



**National Transportation Safety Board
Office of Highway Safety
Washington, DC 20594**

MOTOR CARRIER GROUP FACTUAL REPORT

Gray Summit, MO

HWY-10-MH-018

(16 Pages)



**NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF HIGHWAY SAFETY
WASHINGTON, D.C. 20594**

**MOTOR CARRIER GROUP
FACTUAL REPORT**

A. ACCIDENT

Type: Truck Tractor, Pickup, School Bus Multivehicle Accident
Date and Time: August 5, 2010, 10:11AM. CDT
Location: Interstate 44 Eastbound West of Milepost 250.6
Gray Summit, Franklin County, Missouri
Vehicle #1: 2007 Volvo Truck Tractor
Motor Carrier: Climate Express
Vehicle #2: 2007 GMC Sierra
Vehicle #3: 2003 Bluebird, 71-Passenger School Bus
Motor Carrier: Copeland Bus Services, LLC
Vehicle #4: 2001 Bluebird, 72-Passenger Bus
Motor Carrier: Copeland Bus Services, LLC
Fatalities: 02
Injuries: 38

NTSB #: HWY-10-MH-018

B. MOTOR CARRIER GROUP

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C. ACCIDENT SUMMARY

For a summary of the accident, refer to the *Accident Summary* report, which is available in the docket for this investigation.

D. DETAILS OF INVESTIGATION

The Motor Carrier investigator gathered information on the operations of Climate Express Inc. to determine their compliance with the Federal Motor Carrier Safety Regulations (FMCSRs). The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Motor Carrier Management Information System (MCMIS) profile, Driver Commercial Driver License Information System (CDLIS) report, and FMCSA SafeStat information was obtained. The truck driver's qualification file that included employment application, license information, driving history MVR reports, logbook data, medical examiner's certificate, and other records were examined. The maintenance and inspection records were obtained on the Volvo tractor.

This investigation also reviewed the Missouri oversight of intrastate motor carriers focusing on school bus operations.

The Accident Trip:

The truck driver began his day in Jefferson, Missouri and drove to Climate's office in Union, Missouri. He dropped his semitrailer at the company in Union and was proceeding to St. Louis with just his truck-tractor to pick up a loaded semitrailer.

The school buses began their trip at St. James High School about 9:15 am with band students on a trip to Six Flags Amusement Park in Eureka, MO. The distance between St. James and Eureka is about 70 miles and the distance from St. James to Gray Summit (accident site) is about 57 miles.

E. MOTOR CARRIER INFORMATION

Climate Express Incorporated
527 Commercial Drive
Union, MO. 63084

Climate Express Incorporated¹ is an interstate, authorized for-hire carrier of general freight, fresh produce, and refrigerated food. Climate operated under United States Department of Transportation (USDOT) number 648882 and MC number 306127. Climate began operations in August 1, 1996 with 10 tractors and 10 trailers and therefore they did not participate in FMCSA's New Entrant Program² and never received a New Entrant Safety Audit. FMCSA's Federal Motor Carrier Management Information System (MCMIS) records indicated that Climate's mileage in 2009 was 11,625,000 miles traveled and in 2010 was 14,700,000 miles. Climate operates coast to coast. They do not operate in Canada or Mexico.

The company employed 6 dispatchers for customer service and scheduling. Federal regulations³ require a property carrying motor carrier to maintain \$750,000 in insurance liability coverage to operate in interstate commerce. Climate had one million dollars in liability coverage.

The corporate structure of Climate consisted of a President/Treasurer, Vice-President, and Manager of Safety and Compliance. Also, they employ six truck mechanics, two trailer mechanics, one 'parts' clerk, and one administrative clerk.

Communications with "on the road" drivers are via a satellite system called Xata.⁴ Climate also communicated with the local drivers through Nextel cellular telephone. The accident truck tractor was equipped with a Xata unit. Additionally, the company used the Xata unit for customer service and hours-of-service verification.

Climate's fleet consisted of 118 tractors and 240 semi-trailers (both dry van semi-trailers and refrigerated semi-trailers). All of the tractors are conventional cab units and the semi-trailers are 53-feet-long. The average age of the fleet truck tractors is two years and the average age of the semi-trailers is four years. The majority of the maintenance work is conducted in-house with a scheduled maintenance program.

