



**NTSB** National Transportation Safety Board

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*Office of Highway Safety*

# Motor Carrier Operations

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# Motor Carrier Issues

- Federal Motor Carrier Safety Administration Oversight of New Entrants
- Limited Access to Drug and Alcohol Results

# Safety Oversight of New Entrants

- Loraine, TX, motorcoach collision
- Recommendation H-03-2
- Requirements of new entrants
  - Examination for knowledge of FMCSRs
  - Comprehensive management plan to ensure FMCSR compliance
  - Satisfactory safety audit

# New Entrant Program

- FMCSA New Entrant Program
- FMCSA developed New Applicant Screening Program
- 18-month monitoring period
- FMCSA Safety Audit

# New Entrant Safety Audit

Safety audit examines:

- Driver qualification
- Driver duty status
- Vehicle maintenance
- Accident involvement
- Controlled substance and alcohol testing

Deficiencies must be corrected by  
end of 18-month period

# New Entrant Program Evaluation

- FMCSA instituted changes to identify companies that evade enforcement
- Screening program published June 16, 2009
- Performance evaluation component

# Iguala BusMex/Angel Tours

- Started operating in 1994
- Authorized interstate passenger carrier
- Compliance Review on May 1, 2008
  - Unsatisfactory rating
  - 40% vehicle out-of-service rate
  - 45 days to correct violations and submit corrective action plan
- June 23, '08 operating authority revoked

# Iguala BusMex/Angel Tours

- June 24, 2008, submitted action plan
- FMCSA rejected action plan
- Revocation remained in effect
- Evidence of continued operations after revocation letter

# Iguala BusMex/Angel Tours

- Applied for authority July 27, 2008
- Same telephone number and address, owner name omitted
- FMCSA issued USDOT number
- Authority was pending due to insurance requirement
- Departed on trip August 7, 2008, without operating authority

# Iguala BusMex/Angel Tours

Placed out-of-service as imminent hazard for:

- Failing to operate vehicles in safe condition
- Failing to inspect, repair, & maintain vehicles
- Failing to comply with alcohol & drug testing requirements
- Failing to ensure driver qualification requirements
- Failing in driver hours-of-service requirements
- Operating after out-of-service order

# Drug and Alcohol Test Results

- In 1988, motor carriers required to test drivers for drug and alcohol
- Motor carrier required to contact previous employer for positive drug and alcohol results
- Drivers don't always identify previous employers

# Drug and Alcohol Test Results

- Unable to obtain information
- 1999 New Orleans investigation
- NTSB recommended H-01-25 to FMCSA :
  - Develop system to record positive test results
  - Require employers to query system
  - Require certifying authority to query system

# Drug and Alcohol Test Results

- TOX testing confirmed recent use of cocaine and alcohol
- NTSB subpoenaed records from two previous employers
- Positive drug test results with employment termination

# Drug and Alcohol Test Results

- NTSB subpoenaed Texas records for drug test results
- TOX testing and medical information vital to accident investigation
- NTSB recommends access to information



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