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## IN THIS ISSUE:

- Insurer declares van 'inherently unsafe'
- Salt Lake City dispute raises First Amendment issues

### Insurer declares van 'inherently unsafe'

By George Henson

DALLAS (ABP) -- More than 10,000 churches continue to operate a vehicle the Southern Baptist Convention's primary insurer of churches has declared "inherently unsafe."

GuideOne, the church insurer endorsed by the Annuity Board of the Southern Baptist Convention, insures more than 50,000 churches nationwide. Of those, about 10,000 maintain policies on 15-passenger vans. Some of those churches own and insure more than one such van.

The insurer has strongly encouraged churches to stop using 15-passenger vans. "GuideOne believes 15-passenger vans to be inherently unsafe," the company said. "We encourage our policyholders to strongly consider other transportation options."

The company still covers 15-passenger vans it has already insured but has stopped writing new policies for the large vans. It also has issued regulations about who may operate the vans. All drivers are required to have a commercial driver's license, a chauffeur's license or pass a defensive driver's course.

In April, the National Highway Traffic Safety Administration reissued a cautionary warning to users of 15-passenger vans. Government research has determined 15-passenger vans have a rollover risk that dramatically increases as the number of occupants increases from fewer than five people to more than 10.

The rollover rate for 15-passenger vans in single-vehicle crashes nearly triples when the vans are loaded with 10 or more occupants as compared to fewer than five occupants.

Critics say the weight and center of gravity of 15-passenger vans make them more susceptible to rollovers, that their design does not allow them to endure a side-impact crash and that many deaths in the vans have been attributed to occupants not wearing seat belts.

An investigation by CBS News revealed at least 424 people nationwide have been killed and hundreds seriously injured in rollovers of the vans since 1990.

These findings have created a quandary for many churches that don't want to operate vehicles that may be unsafe but have large sums of money invested in the vans. The vans are popular because they provide a relatively inexpensive way to transport a group of people in a vehicle that anyone with a regular license can drive.

If they sell their 15-passenger vans, churches fear they might simply be passing the safety hazard onto others.

First Baptist Church of Athens, Texas, is looking to dispose of its four 15-passenger vans. "We've parked them and pulled the keys," said Family Minister Joe Wood.

Wood said parking the vans was the easy decision, but determining what to do with them now is harder.

"We would prefer they not be used for people transport, but after we sell them to someone, I don't guess we have much control over that," he said. "But from a moral standpoint, we don't want anyone riding in those vans. We would like to find someone who would remove all the rear seats and carry things back there and just have one or two people riding in it."

Shiloh Terrace Baptist Church in Dallas has bought a 24-passenger bus but is holding on to its 15-passenger van until more members acquire the commercial driver's license required to drive the bus.

"We're still using it for a few things, but we've put a lot of restrictions on it," said Scott McLaughlin, interim church administrator. Among those restrictions are a limit of eight occupants and a maximum driving speed of 60 miles per hour.

"As long as the 15-passenger vans are operated at a low speed and with a low weight capacity, the rollover rate isn't that much greater than it is for a car," McLaughlin said. Nevertheless, he plans to get rid of the van as soon as a few more qualified drivers are licensed for the bus, probably by the end of the year.

Hampton Road Baptist Church in DeSoto, Texas, meanwhile, has two 15-passenger vans and has no plans to dispose of them in the near future, said Bob Moore, minister of education and administration.

"These are both low mileage vehicles, but when we do replace them, we'll probably go to 15-passenger buses," he said.

The church does not allow any towing by the vans, limits the number of people riding in the van to 10 plus the driver and does not allow heavy cargo to be stowed in the back of the van.

Hampton Road also held a driving clinic to acquaint drivers with the unique handling characteristics of 15-passenger vans.

Those characteristics have been noted by GuideOne and the National Transportation Safety Board.

Critics believe the van's body extends too far beyond the rear axle, causing the back end to swing out uncontrollably during quick maneuvers. This condition is exaggerated further if the van is towing a trailer.

The vans also are said to be top-heavy, because they are built on a cargo-van base. The design was based on carrying cargo on the floor, not passengers elevated off the floor.

For this reason, critics contend the vans actually are more dangerous for adults than children, because adults are taller and heavier, shifting the center of gravity in the van even more.

The solution to the problem, according to GuideOne literature, is for churches to use 15-passenger buses rather than the vans.

"The big difference between 15-passenger vans and buses is that buses are designed and made specifically to pass government safety tests for passenger vehicles," the insurer has told churches. "Fifteen-passenger vans are not held to this same standard. Buses generally are encased in a steel cage, have stronger flooring, specially designed seating with better collapse and impact absorption and better rollover protection."

