

## The NHTSA Safety Advisories

In April of 2001 the National Highway Traffic Safety Administration (NHTSA) issued a “consumer advisory” regarding an increased rollover risk for 15-passenger vans under certain conditions. An analysis by the NHTSA revealed that 15-passenger vans have a rollover risk that is similar to other light trucks and vans when carrying a few passengers. However, the risk of rollover increases dramatically as the number of occupants increases from fewer than ten occupants to ten or more. In fact, 15-passenger vans (with ten or more occupants) had a rollover rate in single-vehicle crashes that is nearly three times the rate of those that were lightly loaded (less than ten passengers). And, with more than 15 passengers, the rollover rate is seven times more likely (see table following).

**Key point.** NHTSA’s analysis revealed that loading the 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 for loss of control in panic maneuvers.

On April 15, 2002, NHTSA reissued its safety warning concerning the rollover risk of 15-passenger vans. In a press release, NHTSA noted that “the summer of 2001 saw several tragic rollover crashes involving religious groups on trips.” NHTSA also issued a new brochure entitled “Reducing the Risk of Rollover Crashes in 15-Passenger Vans.” You can download a copy at the NHTSA website, [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov).

## The NHTSA’s Safety Recommendations

The NHTSA makes the following recommendations to reduce the rollover risk associated with 15-passenger vans. Consider how you might incorporate these into your church’s policy:

1. Always have fewer than 10 occupants.
2. Load occupants from the front of the van, leaving the empty seats in the rear.
3. Require each occupant to wear a seat belt at all times. Adopt a written seatbelt policy, and inform drivers that they are personally responsible for enforcing it. Nearly 80 percent of those killed in 15-passenger van rollovers were not wearing seatbelts. Know that seat belt use is especially critical because large numbers of people die in rollover crashes when they are partially or completely thrown from the vehicle.
4. Allow absolutely nothing to be loaded on the van roof.
5. Require that van drivers be well rested.
6. Insist van drivers proceed cautiously (maintain a speed that is safe under the conditions, and be especially careful on rural and curved roads).
7. Inspect tires monthly to check for wear and proper inflation. Worn or improperly inflated tires increase the risk of blowouts. A 15-passenger’s tendency to rollover increases dramatically during emergency maneuvers, such as a panic response to a tire blowout.
8. Gradually reduce speed if the van’s wheels drop off the roadway, then steer back onto the road when it is safe to do so.
9. Use drivers who have received specific training on the use of 15-passenger vans. Several options are available, including a van driver certification course offered by the National Safety Council. Repeat this training every three years.
10. Keep the van’s gas tank as full as possible.

## Additional Safety Recommendations

Your church can reduce the risks of death, injury, and potential liability even further by adopting some or all of the following precautions:

1. Prohibit the van from being driven in excess of 60 miles per hour.
2. Prohibit the towing of heavy or multi-axle trailers, or another vehicle.
3. Prohibit the use of any van after midnight and before 6 A.M. Overnight trips will be an option only if a professional transportation company is used that provides both the vehicle and driver.
4. Prohibit the use of cellular phones by the driver while operating the vehicle, under any circumstances. However, a cell phone should be on board for use in emergencies so long as it is not used by the driver while operating the van.
5. Require all drivers to be approved pursuant to church policy. Drivers must have the appropriate class of license, and the church should conduct a check of each driver's record for traffic offenses or license restrictions to determine if the driver is suitable. This should be updated annually.
6. Prohibit drivers from driving for more than ten hours in any twenty-four hour period (unless a shorter limitation is provided under an applicable law or regulation).
7. Hold the van driver personally responsible for any and all traffic or parking citations, tickets, and fines incurred while he or she is driving.
8. Allow vans owned or rented by the church to be used only for activities that have been authorized by the church board.
9. Insist on laminated glass in all side windows when purchasing a new 15-passenger van.
10. Maintain vans properly, inspecting frequently by a competent mechanic. Keep a log book of all maintenance performed.
11. Have more than one qualified driver for trips of over 6 hours. Drivers should rotate every 2 hours.
12. Permit only drivers that are at least 21 years of age to drive vans.
13. Be sure that drivers have a list of emergency phone numbers.
14. Prohibit the use of any sedating prescription or over-the-counter antihistamine (or other medication) by the driver, or do not allow a driver taking such medications drive under any circumstances.
15. Sell 15-passenger vans and obtain safer vehicles. One alternative is to purchase a used school bus or a small school bus. Remember this—according to the NHTSA, school buses are the safest form of travel.

Creating a policy that incorporates the NHTSA's recommendations, as well as other safety guides, not only provides peace of mind, but it can go a long way toward protecting your church against the legal ramifications of operating without a policy. Consider this example.

**Key point.** Some church leaders dismiss the risk of using 15-passenger vans to carry people since they only use their van for short "local" trips. But government data discloses that 70 percent of all van accidents occur within a 25 miles of home.

## **The Bottom Line for Churches**

Not only are there significant state and federal regulations that may apply to the use of a 15-passenger van, but there also is the potential for substantial liability if deaths or injuries result from the use of these vans. This liability may include punitive damages that are not covered by the church's liability insurance policy as well as personal liability for members of the church's governing board. Because of the importance of these concerns, require your board members, youth workers, and van drivers to read this article.

*Adapted from Church Law & Tax Special Report: "Reducing the Risk of Transportation Accidents," by Richard R. Hammar*