

109# H - 498 A



# National Transportation Safety Board

Washington, D.C. 20594  
Safety Recommendation

Date: August 3, 1987

In reply refer to: H-87-38

Honorable Elizabeth H. Dole  
Secretary  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

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About 10:10 a.m. Pacific daylight time on May 30, 1986, a southbound intercity charter bus operated by Starline Sightseeing Tours, Inc. went out of control while negotiating an S-curve on U.S. Route 395, about 11 miles south of Walker, California. The two-way, two-lane, mountainous roadway was clear and dry. The bus initially crossed the centerline to the left and then veered back across the roadway onto the right shoulder. The bus then swerved left and right again, and its rear struck a rock retaining fence on the right shoulder. Continuing forward, the bus crossed into the northbound lane, overturned and slid on its left side, rolled over onto its roof, and came to rest upright in the West Walker River. As a result of the accident, 21 passengers died and 19 passengers and the driver were injured. 1/

The primary safety issue in this accident concerned commercial busdriver preemployment screening and postemployment supervision by motor carriers and oversight of the carrier by the State of California, and the Federal Highway Administration (FHWA) Office of Motor Carrier Safety (OMCS). Another safety issue was the adequacy of the systems available for the exchange of data on the driver's accident and driving violation records.

The OMCS is primarily responsible for the Federal oversight of motor carriers engaged in interstate commerce. The OMCS normally conducts safety audits to determine if carriers are complying with the Federal Motor Carrier Safety Regulations (FMCSR). However, the OMCS at times also conducts safety audits after a carrier is involved in a serious accident. Currently, 300 OMCS special agents nationwide are charged with enforcing Federal motor carrier safety regulations on more than 200,000 carriers. The Federal enforcement and compliance effort is

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1/ For more information, read Highway Accident Report--"Intercity Tour Bus Loss of Control and Rollover into the West Walker River, Walker, California, May 30, 1986" (NTSB/HAR-87/04).

supplemented by State-operated programs funded in part by the Motor Carrier Safety Assistance Program (MCSAP), which is administered by the OMCS. Each of the 45 MCSAP-participating States provides personnel who conduct roadside driver/vehicle safety inspections and initiate enforcement actions.

However, the Safety Board is concerned that a 4-hour initial safety review will not be adequate to identify many of the carriers failing to comply with the Federal regulations, even though their written procedures and systems suggest that they are properly organized to comply with the regulations. Even if OMCS agents are able to adequately review most of the carriers for which they are responsible, it is unlikely that the agents will also have the time to travel from one site to the next, to perform the detailed followup compliance reviews on the carriers rated as less than satisfactory in the initial review, and to perform the other duties required of them.

During the initial safety review, motor carriers will be assigned a rating of "satisfactory," "conditional," or "unsatisfactory" based on the adequacy of their systems and procedures to effect compliance with applicable safety regulations. Motor carriers that receive a rating other than satisfactory will be placed in the Selective Compliance and Enforcement Program (SCE). The SCE was placed in effect by OMCS on October 1, 1986, in conjunction with the new procedures for evaluating and monitoring motor carriers' compliance with the FMCSRs and Hazardous Materials Regulations. The program is scheduled to be fully implemented by August 1987.

A followup in-depth compliance review will be performed on all carriers placed in the SCE program. The compliance review will provide a basis for changing a prior rating, designating a carrier for future selective monitoring, or initiating enforcement action. A goal of the SCE program is to perform a followup compliance review on all carriers that have been subject to an enforcement action, within 120 days of the settlement date. No such target has apparently been set for those carriers that were rated less than satisfactory but were not subject to an enforcement action.

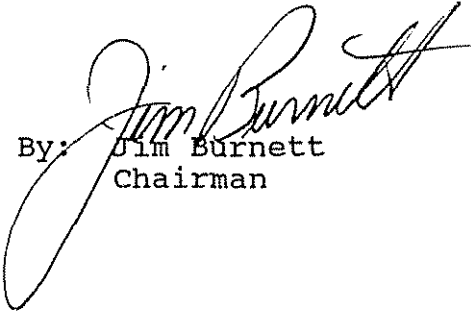
The Safety Board believes that the States should accept more responsibility to enforce compliance with safety regulations by motor carriers operating within their borders (especially in the area of improved roadside inspections of vehicles and drivers). However, the Safety Board also believes that OMCS needs an adequate number of agents to properly implement its program of rating all interstate motor carriers and to perform timely followup compliance reviews of those carriers requiring such. The Safety Board believes OMCS needs a considerable increase in its staff to accomplish this mission.

Therefore, the National Transportation Safety Board recommends that the U.S. Department of Transportation:

Increase the number of Office of Motor Carrier Safety (OMCS) agents to enable OMCS to perform an adequate safety audit of all interstate motor carriers and to perform timely followup compliance reviews of those carriers that receive a less than satisfactory rating. (Class II, Priority Action) (H-87-38)

Also, as a result of its investigation, the Safety Board issued Safety Recommendations H-87-36 and -37 and reiterated H-80-16 to the Federal Highway Administration.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER, NALL, and KOLSTAD, Members, concurred in this recommendation.

  
By: Jim Burnett  
Chairman

