

Use of Passenger Vans in Transporting Students
Alabama State Department of Education, Pupil Transportation Section

Safety Statement

While absolutes in the business of education are few, there is one related to transporting students safely. It can be unequivocally stated that school buses are the safest mode of transportation for students. This is especially true when school buses are compared to vans of any denomination. Large vans, with a capacity of more than 10 passengers, are classified as buses, but were originally designed to haul cargo, not people. They do not have to pass the same stringent government safety tests as passenger vehicles. Small vans (10 passengers or less) are classified as MPV's (Multipurpose Vehicles). While they must meet the federal standards for this classification, they, too, fall far short of meeting school bus specifications.

According to the National Highway Traffic Safety Administration, school buses are "the single safest form of transportation that exists" and it recommends, "children should only be transported in these vehicles". Indeed, Congress has stated that school transportation should be held to the highest level of safety. School buses are this "higher level of safety", and are much safer than vans in several crucial ways. They are heavier, stronger, provide better rollover protection, have more emergency exits, possess safer fuel systems, provide safer seating with passive passenger protection, have special safety lighting systems, and have greater joint strength, etc. Full-size vans and minivans do not offer nearly the same level of safety to occupants as a school bus. The National Association of State Directors of Pupil Transportation Services (NASDPTS) states "school children should be transported in school buses which provide them with the highest level of safety issued by the Federal Government."

In a crash, the risk of 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. NHTSA'S **Guideline 17, Pupil Transportation Safety**, recommends that buses meeting the Federal structural standards for school buses be used for transporting children to and from school or school-related activities. Governor Wallace, in 1972, designated the Alabama State Department of Education (SDE) as the single state agency responsible for implementing these guidelines. This mandate from the governor basically required adherence to these safety guidelines at that time and continues to this day.

A higher level of safety for vehicles used to transport children is warranted, especially when those vehicles are owned or leased by a local school system to transport students to and from school and/or school-related activities. Section 16-27-1 of the Code of Alabama requires "periodic safety inspections of all vehicles used for transporting pupils". These inspections ensure that the school buses inspected are safe, roadworthy, and manufactured in accordance with **Alabama Minimum Specifications for School Buses**. Additionally, federal regulations prohibit the sale, lease, or rental of any new vehicle with a rated capacity of more than ten persons to transport students unless it meets all applicable standards. Under these regulations, such vehicles are classified as a "bus". Further, the statute defines a "school bus" as any bus that is likely to be "used significantly" to transport "preprimary, primary, and secondary" students to or from school or school-related events. **Accordingly, a 12 to 15-passenger van that is likely to be used significantly to transport students is a "school bus", but does not meet NHTSA's school bus standards and may not be used to carry students.**

In order to ensure the safety of students, the SDE prohibits the use of any vehicle with a rated capacity of more than 10 passengers to transport K – 12 students to and from school or school-related events unless the vehicle conforms to school bus standards. Regular vans will not meet these standards. Accordingly, school systems must not allow these vehicles to be used for student transportation. In all decisions concerning the transportation of school children, local boards of education and school administrators must carefully consider the possible consequences of transporting students in any vehicle that does not meet school bus standards. Civil courts, in their review of claims of negligence resulting from crashes, have repeatedly found school systems and other agencies liable in situations where vans were used instead of school buses.

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