

# National Transportation Safety Board

Office of Highway Safety

Washington, DC 20594



HWY23MH015

## **MOTOR CARRIER**

Group Chair's Factual Report - Supplemental

The Motor Carrier Factors investigation supplemental contains additional investigative information contained within correspondence from the Safety Director of Greyhound Lines Inc.

Submitted by:

Michael S. Fox  
Senior Highway Accident Investigator

8/16/2023

Pending Highland, IL – Follow up Meeting with Greyhound at NTSB

Present: Mike Fox NTSB and Al Smith Greyhound

Status of questions or requested items in **Red**.

Questions in **Green** are resolved or pending subpoena.

1. Greyhound subpoena request. Status? **Greyhound's attorney is responding.**
2. WiFi data and GPS for crash involved bus (requested and still pending) **Al is checking with vendor on this data. Also, there is the possibility that Saucon may have complementary data.** Icomera has not responded to our requests. However, there is some GPS data from Lytx that Greyhound's attorney will provide.
3. **Security camera video** for driver at Indy terminal at last stop prior to crash. **Barbara sent Mike external drive. Ok**
4. **Question -did the driver stay at the quiet room for the Indy layover?** (requested) what about at the hotel? Need receipts from hotel to double check. Can you check please. **Al provided an internal spreadsheet of the driver's activity. Mike requested for a hotel summary of the driver's activity..Ok** We are still trying to see if hotel receipts are available. However, we know that Driver Paradise did not utilize the hotel on 7/11/23.
5. Need all driver Drive Cam disciplinary reports /coaching for the accident driver. **NTSB Requested through subpoena.** This will be Attorney provided.
6. Driver discipline is it recorded on NOTICE OF RECORD ENTRY? Or Employee Interview Record? Or HR Form -02? **Greyhound still uses these documents for coaching, discipline and exonerating a driver for crash preventability. Discipline records are recorded on Employee Interview records, i.e. form 5 or form 6. They may or may not show on the HR 02 form.**
7. According to the driver files the last entry for an entry on the HR Form 02 for Raymond was 2/17/2019, however the driver had multiple other Drive cam events and activity since that date. Are there any additional HR -02 forms? **Al thinks there may be 1 or 2 forms and might be at the terminal. Al**

is going to check with Barbara. We have not found any additional forms in the files we have.

8. Was the driver written up for the 2018 crash? Per Al, the driver was counseled and written up for this crash and an entry was made on the HR-02 form, however that counseling and the HR-02 is missing. Al is going to double check to see if it's at the terminal. This took place while the driver was working in Las Vegas. Some of those files were never forwarded to St. Louis and a search in Las Vegas has not returned any results.
9. Workers Comp case for the 2018 crash. Reviewed findings with Al. Greyhound understood that the driver sustained a seizure post-crash. The worker's comp is handled by First Group which Greyhound no longer has any relations with. NTSB sent a subpoena for those records. Ok
10. Are the buses governed? If so what speed? Why would there be +70mph violations? Buses are governed at 68 mph. Per Al if there are speeds recorded above 68 mph the bus was traveling downhill. Ok
11. Question – The Greyhound safety policies that you emailed me for the Greyhound safety manual in addition to the driver's handbook; is this everything for safety? Yes. Safety is achieved through Greyhound Corporate Safety Manual, the Driver's Handbook and monthly voluntary safety meetings that is open to all Greyhound employees. Drivers who attend these meetings are put into a drawing for a contest to a vacation trip. Ok
12. The safety manual states last revision of 2015 is that accurate? Yes- ok
13. Need a copy of Union Contract. Al sent Mike a copy. Ok
14. Top 20 Drive-Cam event list -do you still have? Need copy of the last year. Al sent Mike. Ok
15. Drive-Cam records show score from 0 to 10 please explain scoring methodology. This methodology is derived from the DriveCam program and the Lytx algorithm. Mike asked for to see if DriveCam has any guidance on this grading system. Per Al the scoring equates to 0 is the lowest risk and 10 is the highest risk. Ok
16. Background checks I don't see them. Al said what's in the DQ file is the background check/ employment verification conducted by a third-party vendor First Advantage. Mike acknowledged. Ok
17. Do you still have the mystery rider program? I don't see it in the safety manual. Per Al Greyhound still has the program, however the program was

altered by Covid because the driver observers didn't want to ride the buses during the pandemic. The program has been reduced to the northeast and southern markets only. **Ok**

