

**MOTOR CARRIER GROUP CHAIRMAN'S  
FACTUAL REPORT**



## National Transportation Safety Board

Office of Highway Safety  
Northeast Region  
2001 Route 46, Suite 504  
Parsippany, New Jersey 07054

### MOTOR CARRIER GROUP CHAIRMAN'S FACTUAL REPORT

#### I. Accident Information

Investigation No: HWY-00-FH-001  
Accident Type: Schoolbus Multiple Vehicle Collision  
Occurred: October 21, 1999 at about 10:30 a.m.  
Location: Intersection of State Route 7, and State Route 30-A  
Central Bridge, New York

#### II. Group:

Group Chairman  
Peter J. Kotowski - NTSB  
Office of Highway Safety  
2001 Route 46, Suite 203  
Parsippany, NJ 07054

#### III. Accident Summary:

On Thursday October 21, 1999 at about 10:30 a.m. EDT a 1997 International AmTran school bus (Bus), operated by Kinnicutt Bus Company, was northbound on State Route 30A (SR-30A/Zicha Road). The Bus was occupied by the driver, 44

students (ages 5 to 9), and eight adults was enroute to an Albany City School field activity. The Bus drove past the flashing red lights and stop sign at the intersection of SR-30A and State Route 7 (SR-7) into the path of an oncoming westbound 1987 Mack dump truck towing a utility trailer, operated by MVF Construction Company.

The driver of the dump truck (Truck) had attempted to stop, but was unable to avoid colliding with the school bus (Bus). The front of the Truck struck with the right rear portion of the Bus behind the rear axle. The Bus rotated clockwise approximately 150-degrees and rolled backwards off the roadway and came to rest in a grassy area. The Truck also rotated clockwise and came to rest against a metal utility pole. The Truck and Bus came to rest in the Northwest quadrant of the intersection.

Two students received critical injuries, three students and two adults were seriously injured, about 30 students, one adult, and both drivers sustained minor injuries, and nine students and five adults were uninjured.

#### **IV. School District:**

##### Filed Trip

The Albany School District has a contract with Stock Transportation (Stock) for student pick-up and return each school day. Stock is also the primary provider of bus service for other school trips and extracurricular activities. Because of the demand for bus service, the Albany School District has a list of authorized bus service companies available for use in the event that Stock cannot provide the required service.

The field trip on October 21, 1999 to the Pumpkin Patch required three buses for transportation. Stock was only able to provide two buses so the Albany School #18 Principal made arrangements for Kinnicutt Bus Service (Kinnicutt) of Menands, New York a suburb of Albany to provide the additional bus. Kinnicutt is an authorized Albany School District supplemental carrier. There was no contract for the services provided the day of the accident. The normal course of business for supplemental bus service was a phone call to Kinnicutt to schedule the bus, and the school district would

be billed at the completion of the run. The bus was scheduled to begin at Albany School #18 of the Albany School District at 9:00 a.m. and transport elementary school age children to the Pumpkin Patch located in Schoharie, New York about 43 miles one way. The bus was scheduled to return to the school by 2:30 p.m., and to return to the bus yard by 3:00 p.m.

The Supervisor of Transportation for the Albany School District stated that Kinnicutt was certified and approved by the New York Motor Vehicle Division, and the New York Department of Transportation to provide this type of service. The Supervisor of Transportation for the Albany School District was in possession of a drivers list of approved drivers that met the required state standards. The accident driver was on the list. The field trip schedule and use of the Kinnicutt bus and driver was in accordance to the Albany School District policy, as well as the State of New York Department of Education requirements.

#### **V. School Bus:**

##### Company Description:

Kinnicutt Bus Inc located at 2 Elmwood Drive Menands, New York began operations as a school bus operation in 1965. At the time of the accident Kinnicutt provided pupil transportation services under contract to various schools. They also provide charter bus service to schools for special activities, and extracurricular activities. The corporation consists of a President/Secretary, Vice-President/Treasurer, two shareholders, two full time mechanics, and 30 drivers.

Kinnicutt provided pupil transportation to and from school to the Albany School District until July 1999 when the Albany School District contracted with a

single bus contractor. Kinnicutt continued to provide additional trip service to the Albany School District similar to the accident trip.

Safety Program:

According to the Vice-President safety related responsibilities are shared with the President, Vice-President and shareholders. Safety topics for discussion are discussed and developed with input from management, mechanics, and drivers. Approximately once a month all the drivers and management discuss safety. The discussions are usually presented in a “what if” type of scenario, where the drivers are asked specifically how they would handle a specific type of situation. The topics are relative to experiences encountered by their drivers, and other bus operators in the area. An example of a recent safety meeting dealt with school buses being hit with snowballs, and winter driving techniques. The discussions always involve responses and input from the school bus drivers.

According to the Vice-President in addition to the monthly safety meetings the management staff requires attendance at a defensive driving program twice a year, although the State of New York requires a defensive driving program once a year. Kinnicutt also requires a driver to take a written test that pertains to school bus operations and driving once a year, although the State of New York requires a written test be administered every two years.

