

# National Transportation Safety Board

Office of Highway Safety

Washington, DC 20594



HWY24FH004

## **MOTOR CARRIER FACTORS**

Group Chair's Factual Report

January 6, 2025

## **A. CRASH**

Location: Millstone, West Virginia

Date: March 4, 2024

Time: 05:50 p.m. EST

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

Group Chair, Michael LaPonte,  
NTSB Office of Highway Safety  
Washington, DC

Group Member, Trooper Corporal Brian Young,  
West Virginia State Police  
Grantsville, West Virginia

## **C. CRASH SUMMARY**

For a summary of the crash, refer to the *Crash Summary Report of the Investigation*, in the docket for this investigation.

## **D. DETAILS OF THE INVESTIGATION**

This investigative report addresses the motor carrier history, and operations of the commercial motor vehicle (CMV) involved in this crash, a 2022 IC School Bus owned and operated by Calhoun County Board of Education (hereafter Calhoun) located in Mt Zion, West Virginia. This report also details the policies and organization of Calhoun as well as the employment history of the driver of the school bus, and regulatory oversight of the school district's operations by the Federal Motor Carrier Safety Administration and the State of West Virginia.

### **1.0 Calhoun County Board of Education Background**

Calhoun contains 4 schools consisting of: 2 elementary schools, 1 middle school, and 1 high school).

According to data provided by the WV Department of Education, Calhoun operates 22 school buses and employs 18 drivers, to transport 861 students home to school & school to home. Based upon the rural landscape of the county, two-after school bus routes are offered for student athletes. One route transports student-athletes home that are located in the northern part of the county. The second route consists of taking student-athletes home to the southern part of the county. The crash occurred on the southern route.

Calhoun County Board of Education is located at: 540 Alan B. Mollohan Dr. Mt. Zion, West Virginia 26151. The school buses are housed at this location. Calhoun is a part of the West Virginia public education system. The busses are owned, and the drivers are employed by Calhoun.

## **1.1 Calhoun Board of Education Policies**

The Office of School Transportation is responsible for oversight of the school bus operators training programs, certification, and re-certification of school bus operators as well as school bus operator trainers and examiners in West Virginia. The West Virginia Department of Education (WVDE) school bus inspectors perform annual statewide school bus safety inspections and oversee maintenance of the school buses in the state. The office provides professional learning opportunities and technical assistance to all state school bus transportation systems.

Calhoun was operating under the guidelines found in West Virginia Title 126 Legislative Rule, Board of Education Series 92, last updated on February 10, 2020.<sup>1</sup> This legislation provides guidelines to county school bus transportation systems to ensure safe, high-quality programs for the students transported to the public schools in West Virginia.

Calhoun has incorporated this regulation into the operational and administrative policies for Calhoun that were found to be contained in three documents. The Calhoun County Board of Education Employee Handbook, The Transportation Handbook and The Student Handbook. These documents detail information from the Calhoun as well as information from the State of West Virginia as it relates to employment, transportation and student and parental issues. The employee handbook is reprinted each school year and distributed to all employees of Calhoun. The document includes the responsibilities of the employees as well as rules that relate to their employment with the school district as well as regulations by the State of West Virginia.

The Transportation Handbook outlines the duties and responsibilities of the transportation employees that includes primary and additional duties in the operation of the school busses. This document includes "Safety Policy" outlining the safety committee and driver accident reporting requirements.

The Student Handbook outlines the rights and responsibilities of the parents and students.