18. Did the driver ever receive any awards? **Not sure since the driver had missed so much time. Al said its possible but is going to check. Driver has received safe driving awards for years 2020, 2021,2022. A total of 3 annual safety awards for no preventable collisions.**

19. **How often are safety meetings held?** **Once a month as stated above. Attendance is voluntary. Ok**

20. **Is there a DriveCam policy?** **Is there a threshold for the number of drivecam events a driver can have before termination? There is no policy on DriveCam, and no there is no policy on the number of DriveCam events a driver can have before termination. The union has resisted this. Al said that DriveCam is supposed to be intended for changing driver behavior and not so much as a disciplinary tool. Ok**

21. **When did the driver start his current** route he was running? How long on this route. **He started about 3 weeks before the crash. Ok**

22. **Provide a breakdown of the drivers route(s).** The driver was running the following routes: **ok**

- St. Louis – Abilene, KS (layover)
- St. Louis – Nashville, TN (layover)
- St. Louis – Indianapolis, IL (turn)

The driver had a recent modification of his schedule and was only running the St. Louis – Nashville and the St. Louis - Indy routes.

23. Rafael needs a copy of the training. **Al is going to get an electronic copy of the training. Provided this to Rafael.**

24. **Additional information on DriveCam.** Per Al Lytx has a recognition program to acknowledge drivers that generate the lowest DriveCam events. Greyhound has received this award for the last 6 or 7 years. Al is going to check on documentation on this. **Ok Al sent.**

**New questions 9/14/2023**

25. Need inspection reports for emergency windows and exits for subject bus.  
Will see what we have available.
26. What is the criteria to be placed on the “Lytx Top Drivers of Interest”? Is there a policy on this program? What happens if you are on this list? It is based on events and a point system. Top drivers of interest have had the most recorded events in the past 90 days. Drivers are counseled and monitored over the next 30 days for improvement.
27. Driver’s receive fatigue management training during their initial training. What does that 1 hour block of training include? Is refresher training on this topic required? This training includes a video and Q&A with an instructor. Repeated at least every two years.
28. When was the OSA policy written and put into effect? It was initially put into effect in 2013.
29. The OSA policy mentions “card” (see below). Does card mean medical card or medical certificate? Medical Card

All compliance reports MUST be at a minimum of 70% before cards can be issued  
Yearly re-certifications, CPAP compliance report (within last 7 days) must be presented to be certified. During recertification, if a driver ever fails to be compliant, CPAP process must start over (7 days of compliance=30-day card, 30 days of compliances=90-day card and so on) per protocol.

**From:** [Smith, Alan](#)  
**To:** [Michael Fox](#)  
**Subject:** Responses  
**Date:** Thursday, November 30, 2023 11:48:19 AM

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[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Questions:

What is a hold down? Answer: This is a driver who is filling in for a regular driver who is out on leave.

What is the model for the DriveCam unit that was on the bus involved in the Highland crash? I believe it was a SF300 camera? Can you check please? **The model is an SF300.**

Pre-Trip Safety Briefings – how often do your drivers do them? Answer: The driver is supposed to do the safety briefing every time there is a change of driver, at every large terminal. The driver can either use his iPhone with a recorded message or do it verbally. If the driver is picking up passengers late at night and most passengers are asleep, the driver might elect not to do a pre-trip briefing.

Do you have assigned seats? Answer: Flix is in the process of making this a new policy/procedure now – to provide assigned seats. At the time of the crash, the passengers did not have assigned seats.

