



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Highway Safety
490 L'Enfant Plaza East, SW, Washington, DC 20594-2000

September 29, 2022

Group Chairman's Factual Report

MOTOR CARRIER FACTORS

HWY22FH001

A. ACCIDENT

Location: Big Spring, Texas
Date: November 19, 2021
Time: 4:01p.m. (CST)

Vehicle: #1 2016 Ford F-350 operated by a private party.

Vehicle: #2 2005 MCI Motorcoach operated by Andrews Independent School District.

Vehicle: #3 2018 Freightliner Ultra-Liner bus operated by Andrews Independent School District.

B. MOTOR CARRIER FACTORS GROUP

Group Chairman Michael LaPonte
National Transportation Safety Board, Office of Highway Safety
490 L'Enfant Plaza, SW Washington, DC 20594-2000

Group Member Sergeant Jon Shock
Texas Department of Public Safety
Odessa, Texas

Sergeant Michael Herring
Texas Department of Public Safety
Odessa, Texas

Trooper Dustin Henderson
Texas Department of Public Safety
San Angelo, Texas

C. SUMMARY

This investigative report addresses the motor carrier history and operations of the commercial motor vehicles (CMV) involved in this crash, a 2005 MCI Motorcoach, and a 2018 Freightliner-Ultra Liner bus (Freightliner bus) owned and operated by Andrews Independent School District located in Andrews, Texas. This report also details the employment history of the CMV driver and regulatory oversight of the school district's operations.

D. Motor Carrier Current Operations

Andrews Independent School District, hereafter (Andrews ISD), is the public school district serving the city of Andrews and Andrews County, Texas. Andrews ISD consists of five schools: one high school, one middle school and 3 elementary schools. It has 4,359 students and 279 full time teachers. Andrews ISD does not have a U.S. Department of Transportation

(USDOT) number because it is not required to register with the USDOT as most of its transportation operations are exempt from federal oversight.

Andrews ISD Principal Place of Business (PPOB) is 405 N.W. 3rd Street, Andrews, Texas. The school buses are garaged at a “Bus Barn” at 300 N.W. Avenue H, Andrews, Texas. This facility has a maintenance shop and covered parking for the vehicles operated by Andrews ISD. The shop employs 3 full time mechanics as well as an operations supervisor, transportation director and 18 bus drivers. Andrews ISD has 25 yellow school buses and 9 commercial passenger vehicles (buses and motorcoaches) that are used for school activity trips.

The motorcoach and bus involved in this crash are classified in their operations as school activity buses. As such they are not subject to the school bus speed limit restrictions found in Texas Title 7 Section 545.352.¹

1.0 Federal Oversight – Federal Motor Carrier Safety Administration

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses.

The FMCSA was established as a separate administration within the USDOT on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999. FMCSA is headquartered in Washington, DC and employs more than 1,000 people in all 50 States and the District of Columbia, all dedicated to improving the safety of commercial motor vehicles.²

FMCSA does have authority over the Commercial Driver’s Licenses (CDL) and the Drug Testing of the CDL drivers. This is under sections Title 49 Code of Federal Regulations (CFR) 382 and 49 CFR 383.

1.1 State of Texas

1.2 Texas Department of Public Safety Commercial Vehicle Enforcement Oversight

The Texas Department of Public Safety (TXDPS) Commercial Vehicle Enforcement has the authority under the Texas Administrative Code Title 37, Part 1, Chapter 4 to enforce the FMCSRs as adopted.

Texas independent school districts are exempt from the Federal Motor Carrier Safety Regulations (FMCSR) except for Part 382 (Controlled Substances and Alcohol Use and Testing) and Part 383. Commercial Driver’s Licenses. 49 CFR Part 382 applies to every person and to all employers of such persons who operate a CMV in commerce in any State and is subject to CDL requirements.

Texas Administrative Code Title 37, Part 1, Chapter 34 has five (5) subchapters that outline the following:

¹ See Texas Code Title 7 Chapter 545.352 PRIMA FACIE SPEED LIMITS.

² <https://www.fmcsa.dot.gov/mission>

- SUBCHAPTER A GENERAL PROVISIONS
- SUBCHAPTER B SCHOOL BUS DRIVER QUALIFICATIONS
- SUBCHAPTER C SCHOOL BUS DRIVER SAFETY TRAINING PROGRAM
- SUBCHAPTER D SCHOOL BUS SAFETY STANDARDS
- SUBCHAPTER E ADVERTISING REQUIREMENTS

The State of Texas regulations mirror the federal regulations in many areas. In subchapter B “Driver Qualifications,” the requirements for the driver’s qualification (DQ) file are similar to the federal requirements found in 49 CFR 391.51. Andrews ISD files on the drivers involved in this crash followed the State of Texas regulations.

2.0 2005 MCI Motorcoach Driver

The fatally injured driver of the MCI motorcoach was a 69-year-old male. The driver had a Class B Texas CDL with passenger endorsement. He was required to operate with corrective lenses. The CDL was issued with a (P) restriction. The restriction was “if a CMV, privately transport passenger’s interstate”. According to the TXDPS, this was an error by the TXDPS driver license division and was never changed on his license.³ This restriction required him to operate with corrective lenses.

The CDL was first issued in 1969. The current license was issued in November 2021 and expires in November 2029. The driver has current two-year medical certificate issued in July 2020 and is valid until July 2022. The medical examination was performed by a provider on the National Medical Registry.