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<sup>1</sup> [West Virginia Administrative Code | Series 126-092 - West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses \(4336\) | Case text.](#)

## 1.2 The Calhoun Drivers Driving Record

The driver of the Calhoun County bus #5 in this crash was a 54-year-old male hereafter (bus driver). The driver had a Class A West Virginia CDL with Passenger and School Bus and Doubles/Triples endorsements. His license has a restriction = No Class A Passenger Vehicle. The driver started employment with Calhoun County in 2017. The NTSB obtained the driver's CDLIS report, and it contained six convictions dating back from 1990 to March 5, 2024. The convictions were as follows:<sup>2</sup>

- Conviction 1: Administrative Adjudication A98- BAC greater than .08 BAC. 3/5/2024 in West Virginia. (This is a result of the crash arrest.)
- Conviction 2: Failure to Obey Stop Sign. 10/20/2016 in Ohio.<sup>3</sup>
- Conviction 3: Failure to Yield Right of Way. 11/10/1993 in West Virginia.
- Conviction 4: Driving while License Suspended. 5/9/1991 in West Virginia.
- Conviction 5: Unsafe Operation. 3/20/1990 in West Virginia.
- Conviction 6: Leaving Accident Scene Before Police Arrive- Property Damage. 3/20/1990 in West Virginia.

The CDLIS Report also contained four license withdrawals dating from 1992 to 1994 as follows:

- Withdrawal 1: Withdrawal for Non-ACD Violation 3/23/1994 to 4/14/1994 in West Virginia.<sup>4</sup>
- Withdrawal 2: Withdrawal for Non-ACD Violation 4/09/1992 to 4/22/1992 in West Virginia.
- Withdrawal 3: Withdrawal for Failure to Maintain Required WV Liability Insurance 7/23/1991 to 3/5/1993 in West Virginia.
- Withdrawal 4: Withdrawal for Administrative WV Per SE for .08 BAC 2/20/1990 to 3/18/1993.

All these convictions and withdrawals were not in a CMV with the exception<sup>5</sup> of the conviction on 3/5/2024 which was a result of this crash.

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<sup>2</sup> The West Virginia School Bus Transportation Regulations states, in section **17.3.a.9**. pattern of abuse of alcohol within the last five years regardless of the candidate's driving record, as demonstrated by a preponderance of evidence.

<sup>3</sup> This would have been available to Calhoun for their five-year preemployment screening from 2017-2012.

<sup>4</sup> ACD is in the AMVA dictionary and indicates a license withdrawal for a violation that is not listed in the AMVA dictionary such as not paying a library fine.

<sup>5</sup> Commercial Motor Vehicle= CMV.

His current license was issued in July 2017 and expires in October 2024.<sup>6</sup>

A West Virginia Division of Motor Vehicles Driver Record was obtained and did not list any convictions or withdrawals. The West Virginia record only covers the last five years.<sup>7</sup>

### **1.3 School Bus Drivers Drug Testing**

West Virginia school districts are exempt from the Federal Motor Carrier Safety Regulations (FMCSRs) except for Part 382 (Controlled Substances and Alcohol Use and Testing) and Part 383 (Commercial Driver's Licenses) Under 49 CFR Part 382 applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State and is subject to commercial driver's license requirements.

West Virginia has adopted the rules in 49 CFR Part 382 and clearly state that it applies to school districts. The state regulations require a Controlled substances and Alcohol Use and Testing program with all the elements found in 49 CFR Part 382. Investigators determined that Calhoun had the required drug and alcohol testing program that met the requirements of 49 CFR Part 382.

According to the drivers' DOT drug testing records the bus driver had six drug and alcohol tests while employed by Calhoun.

- A Pre-Employment Test on 2/6/2017
- A Random Test on 10/10/2017
- A Random Test on 11/05/2019
- A Random Test on 1/17/2020
- A Random Test on 1/17/2024
- A Post Crash Test on 1/10/2024

The results of all the above tests were negative.<sup>8</sup>

The driver did not have any reasonable suspicion tests while employed by Calhoun. The Post crash test on 1/10/2024 was listed as a DOT test but should not have

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<sup>6</sup> See Motor Carrier Attachment - Calhoun Bus Driver's CDLIS Report dated March 7, 2024.

<sup>7</sup> See Motor Carrier Attachment - Calhoun Bus Driver's State of West Virginia Driver Record dated March 13, 2024.

