



J. Michael Clára
Salt Lake City School Board
District Two

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21 August 2014

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Delivered Via Electronic Mail

Mr. Murrell Martin, Transportation Specialist
Utah State Office of Education
250 East Cesar Chavez Boulevard
Salt Lake City, UT 84111-3204

Re: Violation of R277-601-3

Dear Mr. Martin,

On behalf of the residents of Salt Lake City, who elected me to represent them on the Board of Education, I am submitting this complaint for your review.

I have reason to believe that the Salt Lake City School District-Transportation Department, under the direction of Superintendent McKell Withers is in violation Rule R277-601, which, as you are aware is titled: **Standards for Utah School Buses and Operations**.

On June 2, 2014, two students in the Salt Lake School District were riding Bus #199. They were severely burned when hot pressurized coolant from a ruptured heater sprayed on them.

Rule R277-601-3A states:

“The local board and school district personnel shall act consistent with the manual entitled STANDARDS FOR UTAH SCHOOL BUSES AND OPERATIONS, 2010...”

Page 9 of that document states that Utah has adopted the 2005 National School Transportation Specifications & Procedures (also see Utah R909-3-2 Adoption Standards for Utah School Buses and Operations Standards 2010 Edition).

Page 33 of the 2005 Standards state the following:

Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or any sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hoses shall conform to SAE J20c, Coolant System Hoses. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.

“Local school boards are the bedrock of our society, yet they are invisible to the public”

Señor Florez –Deseret News

Based on my reading on my reading of Utah Highway Patrol Incident Report: R10307658, the school district did not ensure that the heater hose was:

“adequately supported to guard against excessive wear due to vibration..”

The standard also states the following:

*“Heater lines on the interior of the bus **shall** be shielded to prevent scalding of the driver or passengers...”*

When it states “**shall**”, I detect no ambiguity in the standard, yet students from my neighborhood were scalded with hot pressurized coolant because the hose was not properly “*shielded*”.

In my capacity of as a member of the Salt City Board of Education, I have corresponded with the Superintendent over the past three months asking that all buses in the school district’s fleet be inspected to ensure that they meet the statutory standard as stated above. To date he has dismissed my request and refuses to give me the assurance that these types of inspections have been carried out.

To that end, I recently filed complaints with the U.S. Department of National Highway Traffic Safety Administration (see complaint # 10621988) and the Utah Department of Transportation, Division of Motor Carriers.

I believe that your office along with the Utah Highway Patrol have the Statutory Authority to compel the school district to comply to the standards as set out in Utah statues. See Title 41 of the Utah Code (Department of Transportation):

*§41-6-115, states “...The Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and **enforce regulations** not inconsistent with this chapter to govern the design and operation of all school buses when owned and operated by any school district...”*

Left to own devices Superintendent McKell Withers of the Salt Lake City School District appears to have no desire to ensure the safety of our students. I prevail on the authority of your office to compel the district to comport itself with Utah Law in this matter and to advise the Board of Education and the public of its progress and compliance in this matter. It is imperative that we assure the parents in my school district that their children are traveling in school buses that are in compliance with Utah Law. Thank you so much for your assistance in this matter.

Shalom,


J. Michael Clára
Board Member, District 2

CC: Lt. G. Willmore, Utah Highway Patrol

Enclosures





UTAH HIGHWAY PATROL

OFFICER REPORT

Incident: R10307658

Report: R10307658

Page: 1 of 1

Case: 14VS00175

DETAILS

Activity Codes: 423-School Bus Inspections

Location: 1745 West 1700 South Salt Lake City, UT 84104

Case Disposition: Other Service

Occurred on: 06/05/2014 At: 07:12

Occurred to: 07/05/2014 At: 09:54

Officer Activity on: 06/05/2014 At: 07:12

VEHICLE DETAILS

Owner	Plate/Decal	Expires	VIN	Make	Model	Style	Year	Color
	(UT) 77730EX	2014-06-29	1B8BNBX21F098333	Blue Bird Body Co.	School Bus	Bus.	2001	YELLOW

NARRATIVE

Summary: A Salt Lake City District School Bus experienced a mechanical failure, which resulted in passenger injuries. On 6/6/2014, I observed as parts on the school bus were removed to locate the problem.

