



**J. Michael Clára**  
Salt Lake City School Board  
District Two

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15 September 2014

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**Delivered Via Electronic Mail**

Lt. Greg Willmore, Utah Highway Patrol  
Safety Inspections Division  
5500 West Amelia Earhart Drive  
Salt Lake City, Utah 84116

**RE: School Bus Safety Inspections**

Dear Lt. Willmore,

I am writing this letter to alert you to a school bus, safety hazard, involving 18 buses. Based on a phone call I received from a bus driver and written confirmed from the Utah State Office of Education (USOE). I have reason to believe that the following school buses are in service, transporting students with defrosters that are inoperable:

**School Bus Numbers**

#120 #121 #122 #333  
#334 #335 #336 #337  
#338 #339 #340 #341  
#342 #343 #344 #345  
#346 #347

As you are aware, the current **Vehicle Safety Inspection Manual for Buses** states the following (Page 51):

**F. WINDSHIELD DEFROSTER**

1. Check the defroster for proper operation.

**REJECT** when:

- 1) Defroster fan fails to function as designed

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

Señor Florez –Deseret News

**On August 21, 2014**, I sent a letter to Mr. Murrell Martin, Transportation Specialist for USOE. This letter was advising him of the Salt Lake City School District's violation of R277-601-3 because they were operating buses in its fleet that did not meet Utah's minimal standards for school bus design as set forth in the National School Transportation Specifications and Procedures manual.

In a reply email of that same day, Mr. Martin assured me that the Salt Lake City School District had repaired all the buses in their fleet that presented with the defect which allowed hot coolant fluid to spray all over students in the bus (KUTV News: First Grader Suffers Serious Burns).

**On August 27, 2014**, I received the results of a GRAMA request that I submitted to the school district. The paperwork I reviewed; revealed that Mr. Martin's contention that all buses with the safety defect had been repaired, was erroneous.

**On August 29, 2014**, I wrote a letter to State School Superintendent Joel Coleman and Colonel Daniel Fuhr of the Utah Highway Patrol. In that letter, I requested that they have the 18 school buses in the Salt Lake City School District fleet, be placed **out of service** because they posed a safety hazard to students being transported in them.

**On September 05, 2014**, I presented the same information to the Utah State Board of Education (see attached video).

**On September 8, 2014**, I received an email from Mr. Martin of USOE. There are two statements in the email, that I bring to your attention and will explain their significance on the following page:

*"This evening I also had the opportunity to speak with UHP Lieutenant Greg Wilmore who is over the school bus inspection program. He indicated that he was present for the recent UHP inspections at Salt Lake City School District and that he felt your pupil transportation staff had addressed the safety concerns well."*

In that same email, Mr. Martin forwarded me a copy of the advisory that he just sent out to all of the transportation directors throughout the state of Utah:

*"In reviewing what else might be done to prevent this type of incident, a recommendation of shutting the circulation through the cabin down during the hot summer months was suggested. This would not only reduce the wear on the hoses over the years, but would also prevent possible exposure during extreme heat conditions."*

**On September 9, 2014**, I received a phone call from a bus driver, informing me that he had to drive a bus during this last down pour without a functioning windshield defroster. He went on to explain that he felt it was reckless for the school district to require him to drive a bus in that condition because they had disabled the heating component of the windshield defroster.

On September 10, 2014, I replied to Mr. Martin's email asking several questions, that as of this writing, he has yet to respond. One of my questions:

*"I am a bit shocked that you would accept that "shutting the circulation through the cabin down" as an acceptable solution. Are you aware that the defroster in the school bus does not work when this shut down is in place? I had a bus driver call me and reported that during the recent down pour he could not see out the windshield because the defroster would was not working. He described how dangerous it was to drive a bus in that condition on the road and through school parking lots. This is yet another example of my level of frustration with this entire situation. Aren't we just trading one safety problem for another? Who then is responsible when that bus driver runs over a child because the mechanics shut down the defroster? Shouldn't all school buses have a working defroster year around?"*

**In the absence of a response from Mr. Martin**, I am now submitting this letter for your review, requesting that you determine how the buses cited on the first page of this letter, passed a safety inspection if the defrosters were not in working order?

Or, are we to conclude that they were operational at the time of the safety inspection and the school district personnel disabled them after the UHP Trooper conducted the safety inspection?

I question the wisdom of the USOE Transportation Specialist advising transportation directors throughout the state to disable the defrosters in order to "reduce wear and tear on the hoses". This is a direct contraction to the standards set forth by your department's vehicle inspection manual!

The forecast for Salt Lake City is calling for rain later this week. I would ask that your department confirm that the buses mentioned on the front page of this letter have a properly working defroster.

I recognize that if the defrosters are turned on for these 18 buses and the safety recall repairs have not yet been completed, we will expose the students being transported in those buses to the potential hazard of being sprayed with hot pressurized radiator fluid.