<sup>8</sup> The panels also test for four semi-synthetic opioids (i.e., hydrocodone, oxycodone, hydromorphone, oxymorphone). Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

been as the crash did not qualify for post-crash testing. Calhoun as cited in the compliance review under 382.105 Conducting tests not authorized by part 40 40.13(c)

An inquiry was made to the Drug and Alcohol Clearinghouse for the driver by the Calhoun school district. The driver was registered in the Clearinghouse and there was one employer inquiry made for the driver's status to operate.

The inquiry was for 2021, the inquiry reported the driver was not prohibited.<sup>9</sup> The Calhoun County Board of Education is required to query the Clearinghouse annually for all currently employed CDL drivers.<sup>10</sup>

The Calhoun County Board of Education reported the arrest of the driver to the clearing house, and he was then listed as prohibited.<sup>11</sup>

The driver was not interviewed in this investigation. NTSB investigators spoke with the driver and his attorney to try to schedule an interview and were told the driver would consider the request.

#### **1.4 Driver's Medical Certificate Records**

The state of West Virginia in State regulation §126-92-17." Criteria for the Certification of Operator Candidates and Contract Operators." This section lists the medical certification requirements for school bus drivers.<sup>12</sup>

The driver had a one-year medical certificate that was issued in June 2023 is expiring in June 2024.<sup>13</sup> The medical examination was performed by a medical examiner listed in the National Medical Registry. The driver had passed the annual DOT medical each year since 2017 when he was first hired. Calhoun provided copies of the medical certificates for the driver.

#### **1.5 School Bus Driver's Qualification Files**

The driver qualification (DQ) file for the driver was provided by Calhoun County Board of Education. Calhoun County Board of Education is exempt from the driver qualification requirements found in CFR 49 Part 391 (Qualifications of Drivers). The State of West Virginia regulations mirror the federal regulations in many areas. In

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<sup>9</sup> The queries are required annually. The Calhoun County Board of Education has done them in January of the year.

<sup>10</sup> FMCSA Drug and Alcohol Clearinghouse FAQ's <https://clearinghouse.fmcsa.dot.gov/>

<sup>11</sup> See Motor Carrier Attachment- Clearinghouse Drivers Record dated March 8, 2024.

<sup>12</sup> See Motor Carrier Attachment- West Virginia School Bus Driver Qualifications §126-92-17, pages 23-31.

<sup>13</sup> State of West Virginia requires that school bus drivers have an annual physical examination performed by a provider on the National Medical Registry.

subchapter B "Driver Qualifications" the requirements for the driver's qualification file are like the federal requirements found in 49 CFR 391.51 The Calhoun Driver Qualification File contained the following documents:

- Employment application
- Pre-Employment drug test
- Copy of the West Virginia Class A CDL
- Medical Certificate
- Copy of the West Virginia Driving record

The D.Q. files on the driver involved in this crash followed the State of West Virginia regulations.

The West Virginia Board of Education contains requirements for commercial driver qualifications as follows:

- Must be at least 21 years of age.
- Shall have a high school diploma, a General Equivalent Diploma (GED), or a Test Assessing Secondary Completion (TASC) Diploma from an accredited educational institution.
- Shall have at least three years of driving experience as a licensed operator of any vehicle and be eligible to obtain a valid commercial driver's license permit. A permit will allow the candidate to take the required on-road training.
- Shall complete a form granting the employing county board permission to obtain his/her driving record from the Department of Motor Vehicles (DMV) of the appropriate state(s). The driving record shall be for five years, if available. The driving record shall not show a preponderance of evidence of frequent violations of traffic laws. All referenced forms will be available on the WVDE website.
- Shall submit to the county board or institution seeking to employ him/her a WVDE Application for Bus Operator Certification and Release of Information form. The county board shall submit to the WVDE Office of School Facilities and Transportation the Release of Information Form and a copy of the application form for each operator candidate; upon receipt of this information a request for a criminal background report will be issued.

