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Colt Gill

Director of the Oregon Department of Education

To: Oregon School Superintendents
Oregon Pupil Transportation Administrators

From: Dustin Melton, Director of Pupil Transportation & Fingerprinting
Oregon Department of Education

Date: November 5, 2019

Subject: State of Oregon's response to National Transportation Safety Board (NTSB)
Recommendation H-19-6 regarding school bus drivers' physical evaluation requirements

We thank you for your partnership in providing a safe and equitable education to students in the State of Oregon. Your commitment to these values supports a successful learning environment for those in our care. For that reason, I am writing to you concerning a recent recommendation by the National Transportation Safety Board (NTSB).

As an administrator in education transportation, you may be familiar with the events of December 12, 2017 in Oakland, Iowa; on this day, a school bus driver and one student lost their lives in a preventable tragedy after the driver backed the vehicle off of the roadway and a fire broke out in the engine compartment that consumed the vehicle and its occupants in front of the student's home. The NTSB conducted an investigation ending in June 2019 and concluded that the probable cause of the accident and the subsequent fatalities was a lack of physical fitness for the driver's assigned duties, which include emergency evacuations.

Continued rigorous attention to safety in all aspects of our districts' programs is the only way to avoid such an event in Oregon.

Current Oregon Administrative Rules authorized by Oregon Revised Statute 327.013 & 820.100 - 820.120 in effect over the pupil transportation operations within the state address many of the concerns raised by the NTSB in Recommendation H-19-6, including:

- Physical qualifications for a school bus driver's certificate:

OAR 581-053-0040(5) *An applicant is physically qualified to drive a school bus if the applicant:*

(a) Has no impairment in the use of the driver's foot, leg, finger, hand or arm or other structural defect or limitation likely to interfere with the driver's ability to perform tasks associated with operating a school bus. Drivers may be required to demonstrate their ability to:

- (A) Utilize a manually operated bus entrance door control with a force of at least 30 pounds;
- (B) Ascend and descend steps with a maximum step height of 17 1/2 inches;
- (C) Operate two hand controls simultaneously and quickly;
- (D) Have a reaction time of 3/4 of a second or less from the throttle to the brake control;
- (E) Carry or drag a 125 pound person 30 feet in 30 seconds or less;
- (F) Depress a brake pedal with the foot to a pressure of at least 90 pounds;
- (G) Depress a clutch pedal with the foot to a pressure of at least 40 pounds unless operating an automatic transmission; and
- (H) Exit from an emergency door opening of 24 x 48 inches at least 42 inches from the ground in ten seconds or less.

(b) Is physically able to open all emergency exits installed in any school bus they drive; and

(c) Has no mental, nervous, organic or functional disease or disability likely to interfere with safe driving or other responsibilities of a school bus driver.

- Change in a driver's medical history that might prevent them from performing safety critical functions of their duties:

OAR 581-053-0040(6) A driver is no longer physically qualified to operate a school bus and shall be immediately removed from duty for the following:

...

(c) ... if the driver has a serious illness, injury, or change in physical or mental condition and no longer meets the physical requirements outlined in this rule, then re-examination and medical approval are required before the driver may resume driving a school bus.

Many school bus operations in the State of Oregon voluntarily subject their drivers to an agility test to verify that the physician's assessment is correct. Oregon Administrative Rule also stipulates that any driver over the age of 55 must undergo a medical examination once per year to qualify for a school bus driver's certificate. The same rule also requires an annual performance evaluation of range and road driving skills and daily vehicle inspection for drivers over the age of 70. Any driver with a significant change in medical status or ability to complete the required physical tasks of an emergency evacuation is barred from operation of a school bus by the rule cited above.

Oregon Department of Education encourages school superintendents and transportation professionals in the state to carefully consider the lessons that have been raised by the Iowa event of 2017 and their applicability to our daily safe operations, including references to the portions of state regulation that underscore the importance of front line operations staff verifying that a driver is physically able to carry out every part of their duties.

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We recognize that driver recruitment and training can be difficult, but urge transportation program administrators to maintain a conscientious evaluation of their workforce. This includes proactive supports that can increase preventative care for total employee health and assist in the transition out of their duties when appropriate, as well as recognizing an employee who has experienced a significant event in their health before assigning them to their daily work.

If you wish to receive more details or have questions, please contact Pupil Transportation Unit Operations and Policy Analyst Brock Dittus by phone at 503-947-5724 or by email at brock.dittus@ode.state.or.us for additional clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dustin Melton', with a stylized, cursive script.

Dustin Melton
Director of Pupil Transportation & Fingerprinting
Office of Research, Analysis, and Accountability