

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594



Safety Recommendation

Date: December 13, 1994

In Reply Refer To: H-94-12

Honorable Rodney E. Slater
Administrator
Federal Highway Administration
Washington, D.C. 20590

About 3:28 p.m. on November 10, 1993, near Snyder, Oklahoma, a tractor-semitrailer traveling southbound on U.S. Route 183 struck a 1993 Thomas Built Minotour school bus that was crossing the highway while traveling west on County Line Road. The 20-passenger school bus was occupied by the driver and nine children. The school busdriver said that she stopped at the stop sign and then proceeded to drive across Route 183. The truckdriver stated that the school busdriver hesitated and then pulled out in front of his truck. The school bus was struck in the right side behind the right-front entrance door. Eight children were not wearing the available lapbelts and were ejected. Four of the ejected children died; the injuries of the other four ranged from minor to serious. One child, the only occupant of the bus who was restrained, was not ejected; he received minor injuries. The school busdriver was not ejected, but she was not wearing the lap-shoulder restraint and sustained severe injuries from contact with various parts of the bus interior. The truckdriver, who stated that he was wearing his lapbelt, received minor injuries.¹

¹ For more detailed information, read Highway Accident Report--*Collision of School Bus with Tractor-Semitrailer near Snyder, Oklahoma, November 10, 1993* (NTSB/HAR-94-04).

The National Transportation Safety Board determines that the probable cause of the accident was that the school busdriver did not see the approaching truck because her view was obstructed, because she had not been provided with an effective strategy or other means for overcoming the view obstruction, and because she may have been distracted by the unruly passengers. However, the Safety Board also determines that the truckdriver's failure to observe the speed advisory and the Cornell Construction Company's failure to systematically maintain the accident truck contributed to the severity of the accident.

The Safety Board's investigation indicated that Cornell Construction Company, Inc., (Cornell) was not in compliance with Federal Motor Carrier Safety Regulations (FMCSR). A postaccident mechanical inspection of the combination unit revealed that four of the six brakes on the tractor and three of the four brakes on the semitrailer were out of adjustment. The S-cam rollers on the brakes on axle 1 had an accumulation of dirt and grease. The brake drums on axle 2 had moderate heat-checking² and a 3/8-inch lip between the friction surfaces and the outer edges. A drag test demonstrated that the brake on the right side of axle 2 would not lock the wheel. The brake drum on the left side of axle 3 had minor heat-checking, and the lining on the brakeshoe had a transverse crack that extended from rivet hole to rivet hole. The brake drum on the right side of axle 3 had light heat-checking, and the lining had cracks on both sides. Cornell's vice president told Safety Board investigators that the brakes on Cornell trucks were adjusted on an "as needed" basis and that such work was often postponed until construction projects were completed. The Safety Board concludes that if the truck brakes had been properly adjusted, the impact forces would have been lower and the crash forces transmitted to the occupants would have been less severe.

The Federal Highway Administration (FHWA) keeps track of carriers under its jurisdiction on the Motor Carrier Management Information System (MCMIS). However, the FHWA did not identify Cornell either as an interstate carrier or as a hazardous materials carrier until the Snyder accident occurred. On November 22, 1993, 12 days after the accident, the FHWA added Cornell to the MCMIS. The FHWA then conducted a review and determined that Cornell was operating at an unacceptable level of compliance with the FMCSR and Hazardous Materials Regulations. On March 15, 1994, the FHWA issued Cornell an unsatisfactory rating, citing deficiencies in the qualifications of drivers, in the hours of service for drivers, in recordable/preventable accident rates, and in the safe transportation of hazardous materials. The FHWA informed Cornell by letter that it was prohibited (1) from transporting placardable quantities of hazardous materials and (2) from transporting for hire more than 15 passengers, including the driver, in interstate commerce. The letter also stated: "Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review."

² Small lines indicating that the brakes had been subjected to extreme heat; heat-checking is usually evidence of emergency braking.

In its 1993 report on an intercity bus accident,³ the Safety Board extensively addressed Federal oversight of motor carriers and concluded that the FHWA system for identifying carriers is inadequate. As a result of that investigation, the Board asked that the FHWA:

H-93-28

Develop a systematic and continual process of identification of carriers subject to the Federal Highway Administration's jurisdiction that includes the immediate entry of new carriers onto the Motor Carrier Management Information System, systematically accessing available State record systems, and maintaining contact with the Interstate Commerce Commission concerning new motor carriers. Devise a method of verifying that the process results in the identification of the entire carrier population.