The company employed 118 drivers, 7 of whom were local drivers only. Reportedly, all drivers were scheduled with a trip through St. Louis, Missouri (Corporate Headquarters) about every two weeks. The company utilized newspaper want ads for driver recruitment. Driver applicants must have a minimum two years truck driving experience to be considered for employment. They must be at least 23 years of age and possess a Class-A commercial driver's

¹ Hereafter referred to as Climate

² New Entrant Safety Assurance Process (67 FR 31978), became effective January 1, 2003.

³ Title 49 Code of Federal Regulations Part 387.303(b)(2) – (49 CFR 387.303 (b)(2))

⁴ Xata is a multifaceted communications system that incorporates vehicle performance, driver hours of service, cargo tracking, GPS, and other functions. See www.xata.com

license (CDL). Driver applicants must possess and maintain a DOT physical and no major traffic violations or accidents within the previous 36 months of hire.

F. FEDERAL OVERSIGHT ⁵

The MCMIS records indicated that Climate had 12 reportable accidents⁶ in the 12 months prior to this accident (9 tow-away and 3 injury accidents). The FMCSA has determined that motor carriers with an accident rate of 1.50 or greater to be deficient in the accident area in the compliance review rating process. Climate's accident rate⁷ calculated from the MCMIS report revealed a rate of .89. Currently, FMCSA has implemented a new Safety Management System (SMS) rating program for Comprehensive Safety Analysis (CSA). Under the new system a category of "Crash Indicator" lists the accident involvement for the motor carrier over a 24-month period and rates the motor carrier based on the number of fatal, injury, or tow-away accidents. This rating is only one tool designed to assist the FMCSA in assessing a motor carrier's performance and notify them of deficient areas of operation. The threshold limit for the "crash indicator" BASIC⁸ is 65. Currently, Climate's "crash indicator" level is 77 which means they are in an "alert" status in that category. The "alert" status means that the FMCSA would initially notify the motor carrier by letter (Warning Letter) of the deficiency. If the carrier remained in an "Alert" status, the FMCSA would take additional action with increasingly severe consequences. All categories in CSA are below the threshold limits and would not constitute an action from the FMCSA. This "Alert" category is based on roadside data and is not a final rating until a Compliance Review of the motor carrier's overall operation is completed.

The company has been subject to 9 FMCSA investigations since 1998;⁹

1998 Compliance Review	Conditional Rating
1999 Compliance Review	Conditional Rating
2000 Compliance Review	Conditional Rating (4/22/2000)
2000 Compliance Review	Conditional Rating (11/08/2000)
2001 Compliance Review	Satisfactory Rating (5/16/2001)
2002 Compliance Review	Satisfactory Rating (10/29/2002)
2008 Non-Rated Review	Off-site Focused CSA – Deficient in Unsafe Driving BASIC
2010 Non-Rated Review	On-site Focused CSA review – Deficient in Unsafe Driving and Crash BASICS
2011 Compliance Review	Conditional Rating

⁵ See Attachment #1 – Climate Express Company Information.

⁶ Reportable accidents are classified as either involving a fatality, injury, or vehicle towed from the scene.

⁷ Accident rate is determined by most recent yearly miles traveled vs. number of reportable accidents. Climate's annual mileage as of January 22, 2010 is 11.6 million miles and 12 reportable accidents.

⁸ BASICS (Behavioral Analysis and Safety Improvement Categories) are the seven categories the Federal Motor Carrier Safety Administration (FMCSA) uses as part of the Safety Measurement System (SMS) to measure safety performance and create monthly CSA scores. There are seven categories of violations: Unsafe Driving, Fatigued Driving, Driver Fitness, Controlled Substances\Alcohol, Vehicle Maintenance, Cargo Related, and Crash Indicator.

⁹ The Compliance Reviews and Focused Reviews were conducted by MO State Department of Transportation auditors under the MCSAP program.

The company record in the Safety Measure System (SMS) showed an “Alert” in Fatigued Driver (Hours of Service) due to a serious violation of Part 395.8 – false logs – within the previous 24 months and an “Alert” in Crash Indicator due to the crash computation of 69.2 percent which is over the threshold of 65 percent.¹⁰

Before this accident the FMCSA conducted the last rated Compliance Review of Climate on October 29, 2002 that resulted in a “Satisfactory” rating. The October 29th Compliance Review of Climate included the following violation:

Failing to require a driver to furnish list of motor vehicle traffic violations for the previous 12 months. (Out of 13 driver records checked 4 were found in violation.)

