receive a minimum of 8 hours of in-service training per year.

(2) In-service training plans should be designed to maintain driver skills, enhance the driver's ability to perform day-to-day duties and, generally, assist the transportation staff in keeping abreast of new information technology and/or new developments in transportation technology.

(d) Head Start programs must be knowledgeable about the driver training requirements in their respective State and must take whatever steps are necessary in order for Head Start drivers to qualify to operate Head Start vehicles as school buses on the streets and highways in their respective State.

(e) In those States with driver training requirements that do not meet the minimum requirement set forth in Sec. 1310.13 (b) and (c) of this part, Head Start programs must obtain the

additional training from other sources or establish their own training programs. In such cases, it is recommended that the National Standards for School Buses and School Bus Operations be used as a guide in the selection and/or development of driver training programs.

(f) Drivers of Head Start vehicles who are employed at the effective date of this regulation are required to meet the same pre-service training requirements as new drivers, within three months of the effective date of this regulation.

(g) Head Start drivers must be evaluated on an annual basis by the Transportation Supervisor, including an on-board observation of road performance.

(h) Bus Monitors should receive the same pre-service and in-service training as busdrivers, with the exception of the behind the wheel instruction.

Subpart C--Special Requirements

Sec. 1310.20 Trip routing.

(a) In planning routes for the transporting of children to and from the classroom, maximum safety of the children must be the primary consideration. Safety principles may not be sacrificed for operational efficiency.

(b) At a minimum, the following basic principles of trip routing must be adhered to at all times:

(1) The time a child is in transit to and from the Head Start classroom may not exceed one hour each way, unless specifically approved in writing by the respective Regional Office.

(2) The number of children to be picked up or discharged on a given route may not exceed the capacity of the vehicle. Vehicles may not be loaded beyond their capacity at any time.

(3) Vehicles should not be required to back up on their routes or to negotiate "U" turns.

(4) Stops should be located to minimize traffic disruptions and to afford the driver a good field of view in front of and behind the vehicle.

(5) Stops should be located to minimize the need for children to cross the street or highway to board or leave the vehicle.

(6) If children must cross the street or highway to board the bus or after exiting the vehicle,

they must be escorted across the street by the driver, bus monitor or another adult. Before escorting children across the street, the driver must turn on the flashing lights, set the emergency brake, turn the engine off, and remove the key from the ignition. Under no circumstances may bus stops be located such that children must cross the street or highway unless the vehicle is properly equipped to stop traffic as described in Sec. 1310.11(c)(1)-(5) of this Part.

(7) Specific procedures must be established for use of alternate routes in the case of hazardous weather conditions or other situations which may arise that could effect the safety of the children en route.

Sec. 1310.21 Safety education.

(a) In walk-in areas, the parent or other designated individual is ultimately responsible for the safety of their own child en route to and from the classroom. However, Head Start programs must provide training for parents and children in pedestrian safety. All Head Start children should be taught, by explanation and by example, the proper procedure for street crossing and the use of traffic and pedestrian signal lights, except that, under no circumstances, should such training encourage pre-school children to cross the street alone.

(b) Each child transported from home to the classroom in a school bus must receive instruction in:

(1) Safe riding practices;

(2) Safety procedures for boarding and leaving the bus;

(3) Safety procedures in crossing the street to and from the bus at bus stops;

(4) Recognizing the danger zones around the bus; and

(5) Emergency evacuation procedures, including an emergency evacuation drill conducted on the bus the child will be riding.

(c) Training for parents must emphasize the importance of escorting their child(ren) to the bus stop and the importance of reinforcing the training provided to children regarding school bus safety.

(d) The training provided to parents must compliment the training provided to children so

that safety practices can be reinforced both in the classroom and at home by the parent.

(e) Initial transportation and pedestrian safety education for both children and parents must occur within the first five days of the program year.

(f) At least two additional bus evacuation drills must be conducted during the program year.

(g) Activities should be developed by the classroom teachers to remind children of the safety procedures prior to departing the classroom at the end of each day.

Sec. 1310.22 Children with disabilities.

(a) The Transportation Supervisor, in conjunction with the Disabilities Coordinator, must ensure compliance with the Head Start Program Performance Standards on Services for Children with Disabilities (45 CFR part 1308) as they relate to transportation services.

