

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594

Safety Recommendation



Date: July 26, 1993

In Reply Refer To: H-93-29

Mrs. Patricia B. Adducci
Commissioner
New York State Department of Motor Vehicles
Empire State Plaza
Albany, New York 12228

On Sunday, July 26, 1992, about 11:10 a.m., the driver of a charter bus traveling from Brooklyn, New York, to Vernon, New Jersey, lost control of the bus as it descended a steep hill. The bus struck a car, overturned on its right side, slid and spun on its side, uprighted, and struck another car before coming to rest. A fire ensued, burning the bus and the second car. Twelve passengers were ejected from the bus during the collision; six of them died. The driver and the other 37 bus passengers sustained minor to serious injuries. The two car drivers sustained minor injuries, and the car passenger was uninjured.¹

The National Transportation Safety Board determines that the probable cause of the accident was the busdriver/owner's² failure to maintain the bus adequately and his deliberate disregard in choosing to operate the bus with known brake deficiencies. Contributing to the accident was the failure of the New York Department of Transportation (NYDOT) to inspect the bus and ensure that its deficiencies were corrected. Also contributing to the accident was the inadequacy of the Federal Highway Administration's system for identifying motor carriers.

¹For more information, see Highway Accident Report--*Charter Bus Loss of Control, Overturn, and Fire, Vernon, New Jersey, July 26, 1992 (NTSB/HAR-93-02)*.

²The busdriver was the owner of the company, Golden Sons, Inc., to which the bus belonged.

The postaccident examination of the bus revealed numerous deficiencies throughout the brake system. The drive axle brakes were the only functional brakes on the bus, and even they were out of adjustment. The investigators calculated that the cold braking efficiency³ of the bus was about 38 percent.

The extent of the deficiencies indicates very little maintenance performed on the vehicle before the accident. The brakes were missing hardware, loose, out of adjustment, and worn. The air chambers were corroded and leaking, as were the air and grease seals, so the components around the brake assemblies were contaminated. The reverse idler and the reverse gear were excessively worn. Although the clutch assembly and the transmission were in good condition, the clutch linkage was so loose that it would have been difficult to fully disengage the clutch when changing gears. The air reservoir tanks contained water, and the structural integrity of the bus had been degraded by severe corrosion. The deficiencies found were indicative of long-term neglect and did not occur during the accident. Based on all of the deficiencies discovered in the postaccident examination, the Safety Board concludes that the accident bus had not been adequately maintained and was not fit for service.

The driver had taken the bus for repairs the week before the accident and was told that it needed new brakes. When he retrieved the bus, the mechanic told him that the brakes had not been repaired, that the bus was in "bad shape" and needed the repairs, and that he should "take it easy." The postaccident examination confirmed the mechanic's assessment of the condition of the bus.

Although the driver had known about the deficient condition of the brakes and the bus, he had chosen to operate the bus anyway. Since 1989, he had shown deliberate disregard for safety requirements. He had failed to file affidavits of compliance with the New York Department of Motor Vehicles (NYDMV), to obtain operating authority from the NYDOT, to file an MCS-150 (Motor Carrier Identification Report) with the Federal Highway Administration, to have the NYDOT inspect his buses, and to pay a fine. Also, although he had owned the accident bus for 4 months, he had not repaired it despite its numerous deficiencies. Therefore, the Safety Board concludes that the driver chose to operate the bus without first repairing the brakes and other known major deficiencies.

The busdriver registered it and received registration plates from the NYDMV despite the lack of a CVSB⁴ inspection certificate because he certified that the bus was equipped as required by New York's Vehicle and Traffic Law and that he would have it inspected within 10 days. He did not do so. Given the mechanical deficiencies found during the postaccident examination, the bus would not have passed inspection.

³The efficiency of brakes that have not been affected by the frictional heat generated during brake applications.

⁴Commercial Vehicle Safety Bureau, part of the NYDOT.

It does not appear to the Safety Board that Golden Sons' failure to present the accident bus for inspection was an isolated instance. A spot check after the accident revealed about 31 other buses without CVSB inspection certificates were transporting passengers. The Safety Board, therefore, concludes that issuing registration plates to a bus upon certification that it will be inspected within 10 days does not adequately deter uninspected and unsafe buses from operating.


Therefore the Safety Board recommends that the New York Department of Motor Vehicles:

Issue registration plates for commercial vehicles capable of transporting passengers only after the vehicle has passed an inspection. (Class II, Priority Action) (H-93-29)

Also, the Safety Board issued Safety Recommendations H-93-27 and -28 to the Federal Highway Administration, H-93-30 to the New York Department of Transportation, H-93-31 to the American Association of Motor Vehicle Administrators, H-93-32 to the United Bus Owners of America, and H-93-33 to the American Bus Association.

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-93-29 in your reply. If you need additional information, you may call (202) 382-6850.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HART, and HAMMERSCHMIDT concurred in this recommendation.


By: Carl W. Vogt
Chairman