No other violations were noted.

The October Compliance Review was a streamline review and a follow-up from a Compliance Review conducted on November 8, 2000. As a result of the November 2000 review, Climate express received an overall “Conditional” rating based on their failure to conduct random alcohol tests¹¹ and violations of the 70-hour rule¹². Additionally, Climate was rated on the FMCSA’s SafeStat system as a Category “B” carrier and was subject a Compliance Review on May 11, 2001 that resulted in an overall rating of “Satisfactory”. There was no post-crash Compliance Review conducted on Climate Express.

The FMCSA uses the MCMIS database and SafeStat information¹³ to track the performance of a motor carrier through roadside inspections. SafeStat is used to evaluate the safety posture of a motor carrier for compliance review through safety evaluation areas (SEA), accident involvement, driver roadside inspections, vehicle roadside inspections, and safety management (compliance reviews). The FMCSA prioritizes motor carriers through SafeStat to schedule terminal audits or Compliance Reviews. Carriers are ranked in categories “A”- “H” with “A” being the highest (worst) ranking and “H” being the best ranking. According to the FMCSA only those motor carriers in categories “A” – “C” would be prioritized for a compliance review. The FMCSA has determined that when a motor carrier scores 75 or above in a SEA the carrier is deficient in that area, and when 2 or more areas are rated 75 or above it would warrant a Compliance Review. As of June 25, 2010 Climate scores were 77.62 in the Accident SEA, 60.01 in the Driver SEA, and 33.75 in the Vehicle SEA. There was no score assessed for the Safety Management area. Climate was ranked as a category “D” carrier because of the 77.62 score in the accident SEA area.

Roadside inspection data for the 12 months prior to August 5, 2010 indicated that Climate had 69 vehicle inspections with 7 vehicles placed out-of-service at a 10 percent rate; the national average for vehicle was 22.2 percent. The data also indicated 152 driver inspections

¹⁰ SMS scores as of September 2011.

¹¹ Title 49 CFR Part 382.305 - Random Testing.

¹² Title 49 CFR Part 395.3(b) (2) Maximum driving time for property-carrying vehicles.

¹³ SafeStat was discontinued in December 2010 and was replaced with the SMS system.

with 8 drivers placed out-of-service at a 5 percent rate; the national average for driver was 6.6 percent.

The FMCSA uses a computer-generated program called the Inspection Selection System (ISS) that aids a roadside inspector's decision as to when to select a vehicle for a roadside inspection. The system prioritizes carrier's vehicles for roadside inspections based on passed roadside and compliance review data. It did not consider individual driver data. The FMCSA has now combined the rating systems of ISS and SafeStat (now SMS) to develop a uniform rating system called ISS-D. The ISS-D system now prioritizes carriers with poor safety performance from roadside inspection of vehicles and drivers. There are three levels of recommendations for selection for a roadside inspection in the ISS-D system; they are "Pass", "Optional", or "Inspect".¹⁴ Prior to this accident, Climate's ISS-D value was 64 and was listed as "Optional" for inspection in the system. As of the writing of this report, Climate's ISS-D score was 73 and is still listed as "Optional".

Drug and Alcohol Testing:

Motor Carriers are required by Federal regulation to test for pre-employment, random, post-accident, reasonable suspicion, return-to-duty, and follow-up testing.¹⁵ Climate's random drug and alcohol testing program is administered by the St. John's Mercy Corporation Health located in Washington, Missouri. Climate's employees were tested at a rate of 50 percent for drugs and 10 percent for alcohol as required by the Federal regulations¹⁶. The accident driver was subject to a pre-employment drug test in July 2009 with negative results, but not been scheduled for any other test since his employment began.

Truck Driver's Hours-of-Service:

A review of the truck driver's logbook revealed the following:

- He was off-duty from July 29th through August 1st.
- He started duty status at 6:00 pm on August 2nd and worked until 3:00 am on August 3rd.
- He began on-duty status again at 1:00 pm on August 3rd and logged off-duty at 10:45 pm.
- He was in an off-duty status for August 4th.
- He began on-duty status at 8:45 am on August 5th until the accident occurred.