(b) Any special transportation requirements for children with disabilities must be specified in the Individual Education Plan (IEP), including:

- (1) Special pickup and drop-off requirements;
- (2) Special seating requirements;
- (3) Special equipment needs;
- (4) Any special assistance that may be required; and
- (5) Any special training for busdrivers and monitors.

Sec. 1310.23 Coordinated transportation.

(a) Whenever possible and to the extent feasible, Head Start agencies and their delegates must coordinate transportation resources with other human services agencies in the community in order to control costs and to maximize the quality and extent of the transportation services provided to Head Start families. At a minimum, Head Start agencies must coordinate transportation services as follows:

(1) Identify the true costs of providing transportation in order to knowledgeably compare the costs of providing transportation directly versus contracting for the service;

(2) Where a coordinated public or private transportation system(s) exists in the community, serve on the local transportation council or committee and fully explore coordination as a viable transportation option;

(3) Where no coordinated public or private non-profit transportation system exists in the community, make every effort to identify other human services agencies also providing transportation services and, where feasible, to provide the impetus for establishing a local transportation coordinating council; and

(4) Maintain such records as are necessary to document compliance with the coordination requirements and efforts to address transportation needs in the community.

[Reserved]

Appendix F

Status of Safety Recommendations H-96-14 Through -16 on Child Restraint Systems

Safety Recommendation H-96-14

Open— Unacceptable Action	Open— Acceptable Response	Open—Await Response			Open—Initial Response
Maryland Utah	Alabama Hawaii Indiana New York Texas Virginia	Alaska American Samoa Arizona Arkansas California Colorado Connecticut District of Columbia Delaware Florida Georgia Guam Idaho Illinois Iowa	Kansas Kentucky Louisiana Maine Massachusetts Michigan Minnesota Mississippi Missouri Montana Nebraska Nevada New Jersey New Mexico North Carolina North Dakota	Northern Mariana Ohio Oklahoma Oregon Pennsylvania Puerto Rico Rhode Island South Carolina South Dakota Tennessee Vermont Virgin Islands Washington West Virginia Wisconsin Wyoming	New Hampshire

Safety Recommendation H-96-15

Open— Unacceptable Action	Open— Acceptable Response	Open—Await Response			Open—Initial Response
Virginia Utah	Alabama Hawaii Indiana New York Texas	Alaska American Samoa Arizona Arkansas California Colorado Connecticut District of Columbia Delaware Florida Georgia Guam Idaho Illinois Iowa Kansas	Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Montana Nebraska Nevada New Jersey New Mexico North Carolina North Dakota Northern Mariana	Ohio Oklahoma Oregon Pennsylvania Puerto Rico Rhode Island South Carolina South Dakota Tennessee Vermont Virgin Islands Washington West Virginia Wisconsin Wyoming	New Hampshire

Safety Recommendation H-96-16

Closed— Acceptable Action	Open— Unacceptable Action	Open— Acceptable Response	Open—Await Response		Open—Initial Response
Georgia Maryland Virginia	Utah	Alabama Indiana New York Texas	Alaska American Samoa Arizona Arkansas California Colorado Connecticut District of Columbia Delaware Florida Guam Hawaii Idaho Illinois Iowa Kansas Kentucky Louisiana Maine Massachusetts Michigan Minnesota	Mississippi Missouri Montana Nebraska Nevada New Jersey New Mexico North Carolina North Dakota Northern Mariana Ohio Oklahoma Oregon Pennsylvania Puerto Rico Rhode Island South Carolina South Dakota Tennessee Vermont Virgin Islands Washington West Virginia Wisconsin Wyoming	New Hampshire

Abbreviations and Acronyms

CFR	<i>Code of Federal Regulations</i>
CSRS	child safety restraint systems
CTAA	Community Transportation Association of America
DHHS	Department of Health and Human Services
FMVSS	Federal Motor Vehicle Safety Standards
GVWR	Gross Vehicle Weight Rating
MGCAA	Middle Georgia Community Action Agency, Inc.
MTA	Miami Transit Authority
NACCP	National Association of Child Care Professionals
NAIS	National Association of Independent Schools
NASDPTS	National Association of State Directors of Pupil Transportation Services
NAPT	National Association for Pupil Transportation
NCCA	National Child Care Association
NHSA	National Head Start Association
NHTSA	National Highway Traffic Safety Administration
NPRM	Notice of Proposed Rulemaking
NSBA	National School Boards Association
PTA	Parent Teacher Association
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association