

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594



Safety Recommendation

 Date: July 26, 1993

In Reply Refer To: H-93-30

Mr. John Egan
 Commissioner
 New York State Department of Transportation
 5 Governor Harrison
 State Capitol
 Albany, New York 12232

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.

After purchasing the accident bus in late March, the driver registered it and received registration plates from the New York Department of Motor Vehicles (NYDMV) despite the lack of a Commercial Vehicle Safety Bureau (CVSB) 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.

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.

The NYDOT does not routinely conduct roadside bus inspections. Instead it inspects buses at the request of the motor carriers at prearranged times and locations. Because the accident bus was operating without an inspection certificate and because the inspections conducted after the accident indicated that other vehicles were also operating without inspection certificates, the Safety Board concludes that the NYDOT does not adequately ensure that buses subject to its jurisdiction are inspected.

In addition, the NYDOT permits a bus operator who is found to be transporting passengers without an inspection certificate to unload the passengers and drive away without having the bus inspected. The practice does not discourage the operator from conducting future operations using uninspected buses and thus poses a potential safety hazard, not only to the passengers, but also to other users of the roadway as well.

The Safety Board believes that the NYDOT should conduct periodic roadside inspections in order to identify buses that are not fit for service. As with the trucks that fail roadside inspections and are placed out of service, buses that fail roadside inspections should not be allowed to operate until deficiencies are corrected. However, the Safety Board recognizes the inconvenience and potential hazards that roadside inspections may cause for passengers and encourages the State to consider passenger concerns while performing these inspections.

The State of California for example, in addition to inspecting buses at the carrier's terminals, also conducts periodic roadside inspections either at destinations or en route. When conducting destination inspections at such locations as Disneyland or a ball park, the passengers are away from the bus, and there is sufficient time to have a bus repaired if necessary. When en route inspections are conducted at rest areas or at scale inspection facilities, portable ramps are used to conduct the inspections, and portable bathrooms and food wagons are brought to the site to service the passengers. Usually, the delay to the passengers is approximately 20 minutes. Other States, such as New Jersey, Michigan, and Nevada, are starting to conduct roadside bus inspections.

Under the MCSAP,³ the Federal Highway Administration is in the process of delegating the duties of conducting motor carrier safety/compliance reviews to the States. Currently, 44 States are performing safety/compliance reviews, and in FY '91, the States reviewed 9,500 carriers. As of February 1, 1993, New York had conducted 38 reviews. The Safety Board believes that safety/compliance reviews are an effective method to oversee a motor carrier's operations. In addition to conducting roadside bus inspections, the State should give high priority to conducting safety/compliance reviews of passenger carriers, whether under the MCSAP or its own established programs.

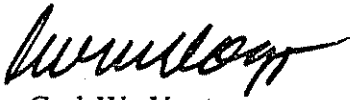
Therefore, the Safety Board recommends that the New York Department of Transportation:

Conduct periodic roadside inspections to identify buses that are not fit for service and prohibit them from operating, regardless of whether passengers are on board, until they have passed inspection. (Class II, Priority Action) (H-93-30)

Also, the Safety Board issued Safety Recommendations H-93-27 and -28 to the Federal Highway Administration, H-93-29 to the New York Department of Motor Vehicles, 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-93-30 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

³The Motor Carrier Safety Assistance Program, which helps fund State inspections of motor carriers in States that have regulations that are similar to the Federal Motor Carrier Safety Regulations.