- All candidates for initial operator certification shall be fingerprinted by the West Virginia State Police (State Police) or its designee. The fingerprints shall be analyzed by the State Police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

Calhoun provided NTSB with records that indicated the driver satisfied these requirements. The district also provided training records, Department of Transportation (DOT) drug testing records, as well as previous DOT Physical Certifications and payroll records.

## **1.6 School Bus Driver's Training**

The West Virginia Department of Education issues a training manual for the training that each school bus driver in West Virginia must complete to be certified as a school bus driver. Included in the manual is the requirements that the candidate must complete:<sup>14</sup>

- The candidate shall successfully complete a minimum of 40 hours of non-driving instruction with a WVDE-certified operator trainer. Instruction shall be in person from a WVDE-certified operator trainer, online training modules, or a combination thereof and shall include Policy 5902, Policy 4373, and W. Va. 126C:SR28, Policy 2525, West Virginia's Universal Access to a Quality Early Education System.
- The candidate shall successfully complete a minimum of 12 hours on-the-road training including two hours of night driving in the operation of bus with a WVDE-certified operator instructor on board and no student passengers.
- The candidate shall receive appropriate training in the transportation of special education students.
- The candidate shall have first aid and cardiopulmonary resuscitation (CPR) certification from a program approved by the State Director.

Calhoun presented all the training documents that the driver had completed including a certificate on completion issued by the West Virginia Board of Education.

## **1.7 School Bus Driver's Hours of Service Records**

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<sup>14</sup> See Motor Carrier Attachment-West Virginia School Bus Driver Qualifications §126-92-17, pages 23-31

The transportation operations of the Calhoun are exempt from the Hours-of-Service regulations found in 49 CFR 395, Hours of Service. As a result, the drivers did not maintain a record of duty status. The drivers are paid on a timecard. The driver's timecard records were obtained and in the 7 days prior to the crash the driver was on duty/driving as follows:<sup>15</sup>

**Table 1 Driver's Hours of Service**

Date	Source	Total Hours
February 27, 2024	Payroll Records	On Duty & Driving 7.50 Hours
February 28, 2024	Payroll Records	On Duty & Driving 7.50 Hours
February 29, 2024	Payroll Records	On Duty & Driving 5.00 Hours
March 1, 2024	Payroll Records	On Duty & Driving 8.00 Hours
March 2, 2024	Payroll Records	Off Duty
March 3, 2024	Payroll Records	Off Duty
March 4, 2024	Payroll Records	On Duty & Driving 5.50 Hours

The driver worked a split shift which is common in school bus operations. At the time of the crash the driver had been on duty or driving the previous week for a total of 33.50 hours.

The driver had worked his morning and afternoon shifts for a total of 5.50 hours and had begun the evening run at 5:15PM. The crash occurred at 5:50PM.

## **1.8 Crash Trip**

According to the time stamp from the on-board video system, the driver arrived at the front of Calhoun Middle/High School to pick up students at 5:45 p.m. Boarding was completed, and the bus departed the school at 5:47 p.m. This was the South after-school run that the driver operated every evening Monday thru Thursday. The students were from different after-school activities. The driver turned right onto southbound State Route 16. The bus departed the roadway at 5:49 p.m. At that time, the bus was approximately 1.1 miles from the school.

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<sup>15</sup>See Motor Carrier Attachment - Calhoun Employee Timesheet dated February 19, 2024.



**Figure 1 Calhoun Bus Number 5 at final rest. (Source: West Virginia State Police)**

## **1.9 Maintenance**

The bus garage is equipped with repair parts such as: brakes, tires, and lights. The maintenance facility also includes a pit facility so that equipment can be inspected and repaired. The shop employs four full time mechanics as well as a transportation director and 18 CDL bus drivers. Calhoun County Schools has 22 yellow school buses.

Records from Calhoun County Schools were obtained, Calhoun purchased the vehicle in 2021. The bus was put into service on January 29, 2021. The records indicated the vehicle had received regular maintenance. The preventive maintenance policy of Calhoun indicates the vehicle was serviced every 3,000 miles.