His log book entries indicated no hours-of-service violations.¹⁷

Truck Driver's Roadside Inspection Information:

¹⁴ FMCSA defined "Pass" as no inspection required, "Optional" as may be worth a look, and "Inspect" as inspection warranted but not required.

¹⁵ CFR Title 49 Part 382 Subpart C - Tests Required.

¹⁶ CFR Title 49 Part 382.305 - Random Testing

¹⁷ For a more detailed review of the accident driver's 72-hour activity prior to the accident see the Human Performance Group's Factual report.

MCMIS data indicated that the truck driver was subjected to the following roadside inspections:

1. Level 1 roadside inspection on March 3, 2011 in California – with 2 mechanical violations (no OOS)
2. Level 3 roadside inspection on August 31, 2011 in Indiana – no violations
3. Level 3 roadside inspection on April 12, 2010 in Kansas, no violations.
4. Level 3 roadside inspection on February 8, 2010 in Maryland, no violations.
5. Level 1 roadside inspection on November 12, 2009 in Kentucky, no violations.

He was not placed out-of-service in any of the roadside inspections.

Truck Driver's Driving History

The truck driver held a current Missouri Class "A" CDL with an "H" (hazardous materials) endorsement and no restrictions. The license was last issued in December 2008¹⁸ and was due to expire in November 2013. His medical card was also current. His driving record showed no traffic violations, convictions, suspensions, revocations or accidents.

G. BUS COMPANY

Copeland Bus Service LLC
14822 Hwy 68 North
St. James, Missouri 65559
copelandbus@centurytel.net

Copeland Bus Service¹⁹ is a family owned business in operation since 1940. The company is a limited liability company (LLC). The current owners, two brothers, bought the business from their father in 1976 and one of the brothers bought the other out in 1986. The business is located in the City of St. James, Missouri and conducts pupil transportation for the St. James School District; they also sell used school buses. Copeland's contracted with the St. James School District for the past 50 years and operates solely within Missouri (intrastate).

Copeland's contract with St. James School District is renewed prior to the beginning of each school year.²⁰ St. James School District is the only school district that Copeland services. The contract for the 2010-2011 school year began on July 1, 2010.²¹ The provisions of the

¹⁸ Originally issued in May 2005.

¹⁹ Hereafter referred to as Copeland.

²⁰ See Attachment #3 – School District – Copeland's contracts 2009 and 2010

²¹ Copeland continues to contract with School District to provide transportation in the 2011 – 2012 school year.

contract stated that Copeland agreed to provide transportation for pupils and employees of the School District as directed by the Superintendent to and from school, to and from activities held away from school, to and from Rolla Technical Institute, and District operated summer school. The School District contract also indicated that Copeland would schedule the school routes in consultation with the School Board.²² Since this is a rural area and generally the same students ride the buses, and with there being limited roadways to access the students, establishing routes was not a difficult task. Additionally, the contract stated that Copeland must provide a specified minimum liability insurance coverage and notify the School District if their insurance was canceled or expired. Copeland provided service covering 15 regular school routes and 1 pre-school route.

Copeland employed 17 drivers and 6 substitute drivers and had a fleet of 23 buses. The fleet consisted of 3 “special needs” buses, one 83-passenger transit style bus, five 78-passenger transit style buses, ten 72-passenger transit style buses (9 transit style and 1 conventional style), one 66-passenger transit style bus, two 60-passenger buses (1 transit style and 1 conventional style bus), and one 15-passenger van style bus. The buses are manufactured by Bluebird, Thomas, and Amtran.²³ Copeland employs 2 mechanics (1 full-time and 1 part-time). The buses are on a scheduled maintenance program. Copeland’s maintenance records consisted of individual sheets of paper with several buses included on each sheet. There were no separate maintenance files per bus.

Copeland’s hiring practices include hiring drivers that are:

- 21 years-of-age or older, but generally less than 70 years old
- Possess a Class “A” or “B” CDL
- Possess a “P” (passenger) and “S” (school bus) endorsement
- Generally not a truck driver
- Experience is not an obstacle – will train to drive a school bus
- Current DOT physical certification (required annually by Missouri for school bus drivers). The company does not contract with a medical facility to conduct DOT physical examinations.

Drivers are paid by the mile or by the trip, with shorter trips paid extra so that those drivers can make generally the same as the distance drivers. There was very little turnover in drivers and the owner said he does not have difficulty in finding qualified drivers. Copeland.

