



## **NATIONAL TRANSPORTATION SAFETY BOARD**

Office of Highway Safety  
Washington, DC 20594

### **Group Chairman's Factual Report**

# **MOTOR CARRIER FACTORS**

HWY22FH008

## **A. ACCIDENT**

Location: Intersection of Oklahoma State Highway 22 (SH 22) and U.S. Highway 377 (US 377) / State Highway 99 (SH 99)  
Tishomingo, Johnston County, Oklahoma  
Date: March 22, 2022  
Time: 12:19 pm CDT  
Vehicle 1: 2015 Chevrolet Spark  
Vehicle 2: 1994 Peterbilt Truck Tractor  
in combination with a 2017 Travis semitrailer

## **B. MOTOR CARRIER FACTORS GROUP**

Group Chairman Michael S. Fox  
National Transportation Safety Board  
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Group Member Trooper Justin Pope  
Troop S Oklahoma Highway Patrol  
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Group Member Eric J. Pearson  
Federal Motor Carrier Safety Administration  
Oklahoma Division  
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North Oklahoma City, OK 73107

## **C. SUMMARY**

For a summary of the crash, refer to *Crash Summary Report* which can be found in the docket for this investigation.

## **D. DETAILS OF THE MOTOR CARRIER FACTORS INVESTIGATION**

This investigative report addresses the operations of the motor carrier who owned and operated Vehicle 1, a 1994 Peterbilt truck-tractor in combination with a 2017 Travis semitrailer operated by Burton Trucking LLC. This report documents the driving history, driver qualification,

hours of service, drug and alcohol testing, and employment history of the Burton Trucking driver. Additionally, this report reviews policies and procedures of the Tishomingo School District where the driver of Vehicle 2, the 2015 Chevrolet Spark was a student.

## **1.0 Motor Carrier Operations**

The motor carrier involved in this crash was identified as Burton Trucking LLC. The carrier's principal place of business (PPOB) was located in Burneyville, Oklahoma, 73430. On March 23, 2022, NTSB and FMCSA investigators interviewed the carrier owner and her husband, who served in the capacity as: carrier manager, mechanic, driver, and was the crash-involved driver. The carrier owner provided documents and information regarding their operation. According to the Oklahoma Secretary of State, the carrier registered as a limited liability company "LLC" effective June 12, 2020.<sup>1</sup> According to the Motor Carrier Management Information System (MCMIS) the carrier obtained USDOT number 3453434 on July 14, 2020.<sup>2</sup> The carrier was registered as a non-hazardous material intrastate motor carrier and as such, did not have an MC number. The carrier was never in the Federal Motor Carrier Safety Administration (FMCSA) New Entrant Program and was never subject to a Safety Audit.<sup>3</sup> It should be noted that under the Federal Motor Carrier Safety Regulations (FMCSRs) intrastate carriers are only subject to 49 CFR Parts 40/382 (drug and alcohol testing) and 383 (Commercial Driver's Licensing).<sup>4</sup>

The carrier was a family-owned operation that operated two truck-tractors and two dump semitrailers. Burton Trucking consisted of a husband/ wife team which according to the Oklahoma Secretary of State filings, the wife was listed as the registered agent / owner. The carrier owner informed investigators that her husband served in the capacity of manager and was also designated as the primary driver. The carrier owner told investigators that their son occasionally operated the second vehicle when needed. The carrier's business model consisted of hauling asphalt, sand and gravel in intrastate commerce and obtained loads from Love County, Oklahoma and Overland Material and Manufacturing located in Ardmore, Oklahoma. The carrier was paid a percentage of each load. It should be noted that in October 2022 the carrier ceased operations because the driver died from a non-crash related medical event.

