

TRANSPORTATION POLICIES:
DO NOT LEAVE THE CHURCH WITHOUT ONE
By Frank Sommerville

Every year thousands of churches transport millions of people for the purpose of doing good. In addition to church activities, many churches operate schools and day care centers that also transport children for field trips or sports. Every year some are killed or injured while being transported by the church for church business. Following sound principles can prevent most of these tragedies. The principles below apply equally to churches, schools and day care centers. Good transportation policies reduce the chances of an accident and reduce the severity of injuries should an accident occur. Churches policies should address the following topics.

VEHICLE POLICIES

If the church owns the vehicles, then it should enact policies similar to those enacted by a commercial bus company. These policies should address the following topics:

- All drivers should have commercial drivers licenses that allow them to transport passengers for hire.
- The church should secure copies of the driving record for each driver at least annually and ban drivers that have two or more moving violations within 12 months.
- The church should prohibit the drivers from driving more than 10 hours in a 24-hour period.
- The church should prohibit using its vehicles between midnight and 6:00 a.m.
- The church should buy at least \$1 million in insurance coverage for liabilities associated with the vehicles.
- The vehicles should be inspected once per month, and before any single trip of 150 miles or more, by a mechanic for safety issues. His report(s) should be in writing.
- If the church operates 15 passenger vans, it should either sell the vans or modify them to meet National Highway Safety Transportation Administration guidelines. The modifications and policies for these vans should include the following: The church should remove the last seat. It should prohibit towing more than 1500 pounds or any trailer with more than one axle. It should prohibit transporting more than 9 total occupants in the van. It should require the gas tank be half full at all times. It should prohibit driving vans faster than 60 miles per hour (normal driving conditions) or 55 miles per hour if towing a trailer. Nothing should be stored on the roof of these vans.

DRIVER POLICIES

If the church does not own vehicles or the church vehicles are occupied on other trips, then churches frequently ask members to drive their personal vehicles on church trips. These drivers and their vehicles present a significant risk to the church. These policies should apply to all drivers on church business, regardless of whether the driver is operating their personal car or a church owned vehicle. To minimize the risk, the transportation policy should address the following topics:

- All drivers should be prohibited from using a cellular phone while the vehicle is moving.
- The church should buy non-owned vehicle liability insurance coverage.
- The church should require that the owner of the vehicle provide proof of insurance at least annually.
- The church should prohibit all drivers less than 25 years of age.
- The church should prohibit youth leaders from organizing trips after church activities (such as after a church service) where it is likely that the youth will be riding with other youth drivers. The church should either provide the transportation or not sponsor the off campus activity.
- The church should secure and review the driving record of all drivers at least annually, and remove drivers that have 2 or more moving violations within 12 months.
- The church should require all drivers to obey all traffic laws at all times.
- The church should require that all vehicle occupants wear seat belts at all times and not allow more occupants than available seat belts.
- The church should require the use of child seats or booster seats for the transportation of children that weigh 80 pounds and less.
- The church should adopt an emergency plan if an accident should occur. This plan would include having the names, addresses and phone numbers of the next of kin or parent to be notified in case of an accident. The church should secure a medical treatment authorization for each child being transported. The emergency plan should include appointing a spokesperson to deal with the media inquiries. The emergency plan should determine who should be notified and by whom.

CHARTERING TRANSPORTATION

After reviewing the above policies, many churches think that church provided transportation is not worth the hassle. Instead, they believe that chartering transportation will solve their problems. While chartering can reduce the church's risk, chartering has its own set of risks. Churches should consider the following when chartering transportation:

- The church should charter buses that are licensed by the ICC to sell interstate transportation of people.

- The church should secure indemnification from the bus company for all liabilities resulting from their transportation.
- The church should verify that the bus company's insurance is in effect at the time of the trip.
- The church should check with the ICC for any complaints that have been filed about the bus company.
- The church should verify with state transportation authorities that the bus company has all necessary permits to operate in the state.
- The church should review the age and condition of the buses that the bus company proposes to use on the trip.

CONCLUSION

Transportation is inexpensive and a privilege taken for granted by many Americans. Yet more Americans lose their lives or are injured in transportation than we would tolerate in any other activity. Many attorneys make a nice living representing those who have great losses from transportation accidents. Transporting individuals is also one of the most hazardous activities that churches undertake. By following simple principles, the church may reduce its liability exposure. A sample policy is located at www.wkpz.com.