

The Redwoods Group Insurance Program for YMCAs

Risk Management Alert

Topic: Are vans a viable transportation option?

Automobile dealerships are refusing to sell vans to YMCAs for use in transporting children. The refusals arise from 10/1/98 revisions to subparts of federal statute 49 CFR 571 and from a National Transportation Safety Board special investigative report released 6/8/99 titled Pupil transportation involving vehicles not meeting federal school bus standards. As a dealership faces substantial civil penalties for selling vehicles that do not conform to the statutes that are used to transport children to school, they decline the sale.

- Problem**
- Any new vehicle with a seating capacity of greater than 10 people, used to transport children to or from a school or related events, must meet school bus safety guidelines.
 - The statutes apply specifically to YMCAs, childcare facilities, etc., not just school districts.
- History**
- 1974: School Bus Safety Amendments: Congress mandated that school transportation be held to the highest level of safety, as it involves the nation's most precious cargo.
 - 1998: 49 CFR 571 Revisions: School bus safety standards increased; school bus defined as a vehicle with a capacity of more than 10 used to carry children to or from school or related events; statutes at http://www.access.gpo.gov/nara/cfr/waisidx_98/49cfr571_98.html.
 - 1999: NTSB Special Investigative Report: Study of 4 serious accidents involving student transportation in vehicles not meeting the new standards; resulted in recommendations to states and private entities; full text of SIR 99-02 at http://www.nts.gov/publicn/H_Stu.htm.
- Statutes**
- School bus pedestrian devices (49 CFR 571.131): automatically deployed stop signal arm
 - School bus rollover protection (49 CFR 571.220): roof strength, emergency exit functionality
 - School bus body joint strength (49 CFR 571.221): body panel joints strength
 - School bus passenger seating and crash protection (49 CFR 571.222): seats, attachment, force responses, head and leg protection zones, wheel chair anchorage, etc.
- Options**
- Used vehicles can still be used, as the statutes apply only to new vehicles, but the prudent man principal will soon embrace the new statute, so such action will prove to be unwise.
 - Vans can be replaced with vehicles having a capacity ≤ 10 ; prudent man principal applies.
 - Vans can be replaced with small school buses. These units will cost more to purchase, operate, and maintain. Since their capacity will probably be over 15, commercial driver's licenses (CDLs) and all the attendant controls will be required for all operators.
 - Transportation can be contracted to qualified outside providers. For before and after school programs, it might possibly be provided by the school district.

Much of a YMCA's transportation may not touch or be related to a school, but as the potential for such use exists, the dealerships protect themselves by declining the sale. Additionally, the standard of care will expand to all transportation of multiple children by other than their parents, since the children's protection is what is being sought. For additional information visit <http://www.nhtsa.dot.gov/people/injury/buses/regs.htm>.

Please call us at 800-463-8546, if you would like to discuss any risk management safety tips, or visit our website at <http://www.redwoodsgroup.com> to learn more about YMCA risk management related issues.