



109# H-500B

National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: August 4, 1987

In reply refer to: H-87-41

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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/

Postaccident interviews and Safety Board questionnaires that were completed by the passengers disclosed that the busdriver was "friendly and happyish" and engaged in considerable conversation, turning his head toward the passengers as he spoke. Passengers also noted that the driver, at different times throughout the trip, smoked, ate, drank, drove with one hand, placed his right leg in the aisle, and vocalized his driving intentions. Some passengers reported that the driver was speeding and that he frequently changed lanes.

The Safety Board believes that the busdriver was inattentive to his driving duties during the events preceding the accident. Although the busdriver applied the service brakes immediately before impact, his extensive interaction with passengers, particularly conversing and turning his head, indicates that he was not fully attentive to his driving duties. The driver stated that as he began braking to avoid the accident, he was "somewhat distracted" by the presence of a passenger standing in the aisle just to his right. The standing passenger was identified by witnesses as one of the individuals the driver was continually talking to during the trip. If, before perceiving the need to brake, the driver had been conversing with this passenger, while turning his head toward the right as the passenger stood, he may have become distracted and, therefore, may not have been fully aware of his closing speed with the tractor-semitrailer.

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).

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While applying the brakes, the driver stretched out his right arm to prevent the standing passenger from striking the windshield. This concern for the passenger may have further distracted the driver from taking some form of evasive action to avoid the collision.

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, 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.

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.

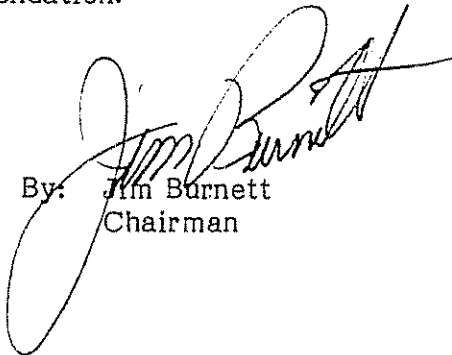
Therefore, as a result of its investigation, the National Transportation Safety Board recommends that the United Bus Owners of America and the American Bus Association:

Inform your membership of the circumstances of the accident near Carney's Point, New Jersey, on September 29, 1986, and urge them to conduct thorough preemployment checks on all driver applicants particularly concerning drivers' employment history and driver license records. (Class II, Priority Action) (H-87-41)

Also, the Safety board issued Safety Recommendations H-87-39 to the Federal Highway Administration and H-87-40 to the Leatherwood Motor Carriers Corporation.

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 and 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-87-41 in your reply.

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

By: 
Jim Burnett
Chairman