## **1.1 Burton Trucking Driver CDL and Driving History**

According to the carrier owner, her husband first obtained his commercial driver's license (CDL) in March 1997 after obtaining his CDL learner's permit and then received training from a family friend who was a commercial driver. The 51-year-old Burton driver was a resident of Burneyville, Oklahoma and at the time of the crash, held an Oklahoma Class A CDL with an issue date of May 2021 and an expiration date of May 2025. The CDL had one endorsement "N" for tank and listed "None" for restrictions. According to the Oklahoma Motor Vehicle Report (MVR)

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<sup>1</sup> Retrieved from: [corpInformation \(ok.gov\)](https://corpinformation.ok.gov)

<sup>2</sup> Motor Carrier Attachment – Motor Carrier MCS- 150.

<sup>3</sup> For additional information see [eCFR :: 49 CFR Part 385 Subpart D -- New Entrant Safety Assurance Program](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-385/subpart-D)

<sup>4</sup> 49 CFR 383.3 Applicability - The rules in this part apply to every person who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce, to all employers of such persons, and to all States. 49 CFR 382.103 Applicability- This part applies to service agents and to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State and are subject to:

(1) The commercial driver's license requirements of [part 383 of this subchapter](#).

and Commercial Drivers Licensing Information System (CDLIS) report the Burton driver had zero convictions and zero accidents for the past 10 years.

### 1.2 Medical Certificate

At the time of the crash the Burton driver held a valid medical certificate that was issued October 2021 and had an expiration date of October 2022. The medical certificate was issued by a DOT medical examiner (ME) listed as an advanced practical nurse. The NTSB queried the FMCSA medical registry and determined the DOT ME held valid credentials. Per the carrier owner, the ME was also the Burton driver’s primary care physician. The Burton driver was issued a restricted one year medical due to Hypertension and Type 2 Diabetes.

### 1.3 Driver Employment History

Per the carrier owner the crash-involved driver started employment with Burton Trucking in July of 2020. Prior to starting Burton Trucking the driver had worked seven previous CDL positions with various companies. See **Table 1** for more details. According to the carrier owner, the Burton driver was classified as full time and did not have any other employment.

**Table 1.** Burton Driver Employment History

Dates of Employment	Company	Position
11/2020- present	Burton Trucking	Commercial Driver
10/2018 – 11/2020	Blue Knight Energy	Commercial Driver
2/2009- 10/2018	Enterprise Crude Oil	Commercial Driver
9/2008- 12/ 2008	Texas Transco	Commercial Driver
9/2006- 9/2008	KS&D – Woodward OK	Commercial Driver
10/2004 – 9/ 2006	CNI Manufacturing – Marietta, OK	Commercial Driver
10/ 97 – 10/ 2004	John Deere Dealership- Pettit Machinery – Gainesville, TX	Commercial Driver
Early 1997- Oct 1997	Jack Hayes Trucking – Marietta, OK	Commercial Driver

### 1.4 Drug and Alcohol Testing

The carrier was enrolled in a random drug and alcohol consortium with “The Compliance Resource Group, Inc” of Alexandria, Virginia. Investigators contacted the consortium and determined that Burton Trucking was enrolled in the consortium and the random program was compliant with 49 Code of Federal Regulations (CFR) Part 382. The carrier had a copy of the crash-involved driver’s pre-employment drug test which was negative. The driver submitted to a post-crash drug test that was also negative.

## 1.5 Drivers Hours of Service (HOS)

As stated, the carrier was a For-Hire intrastate carrier. The carrier operated within 150 air-radius miles of their PPOB and used time sheets to maintain HOS.<sup>5</sup> The carrier obtained loads from either Blessing Gravel or Overland Materials and Manufacturing. The Burton driver's time sheets coincided with the load tickets time stamps. The Burton driver had been on duty 7.5 hours the day of the crash. For a review of the driver's hours in the week prior to the crash see **Table 2**.

