



# National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

*Log H-531C*

Date: June 5, 1989

In reply refer to: H-89-18

Honorable Thomas Kean  
Governor of New Jersey  
Trenton, New Jersey 08625

About 11:25 a.m. eastern standard time on November 29, 1988, a chartered intercity bus carrying a driver and 49 passengers en route to Atlantic City, New Jersey, from New York City, New York, was traveling southbound in the right "express" lane of the New Jersey Garden State Parkway, near Tinton Falls, New Jersey. The bus, without signaling, gradually veered rightward off the travel lane, sideswiped a guardrail, skidded back onto the highway, overturned onto its right side, and slid about 220 feet diagonally across the two express lanes before coming to rest facing east with the rear of the bus across half of the left travel lane. There was no intrusion into the occupant compartment, no other vehicles were involved in the accident, and there was no fire.<sup>1</sup> Forty-nine passengers (ages 60 to 85 years) and the 39-year-old busdriver sustained minor to severe injuries such as fractured ribs, lacerations, abrasions, and contusions.

The busdriver claimed on his Leisure Time employment application to have driven commercial buses and cars since 1978. This information, however, was not supported by information supplied by previous employers. The busdriver also gave a "No" answer as to whether or not his license, permit, or privilege had ever been suspended or revoked. In fact, the State of New York temporarily suspended his privilege to drive from November 17, 1986, to April 21, 1987, for failing to answer a June 4, 1986, summons concerning a violation for failing to keep to the right. While he was under suspension, the busdriver drove commuter runs for Metro Apple Express. His driving privilege was restored after he paid the assessed fines. Leisure Time officials indicated they were not aware of the suspension at the time they hired the busdriver and were processing the busdriver's application. They indicated that they had made telephone calls, sent inquiries to the applicant's previous employers, and had not received a copy of the applicant's driving record. According to 49 CFR 391.23, the motor carrier is permitted to obtain this information within 30 days after the applicant

<sup>1</sup>For more detailed information, read Highway Accident/Incident Reports-- "Intercity-Type Buses Chartered for Service to Atlantic City, New Jersey" (NTSB/HAR-89/01/SUM).

is hired. However, current Federal and State regulations do not require a response from an applicant's previous employers or that the motor carrier follow up in cases where no response is received.

The Safety Board believes that the busdriver's employment record reflects a lack of job stability. In addition, the driver had not been adequately trained to operate an intercity bus. Had Leisure Time performed a thorough review of his employment history in a more timely manner than that afforded by the Federal regulations, the company may have recognized his limitations and either attempted to provide him with training or discontinued his employment.

The State of New Jersey has adopted the Federal Motor Carrier Safety Regulations and is participating in the Federal Highway Administration's (FHWA) Motor Carrier Safety Assistance Program (MCSAP). The New Jersey Department of Transportation, Office of Regulatory Affairs, Motor Carrier Inspection and Investigation Unit is charged with the oversight of commercial vehicles transporting passengers for hire. The unit initially inspects all new commercial vehicles used for transporting passengers for hire as well as biannual inspections for all New Jersey licensed commercial vehicles transporting passengers for hire. It also investigates consumer complaints, illegal operations (charter operating rights and line operating rights), and certain accidents involving commercial vehicles transporting passengers for hire. The unit also performs roadside and terminal inspections of vehicles and drivers. Currently, approximately 17 inspectors are responsible for performing these inspections statewide. The inspections focus on a mechanical examination of vehicles, driver licenses checks, and compliance with hours of service and medical certificate requirements. Also, the unit has the authority to perform in-depth safety reviews of motor carriers but has not done so because it lacks staff to handle the additional responsibility. Consequently, the unit has not performed any audits of motor carrier's driver qualification files.

The Safety Board believes that although New Jersey is participating in FHWA's MCSAP and it has conducted numerous roadside vehicle and driver inspections, further attention needs to be focused on performing in-depth safety reviews of motor carrier operation (terminal inspections) to ensure that motor carriers have adequate management systems in place to properly supervise driver operations. Specifically, attention should be directed to driver selection procedures and monitoring driver in-service activities.

The Safety Board is concerned that in the four accidents it investigated involving commercially chartered bus trips to or from Atlantic City (Carney's Point in 1986, Middletown Township in 1987, and Little Egg Harbor Township and Tinton Falls in 1988), the performance of the busdriver was a common element in the cause of those accidents. The Carney's Point, Middletown Township, and Tinton Falls accidents involved busdriver inattention, while the Little Egg Harbor Township accident involved busdriver impairment due to illicit drugs. In each of these accidents, the busdrivers had been recently hired (less than 1-year service time). In two of the accidents, had the motor carriers performed a more thorough and timely screening of the busdriver's qualifications, they may not have hired the drivers, or they may

have provided the drivers additional training or monitoring. Consequently, increased emphasis needs to be placed on performing terminal inspections to make certain that motor carriers who operate in New Jersey are properly selecting and monitoring recently hired busdrivers.

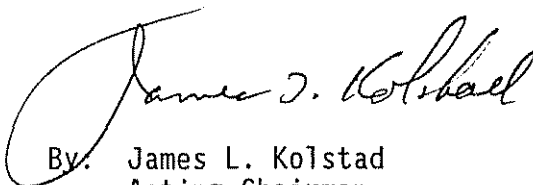
Therefore, the National Transportation Safety Board recommends that the New Jersey Department of Transportation:

In conjunction with the Federal Highway Administration, perform in-depth safety reviews (terminal inspections) of motor carriers transporting passengers for hire (specifically servicing Atlantic City, New Jersey) to ensure that motor carriers have adequate management systems in place to properly select, supervise, and monitor recently hired drivers. (Class II, Priority Action) (H-89-18)

Also, as a result of its investigation, the Safety Board issued Safety Recommendation H-89-15 to Leisure Time, Inc.; H-89-16 to the United Bus Owners of America and the American Bus Association; H-89-17 to the National Highway Traffic Safety Administration; and H-89-19 to the Federal Highway Administration.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "... to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-89-18 in your reply.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, NALL, and DICKINSON, Members, concurred in this recommendation.

  
By: James L. Kolstad  
Acting Chairman

