




*emailed to*  
*SBERGEN@UTAH.GOV*  **SCANNED**

### Carrier Complaint Form

Drivers are assured of the confidentiality of their identify and are fully protected by law against being discharged, disciplined, or discriminated against regarding compensation, terms, or privileges of employment for the reporting of violations. The Division will investigate reliable allegations reported within 60 days of the alleged safety violations, and enforcement action will be taken as appropriate.

Must allege violations of Federal Motor Carrier Safety Regulations.

The Division will investigate reliable allegations reported within 60 days of the alleged safety violations.

#### Complainant Information

\* Today's Date: August 12, 2014

\* Name of Complainant: Michael Clara

\* Street Address: 974 S. 1400 W.

\* City: Salt Lake City

\* State, Zip: Utah 84104

\* Email: donMiguelSLC@gmail.com

Phone: 801-521-3223

Fax:

#### Offending Motor Carrier Information

\* Name of Motor Carrier: Salt Lake City School District -Department of Transportation

USDOT Number:

City: Salt Lake City

State:

Phone:

Location of Violation: I-215 700 N Salt Lake City, Utah

I am currently serving as a member of the Salt Lake City Board of Education. Below is the text of a letter I sent to the superintendent on July 22, 2014:

22 July 2014

Delivered Via Electronic Mail  
Mr. McKell Withers, Superintendent  
Salt Lake City School District  
440 East 100 South  
Salt Lake City, Utah 84111

\* Complaint:

Re: School Bus Safety

Dear Dr. Withers,

I am writing to request an update on what actions the Salt Lake City School District - Transportation Department has taken to ensure the safety of students and bus drivers following the June 3, 2013, incident where students in the bus were sprayed with scalding

*I have Attached the letter quoted in this complaint*

\* Specific relief you

seek: The bus in question is a 2001 Bluebird and is not included in the recall notice.

I nevertheless, believe that the school district should implement the solutions outlined in the recall notice NVS-215KS 14V-313. in order to modify other buses with the same layout. The recall notice is titled Part 573.6 Defect and Non Compliance Reporting -Defect Report:School Bus.

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Last Edited: 26-JUN-2013

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Error ORA-06502: PL/SQL: numeric or value error: character string buffer too small

OK



J. Michael Clára  
Salt Lake City School Board  
District Two

801-521-3223 • donMiguelSLC@gmail.com  
974 S. 1400 W. • Salt Lake City • Utah • USA

22 July 2014

Page | 1 of

Delivered Via Electronic Mail

Mr. McKell Withers, Superintendent  
Salt Lake City School District  
440 East 100 South  
Salt Lake City, Utah 84111



Re: School Bus Safety

Dear Dr. Withers,

I am writing to request an update on what actions the Salt Lake City School District -Transportation Department has taken to ensure the safety of students and bus drivers following the **June 3, 2013**, incident where students in the bus were sprayed with scalding fluid from the buses coolant system.

As I attend community events, parents continue to ask me about this incident and want to know if it is safe to allow their child ride the school bus this fall. I have to tell them, that at this point, I don't know.

As you are aware, there are several issues about this incident that I find troubling. One of the mother's of a student that was on the bus that day posted the following comment on social media the day after the incident. Her comments were in response to the district's public pronouncements:

*"More than two students were burned. Maybe only two required medical attention but it's unacceptable to downplay the incident. The pipe ruptured while they were on the freeway - children were hurt, children were scared, children were screaming. My daughter did need medical attention. I received a call wanting to know if they should put her in an ambulance or on a replacement bus. I picked her up since I was only minutes away. She has second degree burns on her feet and first degree burns on her legs. Her feet and legs are bandaged up, she cannot wear shoes, and is unable to enjoy the start of her summer. Did anyone at the district have time to call and see how my daughter is doing? No. Did they return my call requesting insurance information to cover her medical bills? No. But they do have time to go on the news and talk about their maintenance schedule. They don't accept responsibility. They don't apologize to the kids. This kind of indifference is what keeps ambulance chasing lawyers in business."*

**"Local school boards are the bedrock of our society, yet they are invisible to the public"**

Señor Florez -Deseret News

I agree with all the points made by this parent. This statement in particular caught my attention:

*"...no, but they do have time to go on the news and talk about their maintenance schedule."*

In my opinion, It doesn't matter how many times the school bus is inspected, making sure that it is in good repair doesn't negate the fact that failure of a coolant hose caused hot antifreeze to spray into the passenger compartment injuring school children (see attached graphic). It is clear to me that there is a design flaw and we should do all in our power to mitigate this oversight.