**Table 2.** Burton Driver HOS

Day of week	Date	Source	Total Hours
Tuesday	3/15/2022	Time sheet	12
Wednesday	3/16/2022	Time sheet	12
Thursday	3/17/2022	Time sheet	9
Friday	3/18/2022	Time sheet	0
Saturday	3/19/2022	Time sheet	0
Sunday	3/20/2022	Time sheet	0
Monday	3/21/2022	Time sheet	11.5
Tuesday	3/22/2022	Time sheet	7.5 (crash)

### 1.5.1 Crash Trip

A review of the carrier's gravel load tickets indicated that the Burton driver had operated locally 7 days prior to the crash as well as the week before the crash. The Burton driver had obtained all loads from Blessing Gravel LLC located in Tishomingo, Oklahoma approximately 65 miles from the carrier's PPOB and delivered either to Love County District #1, Oklahoma (a distance of 53 miles) or Love County District #2 (a distance of 68 miles). The Burton driver was on his third load of the day when the crash occurred.

## 1.6 Vehicle Maintenance

According to the carrier owner, the Burton driver performed all the maintenance on the carrier's fleet. The carrier provided the previous year of maintenance records for the 1994 Peterbilt truck-tractor and 2017 Travis semitrailer. Per the carrier owner, the 1994 Peterbilt was purchased in June 2020 and was assigned to the Burton driver in November 2020. The last preventative maintenance was conducted on March 11, 2022. The annual inspections for the Peterbilt truck-tractor and Travis semitrailer were conducted on December 21, 2021 and were valid until December 21, 2022.<sup>6</sup>

### 1.6.1 Post- Crash Roadside Inspection

The Oklahoma Highway Patrol conducted a post-crash inspection on the 1994 Peterbilt truck-tractor and the 2017 Travis semitrailer. The inspection report noted that two brakes were out

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<sup>5</sup> Motor Carrier Attachment: Truck Driver Time Sheets.

<sup>6</sup> Motor Carrier Attachment: Truck-Tractor / Semitrailer Annual Inspections.

of adjustment for axle #2 left side and axle #3 right-side. A total of 15 violations were noted on the inspection report, but none were classified as Out-of-Service.<sup>7</sup> See **Table 3** for additional details.

**Table 3.** Oklahoma Highway Patrol Post-Crash Inspection

Section	OOS <sup>8</sup>	Violation Discovered
393.9H	N	Inoperable head lamps: Inoperable HB/LB both driver and passengers' side
393.9TS	N	Inoperative turn signal: Inoperable drivers' side
393.9TS	N	Inoperative turn signal: Inoperable passengers' side
393.60C	N	Damaged or discolored windshield: Cracked passengers' side
393.45D	N	Brake connections with leaks or constrictions: Audible air leak #2 drivers side chamber clamp
393.207A	N	Axle positioning parts defective/missing: #3 drivers side spring saddle cracked
393.207A	N	Axle positioning parts defective/missing: #2 passengers side spring saddle cracked
393.207A	N	Axle positioning parts defective/missing: #2 drivers side u bolt guide cracked
393.45B2UV	N	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle: #2 passengers side hose behind brake chamber with hose chafe
393.47E	N	Clamp or Roto type brake out-of-adjustment: #2 drivers' side
393.47E	N	Clamp or Roto type brake out-of-adjustment: #3 passengers' side
393.53B	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
396.5BHWSLIW	N	Hubs - Wheel seal leaking - inner wheel: #6 Drivers side inner wheel seal-no contamination
393.75C	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: #4 drivers' side
393.55E	N	No or Defective ABS Malfunction Indicator Lamp for trailer manufactured after 03/01/1998: Defective ABS lamp

<sup>7</sup> The North American Standard Out-of-Service Criteria identifies critical vehicle inspection items and details the criteria that can prohibit a motor carrier or driver from operating a commercial motor vehicle for a specified period of time or until the condition is corrected. Retrieved from: [Out-of-Service Criteria - CVSA – Commercial Vehicle Safety Alliance](#)

<sup>8</sup> OOS abbreviated for Out of Service. See footnote 9 for additional information.