The vans do not have side bar protection, meaning passengers face greater risk of injury from side-impact collisions, according to GuideOne.

Federal safety regulations governing 15-passenger vans also are less strenuous than those governing small buses.

On the other hand, the greatest determining factor in whether occupants in rollover crashes live or die is the use of seatbelts. According to the National Highway Transportation Safety Board, 80 percent of people killed in van rollover crashes in the last 10 years were not wearing safety belts. Passengers who wear seatbelts in 15-passenger vans are 75 percent less likely to be killed in a rollover crash than people who don't.

Ford Motor Co., manufacturer of the popular Econoline 15-passenger van, maintains the vehicles are "very safe." However, Ford also says it agrees with government recommendations that the vehicles be operated only by trained drivers and that all passengers should wear seat belts.

Churches, meanwhile, may be looking for an ejection seat with a parachute.

Churches wanting to sell their 15-passenger vans may not get the kind of financial deal they want, warned Nick England, president of Lasseter Bus and Mobility in Lewisville, Texas.

"Churches should not have real high expectations about what they can get for their 15-passenger vans," he said. "There's just a real glut on the market, especially as more and more churches are trying to get out of these vehicles.

"But our experience has been that they are not really deterred by that. There just seems to be a feeling of cutting their losses because they realize this is not the vehicle they need."

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## **Salt Lake City dispute raises First Amendment issues**

By Robert Marus

SALT LAKE CITY (ABP) -- A city block at the center of the Mormon universe is also at the center of a legal dispute pitting claims of religious liberty against the freedom of speech.

A three-judge panel of the 10th U.S. Circuit Court of Appeals has ruled that Salt Lake City officials violated the First Amendment by selling a section of a downtown street to the Church of Jesus Christ of Latter-day Saints for use as a religious park. Terms of the sale said the area would remain accessible to the public but allowed church officials to regulate speech, such as distribution of anti-Mormon literature, on the site.

The case could go all the way to the U.S. Supreme Court. It has created strange bedfellows. A Southern Baptist minister and the American Civil Liberties Union join on one side, saying the sale terms violate free speech. A Baptist state convention joins the Mormons on the other, contending that churches have the right to remove protestors from their property.

The pedestrian plaza formerly was a block of Salt Lake City's Main Street that divided the church's main administration complex from the historic Mormon Temple and other religious sites. The city sold the block to the church in 1999. Today it is a pedestrian plaza featuring religious statues, plants, benches and a reflecting pool.

An easement retained by the city, however, allowed the general public access to the site after the sale. When city officials and church officials later drew up the official deed, they added language clarifying that public access did not include making the site a forum for free speech.

But the 10th Circuit panel ruled in October that parts of the plaza that were once city sidewalks remain a "traditional public forum" for speech.

"The purpose of the easement is to provide a pedestrian thoroughway that is part of the city's transportation grid, and in this respect it is identical to the purpose the sidewalks along that portion of Main Street previously served," the judges said.

But the Mormon Church, which owned the land before the city obtained an easement in the first place, said the plaza no longer resembles a city street and therefore is not a public forum.

Fifteen religious groups filed a friend-of-the-court brief supporting the Mormons' claim. They include the Colorado Baptist General Convention, the United Methodist Church and the Islamic Society of Colorado Springs.

The brief says the three-judge panel's ruling endangers religious liberty because it opens the door to forcing churches to open their private property "for antagonistic demonstrations and marches."

That is misdirected concern, Southern Baptist minister Kurt Van Gorden said in a telephone interview from his home in Victorville, Calif.

A leader in a 104-year-old ministry called the Utah Gospel Mission, Van Gorden was arrested twice in April for passing out Christian literature on the plaza. He said LDS security guards first arrested and detained him, and then turned him over to the custody of the Salt Lake City police. He was released on bail, and the church later dropped trespassing charges.

"The Utah Gospel Mission, as a mission organization, as well as other mission groups, have used that section of Main Street to pass out gospel literature," Van Gorden said. "The city recognized that that was a public forum for over 150 years."

The judges agreed with Van Gorden, saying the city could not delegate to the church in a public easement the power to restrict speech in a way that discriminates against non-Mormon viewpoints.

But attorneys for the LDS church have asked for the full 10th Circuit Court to review the case because of its First Amendment implications. Among other things, the church argues that allowing the city to control a plaza filled with religious imagery could be viewed as establishment of religion, which is banned in the First Amendment.

"A reasonable observer could well perceive a message of endorsement of religion in the city's direct control and regulation of a plaza filled with the religious displays and symbolism of the LDS Church," according to a motion for rehearing.

"We have here something that has never happened before -- a plaza infused with religious imagery that has a judicially created public forum running straight through it. Great care should be taken to consider the constitutional implications of this result."

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