The crash involved driver had missing records. Answer – When Flix purchased Greyhound the sale did not include any of the properties, (i.e. the bus terminals). **As a result, the Las Vegas bus terminal, where the crash involved driver previously operated from, was sold and some of those records were lost. The St. Louis terminal was changed from a Company to an Agency. Some records were lost in the transition.**

I appreciate your time today. Maybe some homemade chicken soup would help. Try to get some rest if you can. Thanks,

Mike

**From:** [Michael Fox](#)  
**To:** [REDACTED]  
**Subject:** Follow up Questions  
**Date:** Thursday, November 30, 2023 11:12:00 AM  
**Attachments:** [image002.png](#)

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Hi Al,

Sorry that you are under the weather. I hope you feel better soon.

Here is a reop of the questions were discussed today. Please take a look and let me know if there is anything to add or correct.

### **Questions:**

1. What is a hold down? Answer: This is a driver who is filling in for a regular driver who is out on leave.
2. What is the model for the DriveCam unit that was on the bus involved in the Highland crash? I believe it was a SF300 camera? Can you check please?
3. Pre-Trip Safety Briefings – how often do your drivers do them? Answer: The driver is supposed to do the safety briefing every time there is a change of driver, at every large terminal. The driver can either use his iPhone with a recorded message or do it verbally. If the driver is picking up passengers late at night and most passengers are asleep, the driver might elect not to do a pre-trip briefing.
4. Do you have assigned seats? Answer: Flex is in the process of making this a new policy/procedure now – to provide assigned seats. At the time of the crash, the passengers did not have assigned seats.
5. The crash involved driver had missing records. Answer – When Flex purchased Greyhound the sale did not include any of the properties, (i.e. the bus terminals). As a result, the Las Vegas and St. Louis bus terminals where the crash involved driver operated from were sold and some of those records were lost.

I appreciate your time today. Maybe some homemade chicken soup would help. Try to get some rest if you can. Thanks,

Mike

Michael S. Fox  
Senior Highway Accident Investigator  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594-2000

Ph: [REDACTED]  
Cell: [REDACTED]  
Fax: [REDACTED]



**From:** [Smith, Alan](#)  
**To:** [Michael Fox](#)  
**Subject:** Re: Pre-Trip Safety Briefing 23  
**Date:** Friday, April 26, 2024 9:04:40 PM  
**Attachments:** [image003.png](#)

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They have both

**From:** Michael Fox [REDACTED]  
**Sent:** Friday, April 26, 2024 7:36 AM  
**To:** Smith, Alan [REDACTED]  
**Cc:** Ronald Kaminski [REDACTED]  
**Subject:** Pre-Trip Safety Briefing 23

**CAUTION:** This email is from an external source. [REDACTED]. Please beware of links and attachments.

Good morning Al,

I hope this finds you well. We had a quick question – when drivers make the pre-trip safety briefing using their cell phones is it only in English or do they have a Spanish version as well? Thanks,

Mike

Michael S. Fox  
Senior Highway Accident Investigator  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594-2000  
Ph: [REDACTED]  
Cell: [REDACTED]  
Fax: [REDACTED]



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Michael S. Fox  
Senior Highway Accident Investigator  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594-2000  
Ph: [REDACTED]  
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Fax: [REDACTED]



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**From:** [Michael Fox](#)  
**To:** [Smith, Alan](#)  
**Cc:** [Martinez, Tricia](#)  
**Subject:** RE: Meeting in January  
**Date:** Thursday, January 4, 2024 12:20:00 PM  
**Attachments:** [image001.png](#)

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Hi Al,

Sounds good. I'll check with my management on possible dates/times and get back with you. Thanks,

Mike

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**From:** Smith, Alan <[REDACTED]>  
**Sent:** Thursday, January 4, 2024 11:32 AM  
**To:** Michael Fox <[REDACTED]>  
**Cc:** Martinez, Tricia <[REDACTED]>  
**Subject:** Re: Meeting in January

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Mike,

The Executive Team and Safety at Greyhound would be happy to meet with the NTSB Senior Management via a Teams call as you requested. Please provide us with possible dates for the meeting.

Regards,

Al

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**From:** Michael Fox <[REDACTED]>  
**Sent:** Thursday, December 28, 2023 10:33 AM  
**To:** Smith, Alan <[REDACTED]>  
**Subject:** Meeting in January

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Good morning Al,

Happy Holidays. I hope you had nice Christmas.

