

APR 26 2002



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

Administrator

400 Seventh St., S.W.  
Washington, D.C. 20590

April 15, 2002

Ms. Deborah Lincoln  
Director of Pupil Transportation  
Oregon Department of Education  
255 Capital Street NE  
Salem, OR 97310-0203

Dear Ms. Lincoln:

At this time of the year, many school districts are reviewing their transportation policies for the upcoming 2002-2003 school year. With this in mind, I am writing you to emphasize the importance of transporting students to and from school and school-related activities in vehicles that meet the school bus safety standards established by the National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation.

As you know, pursuant to Federal law, NHTSA has issued safety standards applicable to all new motor vehicles. In 1974, Congress directed NHTSA to require school buses to meet more stringent safety standards than the standards for passenger vans and other buses. School buses are required to have flashing lights and stop arms for control of traffic near and around the bus each time it stops to load and unload passengers. School buses also provide enhanced emergency exits, greater rollover protection, increased body joint strength, stronger seating crash protection, cross-view mirrors, and greater crash protection to the fuel tank and fuel system.

Federal law prohibits dealers from selling or leasing new vehicles that are not certified as meeting all applicable Federal motor vehicle safety standards. Dealers selling or leasing a new "bus" (defined as any vehicle, including a van, that has a capacity of 11 persons or more, including the driver) to transport students to or from school and school-related events must sell a bus that is certified as meeting all of NHTSA's school bus safety standards. A dealer or lessor is prohibited from selling or leasing a new "bus" to transport students if the vehicle is not a "school bus."

School buses that comply with NHTSA's school bus safety standards are the safest form of pupil transportation. 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.

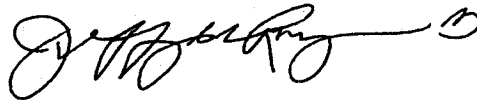
While most States require the use of school buses to transport children to and from school and school-related events, some States do not. We urge you to take steps to ensure that all school children in your State are carried on school buses that are certified by their manufacturers as meeting NHTSA's school bus standards.

Our position that school buses are the safest form of transportation for school children is reflected in a National Transportation Safety Board (NTSB) recommendation issued after NTSB investigated four crashes in 1998 and 1999, in which nine people were killed (including eight children) and 36 people injured when riding in "nonconforming buses." In a special report (for a complete copy, see [www.nts.gov/publictn/1999/sir9902.pdf](http://www.nts.gov/publictn/1999/sir9902.pdf)), the NTSB issued the following Safety Recommendation to the 50 States and 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.

For your information, I am enclosing a February 2002 fact sheet posing frequently asked questions about school buses, and our answers to those questions along with a handout on why school buses are the safest choice for school transportation. These can be reproduced and distributed through newsletters or other mailings or posted on websites. If you have any additional questions regarding these issues, please call Dorothy Nakama, Attorney-Advisor in NHTSA's Office of the Chief Counsel at (202) 366-2992.

Sincerely yours,



Jeffrey W. Runge, M.D.

Enclosures

February 2002

**FREQUENTLY ASKED QUESTIONS ABOUT  
FEDERAL SCHOOL BUS SAFETY REQUIREMENTS**

**QUESTION: What is a school bus?**

The National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, defines a "bus" as a motor vehicle designed to carry more than 10 persons, and a "school bus" as a bus that is sold or introduced into interstate commerce "for purposes that include carrying students to and from school or related events." "School" includes private schools as well as public schools. A school bus must be certified by its manufacturer as meeting all Federal Motor Vehicle Safety Standards (FMVSSs) applicable to school buses. "School buses" do not include buses operated as common carriers in urban transportation.

**QUESTION: What is a school-related event?**

A school-related event is any activity sponsored by a school, whether on or off the school grounds, including sports events, band concerts, field trips, and competitions such as debate or chess tournaments.

**QUESTION: To whom do the FMVSSs apply?**

NHTSA's statutory authority extends to any person selling or offering for sale or lease a new motor vehicle. It is a violation of Federal law for any person knowingly to sell or lease a new bus for use as a school bus if the bus does not meet all school bus FMVSSs. The law provides substantial civil penalties for selling a new non-school bus for use as a school bus.

**QUESTION: Do the FMVSSs apply to the purchaser as well as the seller?**

No. NHTSA's laws regulate the manufacture and sale of motor vehicles, not the use of vehicles. Therefore, a purchaser, including a school, can purchase and use any vehicle it wants, whether new or used, for whatever purpose it wants, subject to State law.

