



SENIOR VICE PRESIDENT –
BUSINESS AND FINANCE

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

April 16, 2004

VICE CHANCELLORS - ADMINISTRATION

Dear Colleagues:

I wrote to you on January 27th about the National Highway Traffic Safety Administration's (NHTSA) determination that 15-passenger vans are unsafe in certain circumstances. Attachment I is a copy of the NHTSA's Action Plan for 15-Passenger Van Safety. It is clear from this document that the NHTSA is conducting various reviews and analyses in an effort to develop a uniform classification of the vehicle and a national standard regarding how the risk should be addressed.

The University has been studying the best way for us to comply with California Public Contract Code 10326.1, which requires all state agencies to discontinue the purchase of 15-passenger vans and restricts operation of those currently in stock to drivers holding a "Class B" (commercial) license. Although this law does not specifically apply to the University, the Legislature has asked that The Regents adopt similar rules and regulations.

Financial Management has collected data from each campus detailing the number of 15-passenger vehicles in each fleet and how each campus intends to respond to the recommended training and licensure of the drivers of 15-passenger vans, as well as projected dates of phasing these vehicles out of the fleet.

Based on a review of the data collected, I am now asking you to do the following:

- Halt the purchase of new 15-passenger vans (we will re-evaluate purchase programs once NHTSA has completed testing of replacement vehicles / technologies, but you should not purchase any of these vans until their testing is completed later this year and we have determined that appropriate mitigations are available).
- Initiate a plan to phase out existing fleets (leased or owned).
- Until all 15-passenger vans can be removed from the fleets, require drivers of 15-passenger vans to obtain a Class B License or complete a training program that meets or exceeds Class B written and skill tests. All operators must be trained by January 1, 2005; no operators after that date will operate 15-passenger vans until trained. This measure applies to UC owned vans, as well as leased or rented vans.

- Abide by the NHTSA's policy that preschool and K-12 age children should not be transported in 15-passenger vans. These recommendations are consistent with what insurers are now requiring of other customers with large van fleets. It is highly likely that our own excess insurers will exclude coverage for 15-passenger van operations. The Office of Risk Management has determined that if the conditions outlined in these measures are not honored, coverage from the self-insurance program for accidents arising out of the use of 15-passenger vans will no longer be extended. That means that each campus would be responsible for self-funding any claims or litigation that might arise out of such accidents.

I appreciate the efforts you have made to date to initiate programs that reduce your campus' exposure and for your prompt attention to implementing these measures. I recognize the burden the 15-passenger van restrictions may place on your van pool / fleet operations; however, it is prudent for us to employ measures that will mitigate the risk of accident and injury UC faces with these vehicles in our fleet.

Questions regarding implementation of the above recommendations may be directed to Chief of Staff Colleen Nickles.

Sincerely,

-- Joe --

Joseph P. Mullinix
Senior Vice President

Attachment

cc: President Dynes
Members, President's Cabinet
General Counsel Holst
Special Assistant Gardner
Campus Risk Managers
Campus Parking and Transportation Directors
Campus Fleet Management Directors
Interim Director Carletta
Chief of Staff Nickles

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The link to the attachment is

<http://www.nhtsa.dot.gov/cars/problems/studies/15PassVans/15PassCustomerAdvisory.htm>