Our senior management is requesting a meeting in January with the top executives of Greyhound and Flex. According to the public website It looks like it is Mr. Bill Blankenship and Mr. Todd Koch, but maybe that's not correct. Can you please provide the contact information (email – phone number) for the CEO/President of Greyhound and VP Flix North America. Our management wants to have a formal discussion of Safety Recommendations **H-17-9, H-17-10,** and **H-17-12**. We will send corresponding documents on the history of the recommendations when we send out the Teams call invite. Thanks in advance for your time.

Mike

Michael S. Fox  
Senior Highway Accident Investigator  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594-2000  
Ph: :  
Cell:  
Fax: :



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**From:** [Michael Fox](#)  
**To:** [Smith, Alan](#)  
**Subject:** RE: Rehires  
**Date:** Thursday, February 22, 2024 2:43:00 PM  
**Attachments:** [image001.png](#)

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Ok thanks Al.

Mike

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**From:** Smith, Alan <[REDACTED]>  
**Sent:** Thursday, February 22, 2024 2:19 PM  
**To:** Michael Fox <[REDACTED]>  
**Subject:** Re: Rehires

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Mike,

We review their reason for leaving.  
Review their accident history.  
Review their DriveCam event history (if any)

Safety will then recommend or deny moving forward in the application process.

Al

Get [Outlook for iOS](#)

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**From:** Michael Fox <[REDACTED]>  
**Sent:** Thursday, February 22, 2024 12:54:31 PM  
**To:** Smith, Alan <[REDACTED]>  
**Subject:** Rehires

**CAUTION:** This email is from an external source. [REDACTED] Please beware of links and attachments.

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Good afternoon Al,

I hope this finds you well. I was just reviewing some notes from our meeting last month. I believe you mentioned that all "Rehires" will need be approved by the Safety Office. I was wondering what process that entailed? What exactly would you be reviewing and what criteria would your office be evaluating to make the determination? Thanks,

Mike

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**From:** [Smith, Alan](#)  
**To:** [Michael Fox](#)  
**Subject:** Re: Rehires  
**Date:** Thursday, February 22, 2024 2:19:02 PM  
**Attachments:** [image001.png](#)

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Mike,

We review their reason for leaving.  
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Get [Outlook for iOS](#)

---

**From:** Michael Fox [REDACTED]  
**Sent:** Thursday, February 22, 2024 12:54:31 PM  
**To:** Smith, Alan <[REDACTED]>  
**Subject:** Rehires

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**From:** [Michael Fox](#)  
**To:** [Smith, Alan](#)  
**Subject:** RE: Responses  
**Date:** Thursday, November 30, 2023 12:01:00 PM

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Ok thanks Al. Take care. Hope you better soon.

---

**From:** Smith, Alan [REDACTED]  
**Sent:** Thursday, November 30, 2023 11:48 AM  
**To:** Michael Fox <[REDACTED]>  
**Subject:** Responses

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Questions:

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I appreciate your time today. Maybe some homemade chicken soup would help. Try to get some rest if you can. Thanks,

**From:** [Smith, Alan](#)  
**To:** [Michael Fox](#)  
**Subject:** Re: Just Checking  
**Date:** Thursday, June 13, 2024 12:51:21 PM  
**Attachments:** [image003.png](#)

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Mike

Yes, you can proceed.

Al

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**From:** Michael Fox [REDACTED]  
**Sent:** Thursday, June 13, 2024 11:48 AM  
**To:** Smith, Alan <[REDACTED]>  
**Subject:** Just Checking

**CAUTION:** This email is from an external source. [REDACTED] Please beware of links and attachments.

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Hi Al,

I hope this finds you well. We are moving along with process for the final reports for the Highland, IL investigation. I see that you reviewed the Motor Carrier Factual Report during Tech Review and had “no comments.” That report also had Attachments. I just wanted to confirm that its ok to docket those Motor Carrier Attachments specifically the “Greyhound Safety Plan” and the “Lytx Drivecam Power-point.” I know we had discussed using it in my report, and you said it was “ok to use,” but I couldn’t find that email.

Maybe we just talked about it on the phone, but I just wanted double check with you. Thanks!

Mike