The Oklahoma Highway Patrol did not take any enforcement action regarding the violations noted.

## 2.0 State of Oklahoma Oversight

Motor carriers transporting passengers or property for hire within the State of Oklahoma are required to obtain an Intrastate For-Hire Motor Carrier License.<sup>9</sup> The rules and regulations for licensing For-Hire Intrastate motor carriers are found under Oklahoma Statute, Title 165, Chapter 30 and are processed by the Oklahoma Corporation Commission.<sup>10</sup> Before a motor carrier can operate on any public road in Oklahoma, the motor carrier must first obtain a For-Hire license from the Commission. The basic requirements for the application process included:

- Complete an application with the Commission and submit filing fee.
- Be issued a personal identification number (PIN) to be used for subsequent transactions.
- The license can only be issued to an individual or corporation, limited liability corporation or other legally recognized entity.
- The filing of the application does not authorize any motor carrier to commence operations. Motor carriers are prohibited from operations until the license has been issued.
- No license for intrastate operations shall be issued until the applicant has provided a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Chapter and all applicable state statutes; and has purchased an appropriate number of identification devices.

At the time of the crash Burton Trucking held an Oklahoma Intrastate License that had been issued April 2021 and was valid from July 30, 2021.<sup>11</sup> Additionally, it should be noted that under Oklahoma statute §165:30-3-11, “no motor carrier whose PPOB is in Oklahoma shall conduct any operations in the state unless such operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department.”<sup>12</sup> The statute provided limits of insurance depending on cargo transported. Burton Trucking fell under the category of “property, materials, and products” which required a \$350,000 insurance policy. At the time of the crash Burton Trucking had a current insurance endorsement on file that was issued July 2021 and valid until July 2022.

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<sup>9</sup> Oklahoma defines For-Hire Motor Carrier as means a person operating upon any public highway engaged in the transportation of property or passengers for compensation or consideration or for commercial purposes.

<sup>10</sup> Retrieved from: [Intrastate Licenses for For-Hire Motor Carriers \(oklahoma.gov\)](https://www.ok.gov/ocm/intrastate/licenses-for-hire-motor-carriers)

<sup>11</sup> Motor Carrier Attachment: Motor Carrier Oklahoma Intrastate License.

<sup>12</sup> Ibid.

### 3.0 Federal Oversight

In 2010, the FMCSA introduced the Compliance, Safety, Accountability (CSA) system as an initiative to improve large truck and bus safety and ultimately reduce crashes, injuries, and fatalities related to CMVs. It introduced a new enforcement and compliance model that allows the FMCSA and its state partners to contact a larger number of carriers earlier in order to address safety problems before crashes occur. Along with CSA, the FMCSA also rolled out a new operational model called the Safety Measurement System (SMS), which replaced its predecessor, known as the SAFESTAT model. SMS uses a motor carrier's data from roadside inspections, (including all safety-based violations), state-reported crashes, and the Federal Motor Carrier Census to quantify performance in the following Behavior Analysis and Safety Improvement Categories (BASICS).