The FHWA responded on November 3, 1993, that Office of Motor Carriers field personnel often identify new carriers through various resources, including State records, and that since the 1992 accident, they had been implementing carrier identification programs to comply with this recommendation. However, the FHWA did not identify Cornell, although it could have done so by accessing many information sources, such as motor vehicle records, road-use tax records of the Public Utility Commission, and State Motor Carrier Safety Assistance Program records. Therefore, Safety Recommendation H-93-28 is classified "Open--Unacceptable Response."

As a result of its investigation of the Brinkley, Arkansas, accident,⁴ which involved the failure of an intercity busdriver and an interstate truckdriver to report license suspensions and moving traffic violations, the Safety Board asked that the FHWA:

H-87-45

Revise the Federal Motor Carrier Safety Regulations without delay to require operators of commercial motor vehicles to periodically obtain and retain on file the driving violation conviction record for each driver employed from the State which issued the driver's license to operate a commercial vehicle.

In its August 25, 1989, letter to the Board, the FHWA stated that Section 391.25 of the FMCSR satisfies the Safety Board's recommendation. This regulation relies on commercial drivers to report their violations to their employers; it does not require the carrier to check the

³Highway Accident Report--*Charter Bus Loss of Control, Overturn, and Fire, Vernon, New Jersey, July 26, 1992* (NTSB/HAR-93/02).

⁴ Highway Accident Report--*Trailways Lines, Inc., Intercity Bus Collision with Rising Fast Trucking Company, Inc., Interstate Highway 40 near Brinkley, Arkansas, July 14, 1986* (NTSB/HAR-87/05).

license status with the licensing agencies. Therefore, in December 1989, the Safety Board classified this recommendation "Closed--Unacceptable Action."

The Snyder accident demonstrates again the unreliability of a self-reporting system for drivers. During the 10 years preceding the accident, the truckdriver in this accident had received 33 speeding citations in 4 States, many of them while driving a commercial motor vehicle (CMV). His traffic record in Oklahoma for the past 10 years showed 27 convictions for speeding and 6 convictions for other violations: operating an overweight vehicle, failing to stop for a red light, driving the wrong way on a one-way street, operating a motor vehicle without a current license plate, and driving while suspended (twice). His traffic record in Wyoming showed six speeding convictions that had been issued in Oklahoma, Texas, and Kansas between January 1990 and October 1991. Between July 1990 and March 1992, Wyoming suspended his license twice and disqualified him from driving a CMV. The truckdriver knew about his record, but the only violation he reported to Cornell was one seatbelt violation in a passenger car in February 1993.

The Safety Board considers the truckdriver's driving record pertinent to this accident. The combination unit was 58 feet long and 8 feet wide. At the time of the accident, the semitrailer was carrying 31,980 pounds of crushed granite, and the estimated weight of the tractor and its loaded semitrailer was 66,500 pounds. The truckdriver stated that he was in 12th gear and estimated his speed at the time of the accident to be between 55 and 60 mph. The speed limit on the highway is 55 mph, but a speed advisory of 45 mph was posted for the section of Route 183 under construction. The Safety Board concludes that the truckdriver did not have sufficient time to avoid the collision. However, the Board also concludes that if the truckdriver had been traveling at the 45 mph advisory speed, the impact forces would have been lower and the crash forces transmitted to the occupants would have been less severe.

The truckdriver provided a Texas commercial driver's license (CDL) when he was hired by Cornell in October 1992. His license status in Texas was clear at that time, but if Cornell personnel had requested his traffic records from Oklahoma or Wyoming, they would have found his extensive list of violations. A subsequent check would have revealed that Texas had revoked the truckdriver's CDL, for serious offenses, after he began working for Cornell and that it was still revoked at the time of this accident. Therefore, the National Transportation Safety Board recommends that the Federal Highway Administration:

Immediately revise the Federal Motor Carrier Safety Regulations to require that motor carriers check a driver's record, both initially and at least annually, with State licensing agencies where the driver works and is licensed. (Class II, Priority Action) (H-94-12)

Also, the Safety Board issued Safety Recommendations H-94-10 and -11 to the National Highway Traffic Safety Administration, H-94-13 and -14 to the Governors of the 50 States and the mayor of the District of Columbia, H-94-15 and -16 to the National Association of State

Directors of Pupil Transportation Service, and H-94-17 to the Cornell Construction Company, Inc. If you need additional information, you may call (202) 382-6850.

Chairman HALL and Members LAUBER and HAMMERSCHMIDT concurred in this recommendation.


By Jim Hall
Chairman