### Drug and Alcohol Testing Program

All driver applicants are required to submit to a pre-employment drug test. Kinnicutt has contracted with Samaritan Health Corporation of Albany, New York to administer a random drug and alcohol testing program for all bus drivers and mechanics. Sometime during a yearly testing quarter Samaritan Health Corporation contacts the Vice-President to schedule the randomly selected driver for a drug and alcohol test. The yearly quarters have been randomly selected, and the dates of testing are random. Normally four drivers are selected at a time. At the end of a selected driver's run he would be instructed to go to the lab at the local hospital for a drug and alcohol test. During the year 1999, 16 drivers or 50% of the drivers and mechanics were subjected to random drug testing, and all tested negative.

### General Driver Info

According to the Vice-President, all driver applicants must complete an application and be licensed to drive a school bus. In addition they must have the New York State required 20 hour School Bus Drivers Course, and pass a pre-employment drug test. Drivers would also be required to pass a company road test. Drivers are compensated by the actual hours worked including pre-trip and post-trip inspections. Drivers are compensated at \$8.00 to \$10.00 per hour depending upon the type of bus they operate. Kinnicutt reported a driver turnover rate of about 3% per year.

Accident Driver:

The accident driver has been employed by Kinnicutt since September 1, 1966. During that time he has not had any problems, and never had a traffic ticket. The accident driver's file<sup>1</sup> contained a New York State Article 19-A application, valid medical certificate, and individual test information. The accident driver also completed the State of New York 20 hours School Bus Drivers Course even though he was exempt.

On the day of the accident the accident driver completed his normal morning run driving a 30-passenger school bus picking up 25 students for a private school in the area. His morning run began approximately 2 hours before the Albany trip. (See Human Performance Chairman's Factual Report for further details)

Equipment & Maintenance:

At the time of the accident Kinnicutt Bus Inc consisted of :

- 10 66-Passenger school buses
- 1 30-passenger school bus
- 2 20-passenger school buses
- 1 wheel chair equipped bus that was out of service
- 3 Voyagers that were classified as six passenger vehicles
- 3 school cars that were classified as five passenger vehicles

(See Vehicle Chairman's Factual Report for maintenance and inspection information.)

## **VI. Accident Truck:**

### Company Description

The accident truck and utility trailer were owned and operated by MVF Construction Company, Inc. (MVF). At the time of the accident MVF was a private not-for-hire company transporting construction equipment, and excavating materials. The equipment and materials transported were for the company's use only. The truck and utility trailer were used on various construction job sites. The primary purpose of the company was home construction and the vehicle usage accounted for approximately 10% of the company's business. The truck normally operates within a 40 mile radius of the company office. The company has been issued a blanket over-width permit by the State of New York because of the company owned excavating equipment they transport.

MVF was not registered or required to registered with the United States Department of Transportation (USDOT) or the Federal Highway Safety Administration (FHWA) Office of Motor Carriers (OMC) because they operated intrastate only.

Because the accident truck exceeded 26,001 pounds the company was required to comply with the Code of Federal Regulations (CFR) Title 49, Part 40, and Parts 390 through 397 as adopted by the State of New York.

MVF did not have the required drivers files or documents, such as application, investigation from previous employers, road test, drivers license check, physical

---

<sup>1</sup> See Bus Drivers Qualification File

examination certification, pre-employment drug test, or random drug and alcohol testing. The company did have repair records in a file for the accident truck. (See Vehicle Chairman's Factual Report for maintenance and inspection information.)

## **VII. State School Bus Regulations:**

### State School Bus License Requirements:

The State of New York allows a person at least 18 years of age to obtain a CDL Class B or Class C for intrastate operations only, however they are not permitted to transport hazardous materials.

New York Article 19-A is a law that imposes additional requirements applicable to all bus drivers including school bus drivers licensed in New York State, as well as bus companies based in New York State Article 19-A defines a bus as:

1. motor vehicle controlled by a motor carrier which is a school bus seating more than 10 adults used by persons under the age of 21, or
2. is required to obtain approval in New York as a common or contract carrier,  
or
3. is regulated as a bus line,
4. is a regulated van service, or
5. is operated by a transit authority for hire.

New York Article 19-A requires a bus driver to be at least 18 years old, pass a physical examination, and not be disqualified to drive a motor vehicle pursuant to Section 509-c (disqualification of bus drivers) of the vehicle and traffic laws.

New York Article 19-A requires an employer to:

- Conduct a background check
- Obtain driving record for the driver the previous three years
- Inform drivers of the provisions of Article 19-A
- Conduct an initial physical examination of the driver and every two years thereafter.
- Annually review all drivers driving records
- Annually observe each driver's defensive driving performance
- Conduct a behind the wheel driving test every two years
- Test a driver's knowledge of the rules of the road either written or orally every two years
- Every motor carrier employee responsible for management, maintenance, operation, driving, hiring, supervising, training, assigning drivers, or teaching activities requires compliance.

The motor carrier must file affidavits annually with the State attesting to the company's compliance.