The school buses are equipped with a video camera mounted on the ceiling behind the driver and facing rearward at the occupant area. The video tape is on an 8-hour loop and is in operation while the ignition key is in the “on” position. The owner of Copeland’s said that sometimes it can pick-up the voice of the driver.

²² School routes are determined by student locations and routes available. All routes are reviewed by the Superintendent of the School District.

²³ See Vehicle Group’s Factual Report for further details on Copeland’s operations and vehicle maintenance.

The company has a prohibition against the use of a cell phone by driver while operating the vehicle. However, there are no written policies at the company. The company does not conduct in-service training. The owner meets individually with drivers when there are issues that need to be addressed. Drivers attend a State required 8-hour refresher class annually before each school year.

Bus Drivers Driving Histories²⁴

The driver of the 2001 Bluebird school bus held a current Missouri Class “B” CDL with “P” and “S” endorsements and with a restriction prohibiting the driving of air-braked commercial vehicles. The driver’s medical card was current. The CDL license was most recently issued in August 2009 and was due to expire in May 2016. The driving record showed one Speeding violation²⁵ in 2006 that resulted in a “Failure to Appear” in court and a suspension that was effective from July 2006 to August 2006 when the license was reinstated.

The driver of the 2003 Bluebird school bus held a current Missouri Class “B” CDL with two restrictions: (1) prohibited from operating air-braked commercial vehicles and (2) corrective lenses. The license had “P” and “S” endorsements. The driver’s medical card was current. There was no record of traffic violations, convictions, suspensions, revocations, or traffic accidents.

Copeland was subject to an intrastate compliance review by the Missouri Department of Transportation’s Motor Carrier Services in June 2011. Violations consisted of:

1. No accident ledger
2. Failure to investigate a driver-applicant’s background
3. Failure to maintain several driver’s information requirements
4. Two hours of service violations
5. Annual vehicle inspection not conducted.

The Compliance Review was ‘Non-Rated’.

H. Federal Oversight

Title 49 Code of Federal Regulations (CFR) Part 390.3(a) “General Applicability” states that FMCSRs²⁶ apply to all employers, employees, and commercial motor vehicles which transport property or passengers in interstate commerce. Regulations in the FMCSRs that do apply to intrastate carriers are as follows:

²⁴ See Human Performance Group’s Attachments #16 and #21

²⁵ Violation did not occur in a commercial vehicle.

²⁶ Regulations are the Federal Motor Carrier Safety Regulations found in Title 49 CFR.

- Title 49 CFR Part 390.3(b), states that the rules in Part 383, Commercial Driver’s License Standards; Requirements and Penalties, are applicable to every person who operates a commercial motor vehicle in interstate and intrastate commerce.
- Title 49 CFR Parts 40 and 382 – Drug and Alcohol Testing requirements.

For interstate school bus movements the following applies:

- Title 49 Part 390.3(f) (1) “Exceptions” states that these regulations (Parts 390 – 397) do not apply to “school bus operations”.
 - Part 390.5 defines a “School Bus Operation” as the use of a school bus to transport only school children and/or school personnel from home to school and from school to home.
 - Part 390.5 defines a “School Bus” as a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students to such schools from home or from such school schools to home.
 - School bus construction requirements are found in 49 CFR Part 571.

Therefore, it is only when a school bus is used to transport school aged children to and from home and school (i.e. school bus operation) when that operation is interstate that the carrier is exempt from the FMCSRs. Otherwise, the FMCSRs apply in interstate movements. Intrastate school bus operations are regulated by state statute.

Copeland’s is an intrastate provider of school\student transportation. They provide both “school bus operations” (to and from home and school) and transportation to other school-related activities such as football games, band performances, etc. Therefore, they are exempt from Federal regulations (except as noted above). Copeland was generally in compliance with the FMCSRs as they applied to its operations. They are, however, subject to state regulations and oversight. These requirements are discussed below.

I. Missouri Intrastate Oversight of Motor Carriers

The primary agency responsible for motor carrier oversight is the Department of Transportation (MODOT), Motor Carrier Services. This agency is responsible for conducting carrier safety audits and compliance reviews. MODOT along with the Missouri Highway Patrol conduct roadside and destination inspections of vehicles and drivers.