#### 3.1 CSA BASICS

- **Unsafe Driving** — Operation of CMVs by drivers in a dangerous or careless manner. *Example violations:* Speeding, reckless driving, improper lane change, and inattention. (Federal Motor Carrier Safety Regulations (FMCSRs) 49 CFR Parts 392 and 397)
- **Hours-of-Service (HOS) Compliance** — Operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the HOS regulations. This BASIC includes violations of regulations pertaining to records of duty status (RODS) as they relate to HOS requirements and the management of CMV driver fatigue. *Example violations:* false HOS RODS and operating a CMV while ill or fatigued. (FMCSR Parts 392 and 395)
- **Driver Fitness** — Operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. *Example violations:* Failure to have a valid and appropriate commercial driver's license (CDL) and being medically unqualified to operate a CMV. (FMCSR Parts 383 and 391)
- **Controlled Substances and Alcohol** — Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. *Example violations:* Use or possession of controlled substances/alcohol. (FMCSR Parts 382 and 392)
- **Vehicle Maintenance** — Failure to properly maintain a CMV and/or properly prevent shifting loads. *Example violations:* Brakes, lights, and other mechanical defects, failure to make required repairs, and improper load securement. (FMCSR Parts 392, 393, and 396)
- **Hazardous Materials (HM) Compliance** — Unsafe handling of HM on a CMV. *Example violations:* Release of HM from package, no shipping papers (carrier), and no placards/markings when required. (FMCSR Part 397 and Hazardous Materials Regulations Parts 171, 172, 173, 177, 178, 179, and 180)
- **Crash Indicator** — Histories or patterns of high crash involvement, including frequency and severity based on information from state-reported crashes.



A carrier’s measurement for each BASIC depends on the following:


- The number of adverse safety events (violations related to that BASIC or crashes).
- The severity of violations or crashes.
- When the adverse safety events occurred (more recent events are weighted more heavily).

After a measurement is determined, the carrier is then placed in a peer group (i.e., other carriers with similar numbers of inspections and carrier size). Percentiles from 0 to 100 are then determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile of “100” indicated the worst performance.

The FMCSA established threshold levels that would require agency action. Unsafe Driving, HOS, and Crash BASICs were set at lower thresholds because of their inherent risk. Additionally, passenger and hazmat carriers have lower thresholds than all other carriers because of their inherent risk. **Table 4** represents the thresholds set by the FMCSA that help prioritize agency intervention and resource management.<sup>13</sup> Burton Trucking was classified as a For-Hire property carrier and fell under the “all other motor carriers” criteria.

**Table 4. BASIC thresholds.**<sup>14</sup>

<b>BASIC</b>	<b>Passenger Carrier</b>	<b>HM Carrier</b>	<b>All Other Motor Carriers</b>
Unsafe Driving, HOS, Crash	50%	60%	65%
Driver Fitness, Drug & Alcohol, Maintenance	65%	75%	80%
Hazardous Materials	80%	80%	80%

On a carrier’s SMS profile, which is publicly available on the Safer website, an alert symbol  is displayed in any designated BASIC where the carrier has exceeded the corresponding threshold.<sup>15</sup> At the time of the crash, the MCMIS Carrier Profile did not show any data in the carrier BASICs and did not have any BASICs in alert status.<sup>16</sup> As mentioned in Section 1, the carrier was an intrastate carrier and only subject to 49 CFR Parts 40/382 (drug and alcohol testing) and 383 (Commercial Driver’s Licensing).

<sup>13</sup> Retrieved from: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

<sup>14</sup> Retrieved from: <http://csa.fmcsa.dot.gov/FAQs.aspx>.

<sup>15</sup> FMCSA BASIC information publicly available for passenger and Hazardous Material carriers only. See additional information at the FMCSA Safer website: <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

<sup>16</sup> Behavioral Analysis and Safety Improvement Categories is the system used by FMCSA to prioritize an intervention such as a Compliance Review.

<https://csa.fmcsa.dot.gov/HelpCenter/Resources.aspx?type=keyword&kID=BASIC>

### 3.1.1 Compliance Reviews

Under 49 CFR Part 385 the FMCSA establishes procedures to determine the safety fitness of motor carriers, to assign safety ratings, to direct motor carriers to take remedial action when required, and to prohibit motor carriers receiving a safety rating of “unsatisfactory” from operating a CMV. FMCSA assigns safety ratings as a result of a Compliance Review (CR). Under 49 CFR 395.3 a “CR means an examination of motor carrier operations, such as drivers' hours of service, maintenance and inspection, driver qualification, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard in this part. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action.” A CR will result in the following four potential safety ratings:

- (1) **Satisfactory safety rating** means that a motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standard prescribed in §385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.
- (2) **Conditional safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences listed in §385.5 (a) through (k).
- (3) **Unsatisfactory safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard which has resulted in occurrences listed in §385.5(a) through (k).
- (4) **Unrated carrier** means that a safety rating has not been assigned to the motor carrier by the FMCSA.

