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Item No. 9

**Halifax Regional Council
July 7, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

M. E. Donovan

SUBMITTED BY:

M. E. Donovan, Director Legal Services & Risk Management

DATE: June 22, 2009

SUBJECT: Use of 15 Passenger Vans

INFORMATION REPORT

ORIGIN

At the Halifax Regional Council meeting of January 22, 2008, it was moved by Councillor Streach and seconded by Councillor Barkhouse that:

1. Regional Council direct staff to permanently remove the 15 passenger van, owned by HRM recreation and operated in District 1, Eastern Shore/Musquodoboit Valley, and prepare options to replace it with a more appropriate mini-bus type of vehicle; and
2. Staff report back to Council on the future plans for the other 15 passenger vans under HRM ownership.

BACKGROUND

The tragic accident in Bathurst on January 12, 2008 raised concerns with the use of 15 passenger vans by the HRM. This accident occurred when a teacher/volunteer coach of a basketball team driving a 15-seat 1997 Ford Club Wagon crossed over into oncoming traffic and was struck by a tractor-trailer while returning from a basketball game in Moncton. The accident occurred at midnight and the road conditions were poor due to snow. The driver thought he had traveled onto the shoulder of the road and corrected to return to the road. The van then traveled onto the oncoming traffic lane and was struck. Eight passengers were fatally injured and four passengers survived, some with serious injuries.

Transport Canada has completed their investigation into this accident and issued their findings on July 29/2008. They found that snow caused slippery road conditions, poor mechanical condition of the van due to poor maintenance (and specifically under inflated all season tires), and the length of time the driver was on duty contributed to the accident. The improper use of seatbelts was a contributing factor for one death.

The United States National Traffic Safety Administration, in studies evaluating the accident record of these vans, found similar factors were the cause of a number of accidents and the occurrence of serious injuries. The fifteen passenger vans have driving characteristics which are different from a standard automobile and similar to a truck or large SUV. The risk of rollover and ejection are strongly linked to fatalities. In the Bathurst accident seven of the eight fatalities were caused by ejection from the vehicle. The factors that were reported to contribute to rollovers and passenger ejections were:

- Number of Passengers: Some vans were over capacity. These vans are 2.2 times likely to rollover when above 50% capacity then below.
- Tire Inflation: 74 percent of passenger vans were found to have significantly mis-inflated tires.
- Use of Safety Belts: 92% of passengers survived when properly wearing seatbelts.
- Speed of the Vehicle: The odds of rollover on high speed roads, more than 50 mph, are about five times greater than below this speed.
- Experience of the Driver
- Driver Fatigue: Due to long hours
- Use of Drugs and Alcohol.
- Weather and Road conditions.

The risk of rollover and injury can be significantly mitigated by controlling these factors.

New safety features: The rate of rollovers for these vehicles has reduced in recent years partly due to greater care, better restraint systems, and new features that have been added to the vehicles to reduce the risk. Some of these features are as follows.

Stability controls system - These systems control the vehicle during high-speed turns or on slippery roads thereby reducing the risk of rollover. These systems have shown to greatly increase stability especially in the “returning to road” tests.

Seat Belts/ Air curtains - Manufacturers have replaced the lap only belts with lap and shoulder seat belts and air curtains to reduce injury in side impact accidents and rollovers.

Seat belts reminder systems - Newer vehicles have alarms, buzzers and lights that sound when seatbelts are not fastened and, although irritating, have been quite successful in increasing the use of seatbelts.

HRM will include these added features for future purchase of these vans.

DISCUSSION:

The use of 15 passenger vans within the HRM is quite limited as compared to the fleet of equipment which is operates. HRM presently has six of these style passenger vans:

- 1- recreation - to transport children, program participants, volunteer firefighters (1998 Savannah)
- 3- police - one with some seats removed, two to transport (2005 Ford, 2- 2003 Ford)
- 2- fire - one with 15 seats, one with 12 seat capacity used for transport (2003 Ford)

Immediately after this accident HRM limited the use of these vans or modified their use by removing some or all of the passenger seats. The unit in recreation was not used to transport passengers.

This type of van is very popular due to their capacity and low cost. For example in 2006 there were over a half a million vans of this type in use in the United States alone. They are used safely for many uses daily.

While the 15 passenger van is not always inherently dangerous, there are some situations that can result in erratic vehicle response that an inexperienced driver might not be able to control. The anticipated use of each HRM van was reviewed to identify trip attributes that have one or more of the factors which increased the risk of accidents. Most of the HRM vans are used for trips within the urban core at low speeds. In one case, in recreation, the vehicle is used at higher speeds and on winding roads with low shoulders. This vehicle was used by recreation in Eastern Passage/ Musquodoboit Valley and will be replaced by a dual wheel vehicle more appropriate for use in that area (highway speeds, low shoulders, windy roads). The use of smaller seven or twelve passenger vans (shorter length vans) was recommended in the interim or if capacity is not an issue.

The replacement for this van is currently underway.

The remaining vans are to be used with the following conditions:

- The driver is 20 years of age or older, has a class 4 licence (or better), a two-year safe driving record, and has been trained in the use and operation of this type of vehicle.

- For transportation of staff who are 18 years of age or older. When passengers are under the age of 18, an adult attendant, in addition to the operator, is to be present to ensure passengers compliance with guidelines.
- The driver and all passengers **must** wear a seat belt and occupancy is limited to the manufacturers' assigned seating capacity. Passengers must be of a minimum age and size to meet the manufactures' recommendation for seat belt use to insure proper fit. This vehicle will not transport young children, youths or passengers where seatbelt use is difficult to enforce, or if their age or size is less than recommended by the manufacturer for a proper seatbelt fit. Booster seats or similar modifications are not permitted.
- Loading is to take place from the front seat to the back seat. Luggage is to be placed on the floor and not stacked. The roof will not be used for storage for any purpose and the van will not be used to tow a trailer when passengers exceed one half capacity.
- The vehicle is to be used primarily within posted speed on city streets, below 80 km/hour unless the rear seat is removed and the trip within a 160 km radius of its home base. Trips outside this area are discouraged and must comply with the "Commercial Vehicle Drivers Hours of Work Regulations."
- All 15 passenger vans are to be treated as a commercial vehicle under the Nova Scotia Motor Vehicle Act and are to comply with those regulations, (maintenance standards, hours of work). The driver is to record a pre-trip and post trip inspection including a tire check for air pressure prior to use and file these records for three months. Repairs to any safety related deficiency will be completed before making any trip. Tires are to be checked and replaced on a regular basis and snow rated tires are installed prior to use during winter months.
- The vehicles are not used during adverse driving conditions, major winter storms or significant weather events.

When each vehicle is scheduled to be replaced, the use of the vehicle will be reviewed to determine if another type of vehicle is more appropriate depending upon its expected use.

BUDGET IMPLICATIONS

There are no direct budget implications as allocation of funds for replacement of vehicles is part of the normal budget process.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budget, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.



Report prepared and approved by: _____

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