**QUESTION: How can I tell if a bus meets NHTSA's school bus safety standards?**

Look for the certification label on the bus, usually located on the door near the driver's seat. If the bus meets NHTSA's school bus standards, it states: "This vehicle conforms to all applicable U.S. Federal motor vehicle safety standards in effect on the date of manufacture shown above" and states "school bus" (not simply "bus") as the vehicle classification.

**QUESTION: Do the school bus requirements apply to dealers that sell new buses to day care centers and other institutions?**

Yes, if the dealer knows that the buses will be used to transport children between the institution and a school. NHTSA looks at the purpose for which the new bus is sold, not at the buyer's status. If a dealer knows the new bus is sold for the purpose of transporting pre-primary, primary, or secondary school students, new buses sold or leased to the institution must meet NHTSA's school bus FMVSSs.

**QUESTION: Are dealers required to sell school buses to colleges?**

No. The school bus requirements do not apply to sales for the purpose of transporting post-secondary school students such as college students, adult education participants, or post-high school vocational students.

**QUESTION: Does Federal law require school buses to be yellow?**

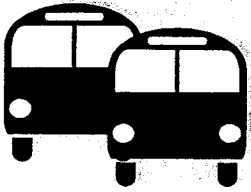
No. State and local governments establish policy for school bus color. However, NHTSA provides recommendations to the States on operational aspects of school bus and pupil transportation safety programs, in the form of Highway Safety Program Guideline No. 17, Pupil Transportation Policy. Among other matters, Guideline 17 recommends that school buses be yellow.

**QUESTION: Can the States change Federal requirements?**










No. A State may not permit the sale of a new non-school bus for pupil transportation when the sale of the vehicle would be impermissible under Federal law.

**QUESTION: Is a school or school district liable for not using school buses?**

Possibly. As stated above, Federal laws do not extend to the use of school buses. However, a school or school district may be liable for damages for not using a school bus to transport students and a crash occurs in which students are killed or injured. This is a question of State law, however, so schools or school districts should consult their attorneys or insurance carriers on this question.



# **SCHOOL BUSES:** The **SAFEST** Choice For Student Transportation

-  Congress has indicated that school transportation should meet the highest level of safety since it involves the Nation's most precious resource—children. In response to this mandate, the National Highway Traffic Safety Administration (NHTSA) requires manufacturers to build school buses to provide a greater level of safety than other passenger vehicles.
-  **School buses that meet NHTSA's school bus safety standards are the safest form of pupil transportation.**
-  Federal law prohibits dealers from selling or leasing new buses that are not certified as meeting all applicable Federal school bus safety standards for the purpose of transporting school children to or from school or school-related events.
-  The sale or lease of 10–15 passenger vans to schools could result in children being transported in vehicles that do not provide an appropriate level of safety. A dealer selling or leasing a new bus for school use that does not meet Federal school bus standards would be subject to a civil penalty of up to \$5,000 per violation.
-  While comparably-sized school buses may be more expensive than other vehicles, NHTSA believes the increased level of safety justifies a higher cost. School buses are required to have flashing lights and stop arms for control of traffic near the bus each time it stops to load and unload passengers. School buses also provide greater rollover protection, increased body joint strength, seating crash protection, cross-view mirrors and greater crash protection to the fuel tank and fuel system.
-  In a 1999 Special Investigative Report, the National Transportation Safety Board (NTSB) reported the results of its investigations of four crashes in which eight children and one adult were killed when riding in “nonconforming buses,” including 15-passenger vans. It issued a Safety Recommendation urging all States to enact regulations requiring vehicles that carry more than 10 children to and from school and school-related activities to meet the federal school bus structural standards. For a copy of the report, go to [www.nts.gov/publicctn/1999/sir9902.pdf](http://www.nts.gov/publicctn/1999/sir9902.pdf).
-  Moreover, heavily loaded 15-passenger vans pose an additional threat. NHTSA issued a consumer advisory warning in April 2001 to users of 15-passenger vans because of an increased rollover risk. The results of analysis by NHTSA revealed that vans carrying 10 or more occupants have a rollover rate in single vehicle crashes that is nearly **three times** the rate of those that were lightly loaded.
-  NHTSA found that heavily loading a 15-passenger van causes the center of gravity to shift rearward and upward increasing the likelihood of rollover. The shift in the center of gravity also increases the potential loss of control in panic maneuvers. Because of these risks, it is very important that these vans be operated by experienced drivers and essential that everyone buckle up every time.
-  For more information on school transportation safety and the consumer advisory on 15-passenger vans, go to NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov).