The vehicle was serviced on March 4, 2023, a tire measurement was done during this inspection and the tires measured as follows:

- Left Front 10/32
- Right Front 12/32
- Left Rear Outside 19/32
- Left Rear Inside 18/32
- Right Rear Outside 15/32
- Right Rear Inside 19/32

The miles at the time of this service were 59,143. West Virginia Code section 126-92-26 requires that all school buses be inspected by a qualified bus inspector

employed by West Virginia Department of Education annually. This bus was inspected December 2023 and inspection sticker number 0078047 was applied to the vehicle.

A post-crash inspection was performed by the West Virginia Service Commission and did not find any defects on bus number 5.<sup>16</sup>



**Figure 2**Photo of damage to the rear of bus #5. Source: (West Virginia State Police)

### **Federal Oversight - Federal Motor Carrier Safety Administration**

FMCSA has authority over the Drug Testing of the CDL drivers and Commercial Driver's Licenses (CDL). This is under sections 49 CFR Part 382 and 49 CFR Part 383.<sup>17</sup>

49 CFR Part 382 details the requirements of controlled substances, alcohol use and testing requirements. Under this Part, carriers who employ drivers who operate CDL required commercial motor vehicles (CMVs) are subject to six testing procedures.

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<sup>16</sup> See Motor Carrier Attachment - West Virginia Public Service Vehicle Inspection Dated March 7, 2024.

<sup>17</sup> Transportation performed by the Federal Government, States, or political subdivisions of a State is generally excepted from the FMCSRs. The FMCSRs, in general, do not apply to school bus operations. Nonetheless, there are several exceptions to that principle. The commercial driver's license and drug and alcohol testing regulations in 49 CFR parts 383 and 382, respectively, apply to all drivers of commercial motor vehicles, as defined in 49 CFR part 383, including school buses.

These tests include pre-employment drug testing (§382.301); Random drug and alcohol testing (§382.305); post-accident drug and alcohol testing (§382.303); and reasonable suspicion drug and alcohol testing (§382.307). The additional two requirements are also outlined in Part 40 of the Federal Motor Carrier Safety Regulations (FMCSRs) which include Subpart B- Employer Responsibilities, and Subpart O-Return to Duty. These additional testing requirements include Return-to-duty drug and alcohol testing (§382.309) and Follow-up drug and alcohol testing (§382.311).

49 CFR Part 383 details the requirements for a Commercial Driver's License (CDL). A commercial driver's license (CDL) is a driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Certain specialized types of vehicles such as buses or tank trucks or transporting hazardous materials, require the proper endorsements on your CDL. Endorsements include Passenger (P), allowing you to carry passengers; Tank (T), allowing you to drive trucks containing liquid cargo; and H (Hazardous Materials), allowing you to drive trucks containing such hazardous materials as flammable liquids, explosives, or radioactive substances. To obtain an endorsement, passing a specialized knowledge exam and a specialized driving skills test is required. To obtain a School Bus (S) endorsement, most states require a background check as well as the knowledge exam and driving skills test.

## **2.1 Post Crash Compliance Review**

Calhoun has USDOT Number 4205965 which was issued on March 8, 2024. FMCSA assigned this number to track the compliance review. The district is not required to register with the USDOT for operating authority as its transportation operations are exempt from federal oversight with some notable exceptions<sup>18</sup>

The post-crash compliance review was in response to this crash. The review was not rated because not all areas of regulation compliance were examined. FMCSA authority on a school district is limited to the Drug Testing of the CDL drivers and Commercial Driver's Licenses (CDL). This is under sections 49 CFR Part 382 and 49 CFR Part 383. The review listed nine violations in parts 382 and 383; the violations were as follows:<sup>19</sup>

### **1. Primary: 383.37(a)**

Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to

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<sup>18</sup> See Motor Carrier Attachment -MCS-150 for Calhoun County Board of Education Dated March 8, 2024.