Missouri has adopted the FMCSRs in Missouri Revised Statutes Chapter 307 Section 400. These regulations include 49 CFR 390 through 397.²⁷ Commercial motor vehicles and CMV drivers are also subject to an out-of-service (OOS) order when they fail to meet the OOS criteria established by the Commercial Vehicle Safety Alliance’s Out-of-Service criteria.

²⁷ There are certain exemptions for agricultural products transportation.

The MODOT issues operating authority all “for-hire” intrastate motor carriers, but do not issue operating authority for private carriers. The granting of authority does not apply to school\student transportation.²⁸ The exemption states at registration does not apply to “School buses transporting duly enrolled students of a school, college, or other recognized educational institution, there that transportation is approved by the governing school authority. This would include Copeland’s contracted services to transport students to school-related activities. Intrastate for-hire motor carriers are issued USDOT numbers for tracking purposes and are therefore listed in the FMCSA database. Carriers required to have authority to operate intrastate in Missouri must complete Missouri Department of Transportation’s application form MO-1²⁹ and FMCSA for MCS-150

Missouri was one of the original four FMCSA test states for implementing the CSA program. As such Missouri has created a system of intrastate carrier oversight similar to that created by the FMCSA in the SMS monitoring system. Missouri uses OOS rates, carrier and roadside inspections, and crashes to establish a threshold score wherein a carrier that exceeds that threshold score is prioritized for an intervention. The State has also established a “rated” compliance review program that mirrors the FMCSA program and the State rates their carriers “Satisfactory”, “Conditional” or “Unsatisfactory”. Upon receiving an “Unsatisfactory” rating carriers are given time to submit a corrective action plan and request for an upgrade of their rating; 45 days for passenger carriers and 60 days for cargo carriers. They also conduct “Non-Rated” reviews when focusing on specific problem areas in a carrier’s operation. According to the MODOT in the previous 3 – 4 years there were 60 carriers placed OOS and all but 2 or 3 remain OOS. The others submitted corrective action plans that were approved by the State and are still in operation.

There is no intrastate New Entrant program. MODOT does conduct New Entrant audits for interstate carriers under the FMCSA Motor Carrier Safety Assistance Program (MCSAP) per 49 CFR 350.

As noted earlier, Copland’s offered both “school bus operations” and contracted transportation for students to various school-related events. As such the “school bus operations” were not within the MODOT scope of oversight, but the contracted school-related transportation was subject to MODOT oversight. “School bus operations” oversight is the responsibility of the Missouri Department of Elementary and Secondary Education.

The Missouri Highway Patrol’s Commercial Vehicle Enforcement Division is responsible for enforcing the laws, rules and regulations for the State of Missouri dealing with commercial vehicles. Currently there are 132 Commercial Vehicle Officers/Inspectors located throughout the state. These officers are assigned to 24 fixed scale sites and 26 portable scales. The fixed scale facilities are located on the Interstate and U.S. Highways. The portable scales units are assigned throughout the state and are responsible for working by-pass routes and within the commercial zones of the larger metropolitan areas in Missouri. Each Commercial Vehicle Officer/Inspector is certified to conduct various levels of safety inspections, as well as hazardous material inspections. Additionally, the Patrol has 29 Commercial Vehicle Enforcement Troopers

²⁸ See MDOT frequently asked questions for additional exemptions - <http://www.modot.mo.gov/mcs/FAQ.htm#OAmain>.

²⁹ See Attachment #5 – Exemplar MO-1 Form

who are certified to perform various levels of the North American Standard Inspections that enhance the Patrol's commercial vehicle enforcement profile. The Division currently has 19 officers trained to perform Level VI inspections on vehicles transporting spent nuclear fuel shipments and 22 officers trained to perform motor coach inspections.

J. Missouri Pupil Transportation Oversight

There are approximately 545 school districts in Missouri and about one-third of those school districts contract with a private company to provide some type of pupil transportation; either home to school – school to home or school-related activities or both.

