

# TRANSPORTATION SAFETY:

## CREATING A SAFER PLACE FOR MINISTRY

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Possibly because it poses one of the greatest liability threats for a ministry, few things generate more questions than transportation issues. Whether your organization owns, leases or even borrows a bus or van, the list of considerations is long. Each one takes time, commitment, and leadership, but if your goal is to make safer transportation a priority, the following items will progress you towards that.

### Establish Standards for Drivers

An ideal starting point is establishing minimum standards for each driver. You can best accomplish this by adopting a written "Transportation Policy" (a sample policy is available on our website) that includes the following requirements at a minimum.

- **Age:** A minimum age of 25 and a maximum age of 70 are recommended (accident probability increases dramatically under or over these suggested driver ages). Exceptions to these age limits should be clearly outlined, including experience, attitude, and physical condition.
- **Driving Record:** Have no more than one (1) moving violation for the past 36 months and no more than one (1) chargeable at-fault accident for the past 36 months. Prior alcohol or drug-related violations should not be allowed.
- **License and Insurance:** Have a valid U. S. driver's license and personal auto insurance. If operating a vehicle with a capacity of more than 15 passengers, possess a Commercial Driver's License.



## Additional Safety Considerations

In addition to proper driver selection, there are additional precautions you should consider.

- **Driver Form:** Have all drivers complete an Approved Driver Form (see sample on our website) and maintain an approved drivers' list that is reviewed annually.
- **Vehicle Maintenance:** Assign responsibility for vehicle maintenance according to the manufacturer's recommendations and no matter how short the list, vehicles should be inspected, including for proper tire pressure. Implement pre-trip and post-trip inspection programs.
- **Cell Phone Usage:** Require all drivers either to turn off cell phones while they are driving or to assign a passenger to answer any calls or texts.
- **Seat Belts:** Each occupant should be required to wear a seat belt at all times.
- **Seating:** Set and enforce capacity requirements for all vehicles.
- **Driver Fatigue:** Even the best drivers are susceptible to accidents, and driver fatigue is a growing trend towards contributing to accident frequency. Limit drivers to no more than eight hours in any 24-hour period, and have more than one driver for trips of six hours or more.
- **Late-Night Driving:** Drivers need to be well rested and attentive to driving at all times. Ban driving between midnight and 6 a.m.

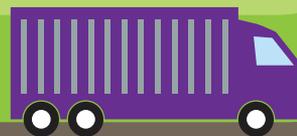
## Volunteer Driving Planning— Important Facts and Exposures

Many churches and nonprofits have volunteers and employees using their personal vehicles for the church's purpose such as doing errands, performing services, or transporting children, youth or even adults on church-sponsored trips. If that volunteer should have an accident while "on business" for the church, there is an exposure to liability. In the event of a catastrophic accident, there could even be a lawsuit against the organization as well as against the driver and owner of the vehicle.

It is important to note that volunteer drivers, while using their own vehicles, will be covered by their own personal auto insurance, and their personal insurance is primary regardless of what insurance the church or nonprofit may or may not have.

### What to Do

- Adding Hired and Non-Owned liability insurance to either your commercial auto or general liability policy helps protect your organization in the event of an accident involving a hired or non-owned vehicle. This endorsement extends liability coverage to protect the church, school, or other nonprofit for liability arising out of the use of non-owned or hired vehicles. In cases where a catastrophic injury occurs, the damages may exceed the driver's personal auto insurance limits, and in that case the church or nonprofit is potentially vulnerable and needs this important coverage as protection.
  - Hired auto: Any vehicle loaned to your organization, leased or rented by your organization, or used by your organization via a written contract.
  - Non-owned auto: Any vehicle that is being used on your organization's behalf for business and is registered to one of the insured's employees or volunteers.
- Screen volunteer drivers under the same guidelines as those for drivers of church-owned vehicles.
- Have all volunteer drivers complete and sign a Volunteer Driver form such as those found on our website. You will want the driver to know and understand the responsibilities and exposures to their own personal insurance.





