

Position Paper



NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES

Vans Used for School Transportation

Background

In recent years, the use of passenger vans to transport children to and from school and school-related activities has become a significant issue. In an apparent effort to reduce transportation costs, some school districts across the nation have purchased or leased full-sized passenger vans with capacities of more than 10 persons, and/or mini-vans with capacities under 10 passengers, in lieu of school buses. Since drivers of these vehicles are not required to possess a Commercial Drivers License, school districts may be able to bypass a number of state/local-mandated requirements. In addition to the lack of a Commercial Drivers License, drivers of vans may not receive specialized driver training, a background check, a physical, drug and alcohol testing, or a driver record check. This is an alarming situation with potentially disastrous consequences.

Discussion

Under federal law, any motor vehicle designed to carry more than 10 persons is classified as a bus. A bus is classified as a school bus if it is used, or intended for use, in transporting students to and from school or school-related activities. At the direction of the U.S. Congress, the U.S. Department of Transportation, National Highway Traffic Safety Administration, only has authority over the manufacture and first sale of a motor vehicle. After a vehicle is sold, only state and local governments can regulate the use of motor vehicles.

Federal law prohibits dealers from selling/leasing a motor vehicle with a capacity of more than 10 persons for the purpose of transporting students to and from school or a school-related activity unless the vehicle complies with the applicable Federal Motor Vehicle Safety Standards for school buses. While there is no federal prohibition against dealers selling or leasing used full-sized vans or new/used mini-vans for the purpose of transporting students, such actions are counter to the basis for the federal law previously mentioned – students are safer in school buses. Likewise, there are no federal prohibitions against companies renting vans to schools, unless the rental company purchases a new full-sized van for the purpose of renting the van to a school.

Manufacturers of full-sized passenger vans (Chrysler Corporation, Ford Motor Company, and General Motors Corporation) have provided written notification to each of their dealers of the federal law as a reminder not to sell/lease passenger vans with seating capacities of more than 10 persons to schools. Unless the van has been modified, and certified by the manufacturer/modifier as a school bus, it is considered a “non-conforming” van, since it does not conform to the Federal Motor Vehicle Safety Standards for school buses. It is the responsibility of the seller/lessor to ascertain the intended use of the vehicle. The seller/lessor is subject to substantial penalties for knowingly selling or leasing a vehicle that does not meet the Federal Motor Vehicle Safety

Standards for school buses, including civil fines and injunctive sanctions. It is unfortunate that some sellers/lessors apparently are ignoring this information.

Full-sized passenger vans and mini-vans do not offer the same level of safety to occupants as a full-sized school bus or a school bus built on a van-type chassis. In a crash, the risk of a serious injury or fatality is significantly higher for the occupants of a van. Typically, any crash resulting in serious injuries or fatalities to school children results in lawsuits. The fact that a school used a vehicle that was not manufactured, sold, or leased in accordance with federal laws governing school transportation most likely would be a significant issue in the lawsuit. Depending upon state insurance regulations and insurance policies themselves, this fact could have an impact on the liability responsibilities of the insurance company used to insure the operations of the school.

The National Highway Traffic Safety Administration (NHTSA) has investigated and fined a number of dealers for violating the federal law. The National Association of State Directors of Pupil Transportation Services supports these actions by NHTSA, and encourages everyone to report illegal sales or leases of non-conforming vans to NHTSA. The agency maintains a toll-free Auto Safety Hotline [1-800-424-9393] that can be used to report such information to NHTSA's Office of Chief Counsel.

Conclusions

The National Association of State Directors of Pupil Transportation Services believes that it is appropriate to require higher levels of safety in vehicles that transport children to and from school and school-related activities. Accordingly, the State Directors Association supports the position that school children should be transported in school buses which provide the highest levels of safety, not in full-sized vans or mini-vans which do not meet the stringent school bus safety standards issued by the federal government and recommended by the National Conference on School Transportation, an organization of state school transportation officials.

The State Directors Association endorses the October 15, 1997, statement of Dr. Ricardo Martinez, Administrator of NHTSA at that time, -- "A school's purchase or use of 10-15 passenger vans or non-school buses could result in school children being transported in vehicles that do not provide an appropriate level of safety." The State Directors Association believes states are in the best position to ensure that vans of any size, both new and used, are not utilized in lieu of school buses. This can be accomplished by establishing strict requirements on the types of motor vehicles that can be used within a state for transporting children to and from school and school-related activities.

For that reason, the State Directors Association supports the findings and conclusions of the National Transportation Safety Board's special report, "Pupil Transportation in Vehicles Not Meeting Federal School Bus Standards," which was adopted on June 8, 1999.

After investigating four crashes involving full-sized passenger vans and one non-school bus, which resulted in a total of eight fatalities to children, the Safety Board concluded that the children would have fared significantly better in the crashes if they had been in school buses. The Safety Board made the following Safety Recommendations:

To the U.S. 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.”

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. Enact regulatory measures to enforce compliance with the revised statutes.”

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