It is for that reason that I renew my request to the UHP; Place all school buses **out of service**, that have not been repaired according to the remedies set forth in safety recall notice 14V-313 issued on June 11, 2014 by the NHTSA. I believe that the current **Vehicle Safety Inspection Manual for Buses**, (see page 69), gives you the authority to place these buses **out of service**:

## 2. Check Step well, floors and panels

a. **REJECT** when: ...inner panels...have...openings sufficient to cause a hazard to an occupant

As you are aware, the current standards of the National School Transportation Specifications and Procedures, adopted by the State of Utah read as follows:

**Heater lines on the interior of the bus SHALL be shielded to prevent scalding of the driver or passengers**

I would argue that if there is an opening in the shielding panels over the hose that runs the length of the passenger compartment, then these buses should not pass the safety inspection and should be placed **out of service** as the: *"inner panels have openings sufficient to cause a hazard to an occupant"*. This hazard was visited upon two of the students in the Salt Lake City School District on June 3, 2014 (See UHP report R10307658).

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Your immediate attention to this matter would be greatly appreciated as I believe the safety of our students is at risk if we leave this situation in its current state of muddled contradictions and chaos.

Shalom,



J. Michael Clára  
Board Member, District 2

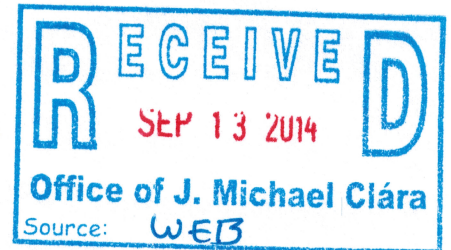
cc: Senator Luz Robles, District 1  
Mr. Joel Coleman, State Superintendent of Public Instruction  
Colonel Daniel Fuhr, Superintendent of Utah Highway Patrol  
Mr. Richard Willard, U.S. Department of Transportation



**STATE OF UTAH  
DEPARTMENT OF PUBLIC SAFETY**



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**OFFICIAL VEHICLE SAFETY INSPECTION MANUAL  
FOR  
TRACTORS /TRAILERS/ BUSES  
26,001 lbs GVWR AND ABOVE**

Lance Davenport  
COMMISSIONER

Col. Daniel Fuhr  
SUPERINTENDENT

Lt. Troy Marx  
COMMANDER

Sergeant Glen Porter  
PROGRAM MANAGER

**EFFECTIVE** January 01, 2011- December 31, 2012

**UTAH HIGHWAY PATROL  
VEHICLE SAFETY SECTION**

5500 West Amelia Earhart Dr.  
Admiral Byrd Plaza, Suite #360  
Salt Lake City, Utah 84116  
Office: 801-965-4889 Option #1  
Fax: 801-322-1817  
<http://safetyinspections.utah.gov>

Utah Interactive Customer Support Line: 801-983-0275

## VEHICLE WINDOWS - Continued

### D. WINDSHIELD WIPERS

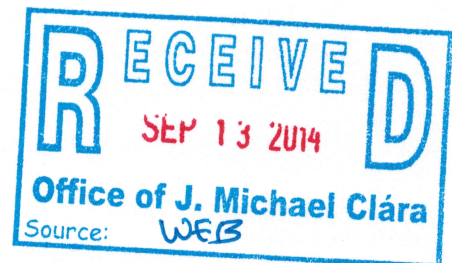
1. Check wipers for proper operation, for damaged, torn or hardened rubber elements of blades and metal parts of wiper blades or arms.
  - a. **REJECT** when:
    - 1) Either wiper fails to function properly. If vehicle was originally equipped with two windshield wipers, both must function properly.
    - 2) Wiper blade(s) smear or streak windshield.
    - 3) Wiper blade(s) show signs of physical breakdown of rubber wiping element.
    - 4) Parts of the wiper blades or arms are missing or damaged.

### E. WINDSHIELD WASHER SYSTEM

1. Check for proper operation of hand or foot control and that an effective amount of fluid is delivered to the outside of the windshield.
  - a. **REJECT** when:
    - 1) System fails to function properly, i.e. fluid reservoir unable to hold fluid, cracked or broken hoses.

### F. WINDSHIELD DEFROSTER

1. Check the defroster for proper operation.
  - a. **REJECT** when:
    - 1) Defroster fan fails to function as designed



## SCHOOL BUS - Continued

### E. BODY INTERIOR

1. Check the fire extinguisher, aisle clearance, handrails and seats/barriers.
  - a. **REJECT** when:
    - 1) The fire extinguisher has been discharged or is missing.
    - 2) The aisle does not have the required clearance and/or the center aisle strip is missing or not secured.
    - 3) The left side handrail is missing or it has a portion of that handrail that is completely unattached from its securement position, or if it does not meet or exceed the OEM specs.
    - 4) Any seat cushion or seat assembly (frame) that is **completely unattached** from the structure that secures it.
    - 5) Any seat/barrier material so defective that it compromises the integrity of occupant protection and compartmentalization.
    - 6) Driver's seat fails to adjust or hold proper adjustment.
    - 7) Any part of the driver's safety restraint assembly is missing, not properly installed or so defective as to prevent proper securement.
2. Check step well, floors and panels.
  - a. **REJECT** when:
    - 1) Any part of the step well or support structure is damaged.
    - 2) Any step well condition that would present a tripping hazard.
    - 3) Floor pan or inner panels having excessive perforated areas or openings sufficient to cause a hazard to an occupant.
    - 4) Any panel (ceiling, side, wheel well, etc.) protruding, having sharp edges, or not secured, that may cause injuries.

