

## **SAMPLE: UNITED METHODIST CHURCH**

### **15 Passenger Van Policy (Sample)**

#### **Background**

15 Passenger Vans (15PV's) are inherently dangerous vehicles for passenger transport. This is due to a number of factors including the fact that they are actually designed for cargo, they do not have the safety features of other multiple passenger vehicles like school buses, they become top heavy – especially when fully loaded – and are difficult to maneuver and prone to rollovers. Many examples of horrific accidents can be found in the literature.

In 2001, the National Highway Transportation Safety Administration (NHTSA) issued a rare “consumer advisory” warning that the rollover rate of 15PV's increases seven times when they are driven with more than 15 occupants; the rollover rate is three times higher when they have 10 or more occupants. For this reason, Federal law prohibits dealers selling new 15PV's to institutions that use them primarily to transport children (i.e. as school buses). In contrast, school buses must meet strict Federal safety standards that require emergency exits, multiple steel beams that wrap passengers in a cage of steel, and have far superior centers of gravity that reduces rollover risk. As a result, school buses are the safest form of mechanized transportation that exists. School buses are 34 times safer than train travel and four times safer than commercial aviation. In contrast, 15PV's have a fatality rate that is 170 times higher than school buses.

Sample UMC has used 15PV's primarily to transport church members to off-site retreats. These have included youth retreats, women's retreats and general church retreats. As an institution, we cannot ignore the NHTSA advisory without exposing our members to potentially unsafe conditions and exposing ourselves to potential legal liability. This liability extends to personal liability that would not be covered by the church's officers and directors liability insurance if it were found that we acted in a grossly negligent manner. With this in mind, we need to take one of the following actions to protect our members, our children and to avoid potentially costly liability.

The church should seriously consider prohibiting the use of 15PV's for church-related travel in order to improve safety. If we continue to use 15PV's, we will need to enforce very rigorous standards to mitigate the safety risk. The NHTSA recommends the following standards that may be somewhat impossible for Sample UMC to achieve, but would include the following:

#### **Other Safety Recommendations:**

1. No driving in excess of 60 miles per hour.
2. No driving after midnight.
3. No towing of heavy or multi-axle vehicles.
4. No use of cellular phones by drivers.
5. Drivers must be approved pursuant to church policy.
6. Drivers are personally responsible for any parking or traffic citations.
7. 15PV is to be used only for the activities authorized by the church.
8. 15PV must be maintained properly, a maintenance log kept and the 15PV must be inspected by a competent mechanic.
9. Require more than one driver for trips over 6 hours. Rotate drivers every 2 hours. Drivers prohibited from driving more than 10 hours.

10. Drivers must be at least 21 years of age.
11. Drivers should have emergency phone numbers.
12. The use of sedating prescription or over-the-counter antihistamines by the drivers is prohibited.
13. Prohibit crossing state lines on any church trip. This is a liability issue as it would then be considered interstate commerce and subject to Federal safety regulations that require special licensing etc. Also bad in the event of a lawsuit.

### **Options to 15 Passenger Vans:**

Prohibit 15 Passenger vans and pursue one of the following options:

- Rent or borrow minivans. This would entail an additional cost, but is much safer and worth the added expense. The extra cost is simply the cost of the safety of our loved ones. This is the most viable and most straight forward option. If we simply prohibit 15PV's for church-related travel and use other vehicles, we will dramatically improve the safety of the trips and drastically reduce church and personal liability.
- Buy a small school bus with one or more other UMCs. Where's the money? I don't know, but it's worth thinking about.
- Borrow or rent a small school bus. In fact, we should encourage UMCs to sell their 15 passenger vans and buy small school buses. Operating expenses will be lower and insurance will be more affordable. Ultimately, it may be impossible for churches to get insurance on 15PV's.

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