<sup>19</sup> See Motor Carrier Attachment -Calhoun County Compliance Review Violations List.

operate a CMV who violates any restriction on the driver's CLP or CDL. This was an Acute Violation.

**2. Primary: 382.105 Secondary: 40.13(c)**

Conducting tests on a urine or breath specimen not authorized by 49 CFR Part 40. This violation was for a non-reportable crash that the crash driver had on January 10,2024. (This was a post-crash test on the crash driver.)

**3. Primary: 382.303(b)**

Failing to conduct post-accident testing on driver for controlled substances. This violation was for failing to conduct the DOT post-crash testing for this crash. (Driver was arrested at the time of the crash, so Calhoun did not have access to him for testing.)

**4. Primary: 382.303(d)(2)**

Failing to prepare and maintain on file a record stating the reasons the controlled substances post-accident test was not properly administered. (Calhoun failed to document why they did not administer post-crash testing.)

**5. Primary: 382.305( j)(2)**

Failing to ensure that only covered employees are in the random testing pool.

**6. Primary: 382.305(k)(2)**

Failing to ensure that random testing dates are reasonably spread throughout the calendar year.

**7. Primary: 382.403(a)**

Failing to prepare an annual calendar year MIS summary when required.<sup>20</sup>

**8. Primary: 382.603**

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

**9. Primary: 382.701(b)(1)**

Failing to conduct an annual query.

FMCSA on March 13, 2024, Issued an Imminent Hazard Out of Service order (IH). The order was issued and served to former bus operator for Calhoun County Board of Education. IH effective date: 3/13/2024. IH number: WV-2024-5000-IMH.<sup>21</sup>

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<sup>20</sup> Drug and Alcohol Testing Management Information System (MIS) is an annual report that lists the tests administered in the previous year and forwarded to FMCSA

<sup>21</sup> See Motor Carrier Attachment - WV-2024-5000-IMH dated March 13,2024

The USDOT number assigned to Calhoun was inactivated at the completion of the compliance review March 28, 2024. FMCSA issued a Notice of Violation to Calhoun as a result of this review for non-compliance for failing to perform annual DACH queries and using a driver without the proper class or endorsement (CDL downgraded). A Notice of Violation (NOV) is a formal notice that a motor carrier has violated a safety standard. The notice is issued by FMCSA and is a formal warning that the motor carrier must take steps to improve the issue and provide proof of the fact that they have done so. FMCSA will notify the motor carrier in writing if it determines that the carrier has not taken corrective actions as required. Calhoun corrected the violations prior to the completion of the compliance review.

### **3.0 State of West Virginia Oversight of School Transportation Operations**

Different agencies of the State of West Virginia provide oversight of school transportation.

- The West Virginia Department of Motor Vehicles, Commercial Drivers Manual, for training and qualification requirements for school bus drivers.
- West Virginia Department of Education, Outlines the guidelines for student transportation.
- The West Virginia Public Service Commission are responsible for school bus inspections.

## **E. ATTACHMENTS**

Motor Carrier Attachment: Calhoun Bus Driver's CDLIS Report dated March 7, 2024.

Motor Carrier Attachment: Calhoun Bus Driver's West Virginia DMV Report dated March 13, 2024.

Motor Carrier Attachment: Clearinghouse Drivers Record dated March 8, 2024.

Motor Carrier Attachment: West Virginia School Bus Driver Qualifications §126-92-17, pages 23-31 dated February 20, 2020.

Motor Carrier Attachment - Calhoun Employee Timesheet dated February 19, 2024.

Motor Carrier Attachment - West Virginia Public Service Vehicle Inspection Dated March 7, 2024.

Motor Carrier Attachment -MCS-150 for Calhoun County Board of Education  
Dated March 8, 2024.

Motor Carrier Attachment - Calhoun County Compliance Review Violations List.

Motor Carrier Attachment - WV-2024-5000-IMH dated March 13,2024.

Submitted by:  
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