Page | 2 of

Looking back at my notes it appears that you and I, along with Jason Olsen exchanged emails on June 4-6 following this incident. Your email to me **on June 4<sup>th</sup>** stated the following:

*"Your question to me was: "What steps are we taking to protect kids that ride the school bus? Are we going to do anything to the buses to ensure that things that happen in the engine compartment don't invade the passenger compartment?"*

*My answer to that question is that we have consistently addressed any known safety hazards for our students, staff, and community. As you are aware, school buses are claimed to be a very safe way to transport students. If there is a design flaw on a bus, we would expect those buses to be recalled by the manufacturer and appropriate corrections, repairs, and/or replacements made.*

*Steve and Shawn are responsible to investigate and evaluate what took place yesterday on one of our buses and make recommendations and enact changes to address any safety concerns. If there are any concerns about the safety of a particular bus, a particular model of buses, and/or any district vehicle that is in use, they have the full authority to take that vehicle off the road until it is deemed safe to operate...."*

For some odd reason you included this same quote in the Weekly Board Memorandum on June 6, 2014. In that memo you also stated that a *"full report of what happened will be forwarded to the board as it becomes available"*.

**On June 24<sup>th</sup>**, Associate Superintendent Patrick Garcia arranged a meeting with the Transportation department (Steve Woods, Executive Director of Auxiliary Services & Shawn Tucker, Transportation Director) and some of the parents. I was at the meeting and found it to be extremely helpful and informative in terms of explaining the sequence of events that took place the day of the incident.

**On June 25<sup>th</sup>**, I sent an email to Mr. Garcia, Mr. Woods & Mr. Tucker expressing my objection to their conclusion that this was an *"isolated incident"*. In an effort to support my misgivings, I included documentation that clearly illustrated that contrary to their assertions of being an *"isolated incident"*, there was clearly an established pattern of student injuries throughout the country (see attached email and recall notices).

Later that day, Mr. Woods replied to my email and stated that he and Mr. Tucker would be on vacation over the next two weeks and they will *"discuss the solution options"* when the vacation was done. As of this writing I have not been informed of any implementation of *"solution options"*.

**On June 26<sup>th</sup>**, you sent out a UHP report and an incident report via the Weekly Board Memorandum. You also stated: *"As such, we are continuing to review any appropriate mechanical solutions, manufacturer responsibilities/liabilities, and inspection/maintains options."*

Here are reports of a few recent examples of this same type of malfunction occurring on school buses across the country:

**Wrong Part at Issue in School Buses Across Florida** (St. Petersburg, Florida) – May 22, 2014

*“The state is now requiring Florida Transportation Services, Inc. to bring the hundreds of buses with non-compliant hoses into line with its specifications. The company must extend its warranty on the buses for another year or offer the affected school districts an opportunity to have the hoses repaired.”*

Page | 3 of

**Two Buses, Two Hoses, Two Malfunctions, Same Problem; School District Pulls Similar Buses from Fleet** (Natrona County, Wyoming) – May 8, 2014

*“Two Natrona County School District buses suffered the same kind of mechanical malfunction within two hours of each other today... The district and its mechanics are working with the Casper Fire Department and the manufacture to determine and resolve the problems, he said.”*

**Kids Sprayed With Scalding Hot Fluid on Anne Arundel County School Bus** (Edgewater, Maryland) September 13, 2013

*“Four Central Elementary School students were hurt - including one who suffered first- and second-degree burns - after an engine hose burst on a school bus Thursday afternoon.”*

**Hose Leaks on School Bus, Sending Students to Hospital** (Greenville, North Carolina) – May 20, 2013

*“The bus, carrying 38 students, was heading to Hope Middle School in Greenville at about 7:45 a.m., when steam began coming from the bottom of the vehicle...”*

**District: School Bus driver Should've Stopped While Antifreeze Leaked** (Gresham, Oregon) - October 18, 2013

*“The driver of a school bus with children onboard was wrong not to stop the bus when antifreeze began leaking in that bus Wednesday morning, according to the Gresham-Barlow School District. The antifreeze burned the children and released strong vapors. The driver kept driving instead of pulling over and doing an emergency evacuation of the bus. The engine is in the back of the bus.”*

**Medics Evaluate Students after Antifreeze Line Ruptures Inside School Bus** (Pendleton, Indiana) – November 15, 2013

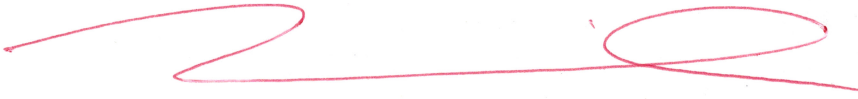
Several Pendleton elementary school students were checked out by medics and one girl was transported to the hospital after a coolant hose ruptured inside their school bus Friday morning.

**Hot Steam, Liquid Burns Students' Feet on Wake School Bus** (Knightdale, North Carolina) – May 6, 2012

*“An equipment malfunction caused hot steam and liquid to spew into the passenger cab of a Wake County school bus in Knightdale Wednesday afternoon, burning the feet of more than a dozen children.”*

So here we are, almost two months since this incident occurred. I would like to know what steps the Salt Lake City School District-Transportation Department has taken to mitigate this problem and prevent a repeat incident. At this point, telling me: *"we have consistently addressed any known safety hazards"* is inadequate. I want to know specifically what corrective action has occurred, if any.

Shalom,

A handwritten signature in red ink, consisting of a long horizontal line with a large loop on the left and a smaller loop on the right.

J. Michael Clára  
Board Member, District 2

