

100# H-580



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: August 4, 1987

In reply refer to: H-87-39

Honorable Ray A. Barnhart  
Administrator  
Federal Highway Administration  
Washington, D C 20590

About 11:20 a.m. e.s.t. on September 29, 1986, a Leatherwood Motor Coach Corporation (LMCC) charter bus carrying 38 passengers was traveling northbound on I-295, a four-lane divided highway near Carney's Point, New Jersey, en route to Atlantic City, New Jersey. After passing three tractor-semitrailers in the left lane, the bus moved into the right lane and struck the rear of another slower moving tractor-semitrailer. The two vehicles continued forward and traveled northbound about 432 feet before coming to a stop. It was daylight, the weather was clear, the roadway was dry, and there were no visibility problems. Two bus passengers were seriously injured, 5 bus passengers were moderately injured, and the busdriver and 31 bus passengers received minor injuries. The truckdriver was not injured. Neither driver was wearing a lap belt. 1/

The primary responsibility for determining if an applicant meets all requirements for a busdriver's position rests with the employing carrier. The carrier is required by Federal regulation to obtain and check the applicant's history of employment, history of violation of motor vehicle laws, and history of accidents within a 3-year period before the date of the application. These records are required to be kept at the carrier's principal place of business for the length of the driver's employment and for 3 years thereafter.

Federal regulations require that the carrier contact and maintain a record of each of the driver's past employers during the preceding 3 years. The record should have included the name, address, and comments of each employer or representative and the date of the contact.

The Safety Board is not aware of any evidence which indicates that LMCC conducted a thorough background investigation of the busdriver's employment references. Had LMCC diligently contacted each of the previous employers listed by the driver, the management would have had more information to use in deciding whether to hire the busdriver. Inquiries with the busdriver's previous employers would have disclosed that the driver was fired from a previous bus company and that he had worked no more than 4 months for six different companies in the Washington metropolitan area. These conditions should have alerted LMCC to make further checks into the busdriver's qualifications to see if there were any other irregularities which could have potentially disqualified the driver.

1/ For more detailed information, read Highway Accident Report—"Charter Bus/Tractor-Semitrailer Rear-end Collision, near Carney's Point, New Jersey, September 29, 1986" (NTSB/HAR-87/03).

The busdriver held licenses in the District of Columbia and the State of Virginia at the time he was hired. Although the busdriver omitted pertinent information about his Virginia license on his employment application, he did indicate that he had a valid license in the State of Virginia. However, the LMCC qualification file on the busdriver only contained a copy of the busdriver's traffic record for the District of Columbia. LMCC management said they were unaware of the discrepancy.

Although the Federal Motor Carrier Safety Regulations (FMCSR) do not prohibit the possession of more than one license by commercial vehicle operators, it does require that the motor carrier obtain a copy of the traffic violation and accident history from each State in which a commercial operator is licensed to ensure that each license is currently valid. LMCC management did not meet this requirement and was in violation of FMCSR 391.11 and 391.23.

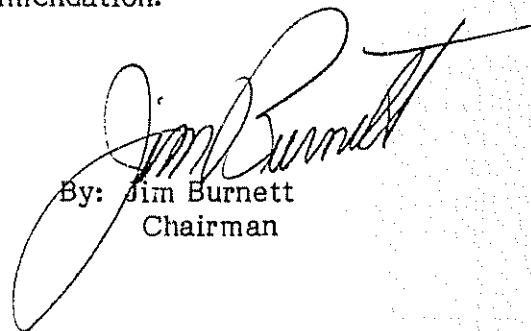
At the time the busdriver was hired, his driving privileges had been suspended in the States of South Carolina and Virginia. FMCSR 391.15 states, "A driver is disqualified for the duration of his loss of his privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it." Although the busdriver's license was reinstated in the State of Virginia in September 1986, his license in the State of South Carolina will remain suspended until 1988. Thus, the busdriver was in violation of FMCSR 391.15 at the time he was hired and should not have been permitted to drive in interstate commerce. The Safety Board concludes that LMCC violated several Federal regulations which govern the preemployment screening of the busdriver and did not adequately check the busdriver's employment history or driver license records at the time he was hired.

Therefore, the National Transportation Safety Board recommends that the Federal Highway Administration:

Conduct a safety review(s) of the Leatherwood Motor Coach Corporation with specific emphasis on checking the employment history and driver license records of its bus operators to determine if the company is in compliance with applicable Federal regulations. (Class II, Priority Action) (H-87-39)

Also, the Safety Board issued Safety Recommendation H-87-40 to the Leatherwood Motor Coach Corporation and H-87-41 to the United Bus Owners of America and the American Bus Association

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

  
By: Jim Burnett  
Chairman