

## Liability

# Transporting Persons in Wheelchairs Using 12- and 15-Passenger Vans

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## Question

[An insured transports persons in wheelchairs using 12- and 15-passenger vans. Is there a liability associated with this practice? If so, could E&S provide training materials or information on transporting disabled people in wheelchairs using customized vans or small buses?](#)

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## Response

The importance of addressing safety issues associated with 12- and 15-passenger vans is significant for the human services class of business. On the surface, it is easy to believe that a 12- or 15- passenger van is the easiest, most practical means of transporting people. They are easily rented, leased, or purchased. However, here are some reasons that a 12- or 15-passenger van is less desirable than a mini-van or a small bus:

- 12- and 15-passenger vans have a higher center of gravity than most passenger vehicles; each passenger raises that center of gravity; adults raise the center of gravity more than children.
- The van's flat sides contribute to instability in crosswinds, a major factor in rollover potential.
- The lack of sidewall structural stability increases severity in rollovers or side-impact collisions.
- The vehicle's structural rigidity was designed for the less demanding rigors of transporting cargo.
- Vehicle maintenance, specifically tire inflation, has been shown to be a significant issue in causing rear tire blowout or tread separation. If these units are in the fleet, confirm that the tire pressure is checked every time the vehicle is used.

What to do? Refer to E&S Client Handout, CH-10-05, *Safe Operation of 15-Passenger Vans*.

In the event that the insured uses these vehicles, they should establish and enforce policies to limit the chance of mishap. Some examples include:

- Inspecting the vehicle before and after every trip;
- Checking tire pressure and condition; tires should be inflated to the manufacturer's guidelines (which are found on a plaque inside the driver's door). The National Highway Traffic Safety Administration (NHTSA) offers a training program on how to check tire pressure at: [http://www.nhtsa.gov/cars/rules/TireSafety/ridesonit/tires\\_index.html](http://www.nhtsa.gov/cars/rules/TireSafety/ridesonit/tires_index.html).
- Using a tire safety checklist, such as NHTSA's at: <http://www.nhtsa.gov/Vehicle+Safety/Tires>.
- Train and test all drivers; use only drivers who are familiar with the idiosyncrasies of these vehicles.

## Transporting Persons in Wheelchairs Using 12- and 15-Passenger Vans

Whenever possible, it is recommended that the hazard be engineered out and in this case, it would mean changing the fleet by replacing the van with a small school bus or a mini-van.

### Alternative Transportation Options

Two alternative choices for the fleet could be a small bus or a mini-van. A small school bus, while it has flat sides and a center of gravity similar to a van, is more stable because it has a wider and longer wheelbase. Small school buses have additional safety features including a stronger passenger compartment (floor, roof, and sidewall design), an elevated floor position that makes smaller vehicles impact below the passenger compartment, and more substantial seat anchoring. State laws often require the operator to have a commercial driver's license (CDL).

If a smaller vehicle will meet the transportation needs, a mini-van is an option that does not require a special operator's license.

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