



National Transportation Safety Board

Factual Addendum

Date: September 10, 2021
To: Mark Bagnard, Chief, Investigations Division, HS-20
From: Michael LaPonte, Motor Carrier Factors Investigator, HS-20
Subject: Factual Report Addendum for Pala Mesa, CA (HWY20FH003)

A. DETAILS OF MOTOR CARRIER FACTORS ADDENDUM

The motor carrier group's factual investigation focused on the motor carrier in this crash, Executive Lines Inc. The investigation also examined the regulatory oversight of the carrier by the Federal Motor Carrier Safety Administration as well as the State of California. A follow up trip was performed to further investigate three issue areas.

1. Visit the motor carrier and examine changes that the carrier implemented to its vehicle tire maintenance program.
2. Communicate with CHP to determine whether the Bus Maintenance and Safety Inspection form— CHP 108A—can be revised.
3. Reach out to an appropriate agency in California to learn about a process that would require passenger motor carriers in the state to provide pre-trip safety briefings as well as mandate occupant restraint systems.

1. Changes to motor carrier tire maintenance program

I meet with the owner of Executive Lines and was informed that they are no longer operating the bus transportation portion of the business. When the insurance renewal came up the cost went from \$220,000 per year for 9 units to 160,000 per unit.

So, from \$220,000 to \$1,280,000 per year for 8 units. As a result, another company took over his routes. Executive only owned 1,15 passenger van, the rest of the equipment was leased or financed and was returned to the leasing companies or banks.

I asked the owner if he had a written tire policy and was told that his policy was to pull the front tires at 5/32 and move to the rear. The rear tires were to be pulled at 2/32. He purchased Yokohama tires from a vendor in Montebello, California 16 tires at a time. Investigators vided this vendor and verified the purchase history that the owner of Executive Lines had described.

I interviewed the maintenance supervisor who verified the same information. I asked the maintenance supervisor where the Ironman tire that was mounted on the Left outside on the crash bus had come from, and he stated it had been on the bus when they purchased it.

The next question on tire maintenance was asked if this was a common practice? I called the (United Motorcoach Association) UMA Vehicle counsel and they stated they have seen and heard of the practice Executive used to prolong tire tread life, but it is not the “Recommended Practice” because of the possibility of getting tires on the rear that are not the same circumference. They recommend the rotation plan contained in the U.S Tire Manufactures Association publication which can be accessed at info@ustires.org.

2. Communicate with CHP to determine whether the Bus Maintenance and Safety Inspection form— CHP 108A—can be revised.

I meet with the Manager, Motor Carrier Safety Program California Highway Patrol Commercial Vehicle Section manager and assistant manager with the California Highway Patrol (CHP) office that oversees publications for the CHP. We discussed the CHP maintenance form 108A which is for passenger carriers. They noted the form has not been revised since 2005 and could use some updating.

Their office has total control over the form and its contents. Their concern was that if they put specific measurements in the form for tread depth will they be required to add other measurements for things like brake lining and wheel drum measurements. They were not opposed but would like to see the recommendation before they commit to anything.

3. Reach out to an appropriate agency in California to learn about a process that would require passenger motor carriers in the state to provide pre-trip safety briefings.

California, as a response to the recommendations from the Orland, California Crash HWY14MH009 passed a requirement found in CVC 34505.8 that required a Charter-Party carrier provide a pre-trip briefing. This requirement however only applies to vehicles with a seating capacity of 39 persons or more. The bus in the Pala Mesa crash had seating for 30, so this regulation does not apply.

California does have a regulation in CVC 27318 that requires among other things a motor carrier operating a bus equipped with seat belts shall do one of the following:

“(I) Require the bus driver, before departure of a bus carrying passengers, to inform passengers of the requirement to wear the seatbelt under California law and inform passengers that not wearing a seatbelt is punishable by a fine.

Or Post, or allow to be posted, signs or placards that inform passengers of the requirement to wear a seatbelt under California law and that not wearing a seatbelt is punishable by a fine. The signs or placards shall be in a font type and font size that is reasonably easy to read and shall be affixed to a bus in multiple, conspicuous locations.”

California is a primary seat belt jurisdiction that requires all passengers to use a seatbelt if the vehicle is equipped with seatbelts. The survivor factors factual report does not mention if this bus had signs posted regarding seatbelts. In reviewing all the photos of the interior of this vehicle it was noted that the vehicle did not have any signs as required by CVC27318.

This is a recap of the issues that were discovered in the follow-up trip to California for this investigation.

Michael LaPonte
Motor Carrier Factors Investigator