### 3.2 FMCSA Actions Post-Crash

Prior to this crash, Burton Trucking had never been seen by the FMCSA. As a result of this crash, the FMCSA conducted a focused CR on Burton Trucking.<sup>17</sup> The CR documented six violations that included:

1. 49 CFR 382.305 (i)(2) - Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.
2. 49 CFR 382.601 (a) - Failing to provide educational materials explaining requirements of part 382 and employer’s drug and alcohol testing program policies.

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<sup>17</sup> Motor Carrier Attachment: Post-Crash FMCSA CR.

3. 49 CFR 382.603 - Failing to ensure person designed to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.
4. 49 CFR 382.701(a) - Failing to conduct a pre-employment query.
5. 49 CFR 382.701(b)(1) - Failing to conduct an annual query.
6. 49 CFR 382.711(b) - Failing to register in the Clearinghouse.<sup>18</sup>

The CR resulted in an unrated review and the FMCSA did not pursue any enforcement action regarding the violations discovered.<sup>19</sup>

#### **4.0 Tishomingo Public School District Policies**

The teenage driver and the five teenage passengers in Vehicle 2 were students at the Tishomingo High School and were on their lunch break when the crash occurred. Investigators examined school policies as they pertained to the circumstances in this crash. The Tishomingo Public School District provided students and staff handbooks which were available on the school district website: [www.tishomingo.k12.ok.us](http://www.tishomingo.k12.ok.us) The handbooks outlined policies and procedures for topics such as attendance, conduct, dress code, safety, and other daily activities. Several applicable policies are highlighted below.

#### **4.1 Open/Closed Campus**

The students were off campus on their lunch break when the crash occurred. The lunch period for the high school was scheduled from 11:52 a.m. to 12:26 p.m. The high school was classified as an “Open Campus” meaning students were free to get lunch on their own because the school did not have a cafeteria. Per the Tishomingo Student Handbook, the district did not have any policies or procedures regarding an Open Campus but did have policies regarding “Closed Campus.”<sup>20</sup> The closed campus policy stated “middle school students are restricted to the cafeteria for lunch. These rules are to provide better supervision and protection of the students. The following exemptions may be made: 1. A parent/guardian may take his/her student to lunch. The parent/guardian must appear in the office to check his/her student out. A telephone call is not sufficient to check a student out for lunch. The parent/guardian must take the student to lunch. The student or parent/guardian signing out the student must sign back in upon return. A student cannot sign her/himself out to meet a parent at the vehicle. 2. An approved adult, one whose name is listed on a student’s pick-up list may take a student or students to lunch. The approved adult must appear in the office to check the student or students out for lunch. The student must sign back in upon return.”<sup>21</sup>

NTSB investigators interviewed Tishomingo Public School District officials regarding the open and closed campus concept. According to school officials, the high school had “always” been

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<sup>18</sup> The driver was registered with the FMCSA Clearinghouse, but not the carrier.

<sup>19</sup> The CR resulted in an unrated CR because the carrier operates only in intrastate commerce. As such the CR was limited in scope to parts 383 (CDL) and 382 drug and alcohol testing. In order to receive a safety rating the FMCSA is required to examine Parts 390 to 399.

<sup>20</sup> Retrieved from: [Tishomingo Public Schools - F - STUDENTS](#)

<sup>21</sup> Ibid.

an open campus since the school first opened. Although the Oklahoma Department of Education did not keep any data on the number of open campus school in Oklahoma, per the school officials the concept of open campus was common throughout the state. School officials informed investigators that the district had plans to build a new high school in 2024 and would be equipped with a cafeteria.