2.1 Driver Qualification

The DQ file, while exempt from 49 CFR 391.51, did contain a completed application, copy of the driver’s motor vehicle record, and other required documentation as required by Texas Title 37, Part 1, Chapter 14, Subchapter B Rule 14.14 “Minimum Driving Record Qualifications.”

2.2 Driver’s License and History

A TXDPS report was obtained as well as a CDLIS report. The motorcoach driver’s record showed the following:

- A *speeding* conviction in July 2019.
- A *failed to drive in a single lane* conviction in April 2018.
- A non-injury accident in April 2018.
- A *speeding* conviction in October 2009.

³ [Driver License Endorsements and Restrictions | Department of Public Safety \(texas.gov\)](https://www.txdps.gov/Driver-License-Endorsements-and-Restrictions)

None of these violations were in a CMV. Both the TXDPS and the CDLIS reports showed the same information.⁴ An inquiry was made to the Drug and Alcohol Clearinghouse and the driver was registered and not prohibited from operating commercial motor vehicles.

2.3 Driver's Controlled Substance and Alcohol Testing

According to carrier documents, the motorcoach driver had three FMCSA regulated controlled substance tests on file. The controlled substance tests were classified as random tests and were conducted on: December 11, 2015; May 20, 2016; and March 27, 2017. All tests returned negative results. The driver started his employment with Andrews ISD in 2009.

2.4 Driver's Hours of Service

As previously stated, the Andrews ISD was exempt from Hours-of-Service regulations. NTSB investigators used the payroll data provided by Andrews ISD and determined driver's driving and on-duty time had been 35.25 hours for the pay period from November 5, 2021, to the crash date of November 19, 2021. The driver only worked part time and only operated student activity trips.

3.0 2018 Freightliner Bus Driver

The driver of the Freightliner bus is a 60-year-old male. The driver has a Class B Texas CDL with passenger and school bus endorsements. He was required to operate with corrective lenses. The CDL was first issued in 1977. The current license was issued in September 2020 and expires in September 2028. The driver has a current two-year medical certificate issued in August 2020 and expires in August 2022. The medical examination was performed by a provider on the National Medical Registry.

3.1 Driver Qualification

The driver's DQ file, while exempt from the requirements of 49 CFR 391.51, did contain a completed application, copy of the driver's motor vehicle record, and other required documentation as required by Texas Title 37, Part 1, Chapter 14, Subchapter B Rule 14.14 "Minimum Driving Record Qualifications."

3.2 Driver's License and History

A TXDPS report was obtained for the Freightliner bus driver's record, and it did not list any violations. CDLIS reports were obtained for both drivers and listed the same information as the Texas DPS reports.⁵ An inquiry was made to the Drug and Alcohol Clearinghouse and the driver was registered and not prohibited from operating commercial motor vehicles.

3.3 Driver's Controlled Substance and Alcohol Testing

According to carrier documents, the Freightliner driver had two FMCSA regulated controlled substance tests on file. The controlled substance tests were classified as random tests

⁴ Motor Carrier Attachment - MCI Drivers CDLIS Report.

⁵ Motor Carrier Attachment – Freightliner driver's CDLIS Report.

and were conducted on September 30, 2020, and on December 7, 2021. Both tests returned negative results. The driver started his employment with Andrews ISD as a shop teacher and sports coach. He had worked for 34 years as a full-time teacher. Andrews ISD policy held that coaches of the middle school sports teams were required to drive their students on activity trips, which is how he started driving school buses. When he retired from full time teaching, he continued as a substitute bus driver.

3.4 Driver's Hours of Service

As previously stated, the Andrews ISD was exempt from Hours-of-Service regulations. NTSB investigators used the payroll data provided Andrews ISD and determined driver's driving and on-duty time had been 23.00 hours for the pay period from November 5, 2021, to the crash date of November 19, 2021. The driver only worked part time as a driver and operates yellow route buses as well as student activities trips. As a retired employee he was limited to a maximum of 80 hours per month of extra employment.

4.0 Vehicle Maintenance

The motorcoach was a 2005 MCI model J-4500. The vehicle was owned and operated by Andrews ISD. The vehicle had its last Federal annual inspection on October 26, 2021, with a mileage of 103,907 at the time of the inspection. The vehicle passed the inspection in accordance with 49 CFR 396.17 through 396.21.

The motorcoach was purchased used in August 2016 from a bus dealer in Tulsa, Oklahoma. Maintenance files were provided by the Andrews ISD that indicated the vehicle had regular maintenance. The vehicle had been serviced on October 25, 2021.

The 2018 Freightliner bus was purchased new by Andrews ISD in July of 2018. This vehicle was purchased from the same bus dealer in Tulsa, Oklahoma. The last Federal annual inspection was performed on September 30, 2021, and the vehicle passed that inspection. The mileage at the time of the inspection was 34,933. Andrews ISD provided maintenance records that indicated the vehicle had been maintained and had regular service and repairs.

Maintenance records produced by Andrews ISD documented a systematic program of preventive maintenance that exceeded the requirements of 49 CFR 396.17.

E. Attachments

Motor Carrier Attachment - MCI Driver's CDLIS Report.

Motor Carrier Attachment – Freightliner Driver's CDLIS Report.

Submitted by:

Michael LaPonte
Highway Accident Investigator