School Bus Inspections:

The New York State Department of Transportation Bus Driver Division inspected approximately 146,000 buses in FY99. Eighty percent or 116,800 were school buses. The inspections are conducted two times a year at the bus company facilities. Bus operations of 20 or more buses account for 90% of the companies inspected. 10.7% of the buses inspected were declared out of service.

**VIII. New York Commercial Motor Vehicle Oversight & Regulations:**

The State of New York has adopted CFR Title 49, Parts 390 through 397 and Parts 171 through 180.

CFR Title 49, Part 383 describes and establishes the requirements of licensing commercial vehicle drivers referred to as the Commercial Drivers License (CDL) . CFR Title 49, Part 390.3(b) requires every person who operates a commercial vehicle in interstate or intrastate commerce, and to all employers of such persons to abide by the rules established in CFR Title 49, Part 383.

CFR Title 49, Part 382 establishes procedures to help prevent accidents resulting from the misuse of alcohol or use of controlled substances by drivers of commercial vehicles. The provisions of CFR Title 49, Part 382 are applicable to commercial vehicle drivers and their employers through 49 United State Code Sec 31301 which includes both interstate and intrastate commerce.

Therefore the State of New York requires all commercial vehicle drivers to adhere to the provisions of CFR Part 49, Part 383 licensing, and Part 382 drug and alcohol testing even though the driver may be engaged in intrastate driving only, and exempt from all other provisions of the CFR because of the school bus exemption defined in CFR Title 49, Part 390.3(f)(1).

The provisions of New York Article 19-A also applies to operators of commercial vehicles.

Farm vehicles registered in the state are exempt from the adopted regulations provided the farm vehicle is operating between farms, and markets. There is a limitation on miles of travel.

#### **IX. Motor Carrier Safety Assistance Program (MCSAP):**

The New York State Department of Transportation is the lead MCSAP agency in the state. They have 50 certified commercial vehicle inspectors of which five are dedicated to conducting compliance reviews. The Department of Transportation inspectors conduct inspections at carrier facilities, and operate in conjunction with the New York State Police at roadside inspection locations.

The New York State Police have 89 Troopers assigned to commercial vehicle inspections. The State Police perform roadside inspections primarily in rest areas in

accordance with the Commercial Vehicle Safety Alliance (CVSA) guidelines for Level 1,2,3,4, and 5 inspections<sup>2</sup>.

Local agencies in the State of New York can conduct commercial vehicle inspections, but are not part of the MCSAP program.

The New York State Department of Transportation received 3.95 million dollars for FY 2000. \$69,247 was utilized for training of local law enforcement personnel.

Total inspections reported by the New York State Department of Transportation for FY99 were 31,597 with 11,512 out of service for a ratio of 36.4%.

Total inspections reported by the New York State Police for FY 99 were 24,241, with 18,294 out of service violations<sup>3</sup>, and a total of 67,175 violations cited.

The charts below provide a breakdown of the inspections conducted statewide.

Total Inspections

LEVEL	NY Dept of Transportation	NY State Police	TOTAL
1	26,145	13,455	39,600
2	4,617	8,689	13,306
3	619	2,097	2,716
4	161	0	161
5	55	0	55
TOTAL	31,597	24,241	55,838

Table 1.

<sup>2</sup> See CVSA Inspection Levels

The State of New York does not have an intrastate truck registration program at the present time. The state however is considering participating in the FHWA intrastate program where all intrastate carriers would be issued a USDOT identification number.

Intrastate trucks that are inspected by the State Police, or the New York Department of Transportation are entered into the Motor Carrier Management Information System (MCMIS) database and assigned a temporary census identification number. MCMIS is a federal agency database, which collects and stores roadside inspection data. The temporary assigned census number includes a letter prefix "F" for an interstate shipment, or "S" for an intrastate shipment at the time of the inspection. This MCMIS data is made available electronically through Safetynet for inspection, violation, and carrier information to the New York State Police and New York Department of Transportation Inspectors. Safetynet is a distributed system for managing safety data on both interstate and intrastate motor carriers, and for the Federal and State offices to electronically exchange data on interstate carriers with MCMIS.

During the roadside inspection process The New York State Police download the inspection information through the APSEN Program via laptop computers into the MCMIS database. All of the MCSAP troopers have lap top computers available for this process.

---

<sup>3</sup> Violations or tickets issued, not vehicles out of service

MVF Enforcement History

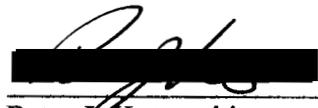
A check of the MCMIS database for MVF Construction Co revealed that there was one assigned census number<sup>4</sup> Census Number S068086. MVF was listed as an intrastate carrier. The carrier was subjected to two inspections in 1998 that resulted in seven violations, of which there were no out of service violations.

The below table indicates the roadside inspections, and type of violations detected provided by the MCMIS database.

MVF Roadside Inspections

Date	Vehicle Violations	Vehicle OOS Violations	Driver Violations	Driver OOS Violations
04/09/98	4	0	0	0
07/02/98	3	0	0	0
TOTAL	7	0	0	0

Table 2

  
Peter J. Kotowski  
Transportation Safety Specialist

<sup>4</sup> See MVF Enforcement History