Details:

On 6/5/2014, I received a call from Ken Martinez, supervisor of the Salt Lake School District School Bus Maintenance Facility, located at 1745 West 1700 South in Salt Lake City, Utah. The vehicle involved was School Bus #199. The bus had an incident approx. 2 days prior, involving injury to two children. Mechanic Robert Hernandez was assigned to trouble shoot the heater hoses that run along the driver's side floor of the bus. The heater hose system had developed a leak and apparently sprayed coolant on two children. The two children were reportedly sitting on the driver's side of the bus, in the sixth seat from the rear of the bus. Underneath this seat is where the heater core is located which has coolant circulated through it, feed by the heater core hoses. There is a metal shield surrounding the sides of the heater core, and a metal shielding that runs the length of the heater hoses to shield them as well.

Hernandez removed the seat bottom from the seat housing to inspect the heater core. Hernandez also removed the metal shielding in the immediate area of the heater core that shields the heater hoses going in and out of the heater core. Hernandez then filled up the cooling system with coolant and pressurized the system. The coolant immediately began leaking from one of the heater hoses. Closer inspection by Hernandez revealed one of the heater hoses had failed and had a hole in it. The hole was directed toward the vehicle's exterior wall, which while under pressure may have caused the coolant to spray up the wall and into the passenger compartment.

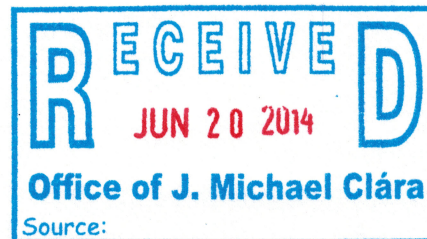
This incident is not a safety item that would be inspected during a school bus inspection, performed by a commercial vehicle inspector. If fluid coolant was detected in the bus during a commercial vehicle inspection, the bus would be placed out of service. That would be the only time this type of event would be detected as this is a mechanical failure and not a safety equipment issue. With the shielding in place, there is no way to visually check the heater hoses. Detection of a leak would most likely come from coolant presence on the floor of the bus.

REPORTING OFFICER

Officer's Name	Badge	Signature	Printed On
Kramer, Dana	161		06/10/2014 At: 08:40

SUPERVISOR

Agency	Officer's Name	Badge
Utah Highway Patrol	Taylor, Rudy	111



NATIONAL SCHOOL TRANSPORTATION SPECIFICATIONS and PROCEDURES

2005 Revised Edition

Adopted by:

**THE FOURTEENTH NATIONAL CONGRESS ON
SCHOOL TRANSPORTATION**

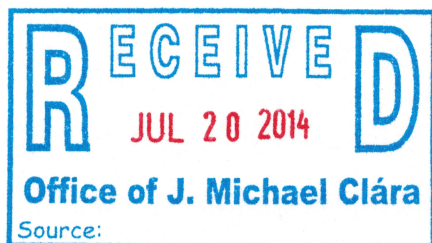
**Central Missouri State University
Warrensburg, Missouri
May 15-19, 2005**

Co-Sponsored by:

**National Association of State Directors of Pupil Transportation Services
National Association for Pupil Transportation
National School Transportation Association
School Transportation Section, National Safety Council
School Bus Manufacturers Technical Council
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- a. The auxiliary heating system shall utilize the same type fuel as specified for the vehicle engine;
 - b. The heater(s) may be direct, hot air-type or may be connected to the engine coolant system;
 - c. An auxiliary heating system, when connected to the engine coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the heating system;
 - d. Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers;
 - e. All combustion heaters shall be in compliance with current Federal Motor Carrier Safety Regulations;
 - f. The auxiliary heating system shall require low voltage; and
 - g. Auxiliary heating systems shall comply with FMVSS No. 301, *Fuel System Integrity*, and all other applicable FMVSSs, as well as with SAE test procedures.
6. All forced-air heaters installed by body manufacturers shall bear a name plate that indicates the heater rating in accordance with SBMTC-001, *Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment*. The plate shall be affixed by the heater manufacturer and shall constitute certification that the heater performance is as shown on the plate.
 7. Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or any sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hoses shall conform to SAE J20c, *Coolant System Hoses*. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.
 8. Each hot water system installed by a body manufacturer shall include one shut-off valve in the pressure line and one shut-off valve in the return line, with both valves at the engine in an accessible location, except that on Types A and B buses the valves may be installed in another accessible location.
 9. Each hot water heating system shall be equipped with a device installed in the hot water pressure line that regulates the water flow to all heaters. The device shall be located for convenient operation by the driver while seated.
 10. Accessible bleeder valves for removing air from the heater shall be installed in an appropriate place in the return lines of body company-installed heater.