#### **4.2 Drug, Drug Paraphernalia and Alcohol Policy**

Per the Student Handbook, the sale, distribution, use or possession of alcoholic beverages, controlled substances (illegal drugs), marijuana, steroids, or other materials expressly prohibited by Federal, State, or local laws were not permitted in school buildings, on school property, or at school functions and activities. Also, the sale, distribution, or abusive use of prescription drugs or imitation drugs was not permitted. Any trace of illegal drugs/alcohol in one's body is a violation of this policy. Violation of this rule would result in disciplinary measures, which may include suspension for the remainder of the current semester and the following semester. Student violation of this rule, which also constitutes illegal conduct, will be reported to law enforcement authorities and the parent/guardian. These consequences will be imposed independently of any court action. Any school employee that suspects a student is violating this policy must report the name of the student and details to the principal.<sup>22</sup>

#### **4.3 Drug Testing Policy**

The Tishomingo Board of Education had adopted a policy for drug testing of students participating in extracurricular activities. A physical examination signed by a parent/guardian was required before a student may participate on a school district athletic team. A urine screen to detect the presence of illegal or performance-enhancing drugs which could have a harmful effect on the prospective athlete's health and athletic performance would be included as part of that physical examination.

#### **4.4 Motor Vehicle Regulations**

The Student Handbook stated, "motor vehicles, although a convenience and a form of transportation, are also deadly weapons if not used in a safe and conscientious manner." It is the school's intention to help prevent accidents on and around campus, and to provide a safe environment for all concerned. The policy listed ten traffic and parking regulations that were enacted for safety and control of traffic. These included parking restrictions, adhering to a posted speed limit of 15 MPH on school property, and pedestrians had the right of way. The policy also stated that student vehicles were subject to search if there are reasonable grounds to believe that drugs, alcohol, tobacco, stolen property, weapons, or other contraband might be present in the vehicle(s). Lastly the policy stated that students without a valid driver's license would not be allowed on campus. The policy did not mention restrictions regarding graduated licenses, seatbelt use, or any prohibition of cell phone use while operating a motor vehicle.

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<sup>22</sup> Ibid.

#### **4.5 Tishomingo School Policies Corrective Actions**

On August 3, 2022, NTSB investigators met with Tishomingo School officials to discuss current school policies and to make suggestions on potential safety improvements. Areas of discussion included: student behavior while off campus during lunch break; passenger restrictions on intermediate driver license holders, the importance of seat belt use, and risks related to impaired driving. On August 8, 2022, the Tishomingo School Board adopted several changes to the Tishomingo High School Handbook for the 2022-23 school year.<sup>23</sup> Additions to the Handbook included:

- Language stressing the responsibilities of students that drive to school
- Language limiting student passengers to the number of belted positions in the vehicle
- The Graduated licensing laws in Oklahoma and associated restrictions on learner's permits and intermediate licenses
- Restrictions on driving beyond Tishomingo during the lunch period

The Tishomingo School District also updated language to the Student Handbook regarding violations of the new driving requirements and restrictions, including parental involvement in potential disciplinary action. The correspondence also stated that the Tishomingo School District planned on making improvements to their campus video surveillance system.

#### **E. LIST OF ATTACHMENTS**

Motor Carrier Attachment- Motor Carrier MCS-150.

Motor Carrier Attachment- Truck Driver Time Sheets.

Motor Carrier Attachment- Truck-Tractor /Semitrailer Annual Inspections.

Motor Carrier Attachment- Motor Carrier Oklahoma Intrastate License.

Motor Carrier Attachment- Post-Crash FMCSA CR.

Motor Carrier Attachment- Tishomingo Public Schools Correspondence dated August 24, 2022.

SUBMITTED BY:

Michael S. Fox  
Senior Highway Accident Investigator

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<sup>23</sup> For additional information, see Motor Carrier Attachment: Tishomingo Public Schools Correspondence dated August 24, 2022.