## Renting Transportation

When leasing a vehicle, follow these guidelines:

- When you rent a car or van, you will most often be given the option of purchasing an insurance policy from the car rental company or of signing a Collision Damage Waiver (CDW). A CDW is not a type of insurance: it's a waiver of the rental agency's insurance. In all cases, you want to purchase this insurance offered by the rental agency for three reasons.
  1. Unless the church's insurance policy specifically provides this endorsement (some do and some do not), if the rented vehicle is damaged, you will be paying out of pocket for the resulting damage. But even if the church's insurance policy has this provision, it typically includes a \$500 deductible or higher, and paying for the rental agency's insurance is often less.
  2. The church's insurance policy most likely will not cover "loss of use" as a result of the rental car's being out of service for repairs, and the rental agency may charge you for the lost time and revenue for the number of days that vehicle is out of service.
  3. Purchasing the rental company's policy eliminates the hassle factor – you simply turn the vehicle in and go home. Otherwise you have to hold your breath and wonder if that little scratch was really there before you rented the vehicle and whether you'll have to defend if it was or not.
- When renting a vehicle, we always recommend using the church's credit card as opposed to the personal credit card of the individual renting the vehicle. But most importantly, when signing the contract, be sure to sign "on behalf of XYZ Church." The rental contract you are signing attests that you are responsible, so by signing on behalf of the church, you're making it clear that you're only representing the church and not personally renting the vehicle.

Note: Be aware that occasionally the leasing agency provides no physical damage coverage. In that case, contact your insurance agency immediately to be sure your policy includes this coverage or request it to be added.

## Avoid Lending or Leasing Church Vehicles

While we understand that you may want to assist another organization or ministry by temporarily lending or leasing one of your church-owned vehicles, we **do not** recommend doing so.

Considerations:

- Understand that your church will be held fully liable for damage caused by the negligent operation of your vehicle by others. If the user damages your vehicle, they will most likely expect you to turn in damages under your insurance rather than pay for the damages out of their own pocket.
- When you loan or lease your vehicle, you lose all supervisory control over who may drive it and how it's operated and cared for.
- If you want to help them,
  - consider aiding them financially in leasing or chartering a vehicle from a rental agency rather than incurring the risk of loaning or leasing your own vehicle, or
  - provide one of your own "approved" drivers.

*Discourage distractions such as the use of cell phones, side conversations, and eating while driving.*



## Golf Carts in Your Ministry

Golf carts have become popular on church campuses to help transport people from the parking lot to a designated drop-off point near the church. Golf carts, however, are no exception to safety guidelines. To maximize safety, it's a good idea to have a policy for golf cart use.

- **Require a driver's license.** While it may be legal to operate a golf cart without a driver's license, consider limiting those driving on your behalf to experienced, licensed drivers.
- **Establish cart paths.** Set out distinct, approved cart paths for travel.
- **Reduce distractions.** Discourage distractions such as the use of cell phones, side conversations, and eating while driving.

## 15-Passenger Vans

15-passenger vans remain a significant legal and safety concern. The National Highway Traffic Safety Administration (NHTSA) is the agency responsible for establishing federal motor vehicle safety standards and for more than 13 years, the NHTSA has been issuing advisory warnings on the use of 15-passenger vans. While it is not illegal to use 15-passenger vans for general transportation, legalities aside, a duty is owed to those entrusted to your care to keep them safe from harm. While some improvements have been made on newer models, the vehicle's basic flaws make it nearly impossible to alter the risks.

The National Highway Traffic Safety Administration continually emphasizes the danger of these vehicles and provides a list of safety precautions in the event of their use.

- **Prevent Overloading:** No more than nine occupants, and load from the front to the back. If necessary, remove the rear seat and keep the rear area free of luggage or equipment. Absolutely nothing should be loaded on the roof, and don't tow anything behind the van.

- **Require Seat Belts:** Each occupant should be required to wear a seat belt at all times (88% of people killed in rollover crashes were not wearing seat belts, according to the NHTSA).
- **Vehicle Maintenance:** Make sure the vehicle is regularly maintained. Have suspension and steering components inspected and all maintenance done in accordance with the manufacturer's recommendations.
- **Inspect Tires:** Ensure that vehicles are equipped with properly sized and load-rated tires and at the proper inflation (a recent NHTSA survey estimates that 30% of 15-passenger vans have at least one tire that is significantly under-inflated by 8 psi or more). Replace tires per manufacturer's guidelines regardless of tread depth – tires lose their integrity with age, which is also why it is important to avoid using old spares.
- **Screen Drivers:** Make sure drivers are experienced in operating 15-passenger vans and have safe driving records.

**According to Richard Hammer, noted attorney and author for Church Law & Tax Report, any church or ministry that continues to use 15-passenger vans, following four NHTSA safety advisories regarding these vehicles, assumes significant risks – risks of injuries or loss of human life, and potential legal liabilities caused by an accident.**

If your organization requires transportation, mini school buses are the acceptable alternative most similar to vans. ✦

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The Insurance One team assembled to service the CO+OP members is led by experienced agents with close to 100 years of combined experience. The Woodlands (Texas) office is led by agency owners, Gary Benson and Paula Burns.