The oversight of pupil transportation in Missouri is governed by the State Department of Elementary and Secondary Education, Division 30 - Division of School Services, regulated by Missouri Title 5 Chapter 261-Pupil Transportation. The requirements for the operation of school buses are governed under 5 CSR 30-261.010.³⁰ In addition to the regulations the Elementary and Secondary Education Department publishes the Administrator's Handbook on School Transportation.³¹ This publication includes a summary of the Revised Statutes of Missouri and the Code of State Regulations that specifically apply to pupil transportation. The Missouri Department of Elementary and Secondary Education also publish the *Missouri Minimum Standards for School Buses* – a publication that details the construction requirements for school buses.³²

These are the general requirements for approval of school bus transportation. The requirements include both school district school buses and/or privately-owned and operated buses under contract with any school district. The provisions of the statutes cover school bus routing, insurance, school bus driver qualifications and operation, and the number of pupils transported. There are no provisions in the requirements as to the overall operations of the contracted carrier providing pupil transportation. The State of Missouri Department of Education did not conduct any direct oversight of Copeland Bus Service. It is the responsibility of each school district to ensure that the transportation provider (public or private) adheres to the regulations. School districts are required to submit annual reports to the Elementary and Secondary Education Department on all aspects of the operations, including pupil transportation. These reports are reviewed and evaluated. "Low performing schools"³³ are subject to a State audit. About 10 percent of the districts each year are subject to these audits.

There are no penalties for non-compliance except for the potential of the State withholding funding of a school district if they remain non-compliant after the audits.

Inspection requirements of school buses is found in the Missouri Highway Patrol regulations and the criteria for school bus drivers' CDL certification is through the Missouri Department of Revenue, the agency responsible for driver license issuance.

³⁰ See Attachment #6 – Excerpts from Missouri Regulations 5 CSR 30.261

³¹ See Attachment #7 – Administrator's Handbook

³² See Attachment #8 - *Missouri Minimum Standards for School Buses*

³³ Low performing schools is not defined but is a subjective determination by the Education Department.

School Bus Inspection Program³⁴

School buses are inspected as part of Missouri's larger annual vehicle inspection program that includes passenger vehicles and commercial motor vehicles. School bus inspections are conducted on a bi-annual program as required by State law for pupil transportation. All school bus inspection criterion is found in the Missouri Code of State Regulations (CSR) – 11 CSR 50-2.010 through 11 CSR 50-2.440.³⁵ Because Missouri had adopted the FMCSRs, that include Part 396 – *Inspection, Repair, and Maintenance*, commercial vehicles used in intrastate commerce must also be inspected annually according to the requirements of Section 396.17.

Each school bus is required to be inspected twice each calendar year. The first inspection is required to occur at least 60 days prior to the start of each school year. These inspections are conducted at one of the approximate 4600 private state-certified inspection facilities.³⁶ The State certified independent inspection facilities charge a non-government subsidized fee of \$12.00 for a vehicle inspection. One facility stated that it took about 20 minutes to complete an inspection and the other stated that it took about 40 minutes. The State oversight of these facilities was handled through the Missouri Highway Patrol's Department of Motor Vehicle Inspections. A State inspector visits these facilities on average of every 6 weeks to verify the inspection procedures, the inspection paperwork, and the validity of the issuance of State Inspection stickers.

A second school bus inspection is required to be conducted by the Missouri Highway Patrol between February 1 and May 1 of each school year. The school bus inspection process includes raising the front end of the bus and an inspector to go under the bus to examine the undercarriage components that include fuel and hydraulic ones, brake components (not brake adjustment – school buses have hydraulic brakes), emissions components, etc.

Any vehicle that does not meet the minimum component part standards can be “rejected”. Rejection means that a component(s) failed to meet the stated standard and thus failed the overall inspection. “Rejected” vehicles cannot register or renew their license plate registration until the component defect has been corrected. Owners have 20 days to repair the vehicle and return it to the inspection station for re-inspection without additional charge. Vehicles that pass the inspection receive a color coded sticker placed on the windshield of the vehicle. In the case of school buses, an additional sticker is placed in the opposite corner of the windshield indicating that the Missouri Highway Patrol has inspected the bus.³⁷

School Bus Driver Requirements

³⁴ See Vehicle Group's factual report for additional information on school bus inspections of Copeland's.

³⁵ See Vehicle Group Attachment #8 – Missouri Motor Vehicle Inspection Regulations.

³⁶ School bus inspections these facilities occur as part of the Missouri annual vehicle (all vehicles) inspection program.

³⁷ See Motor Carrier (MC) photographs #1 and #2.

Must be at least 21-years of age

Hold an appropriate class of CDL (“A” or “B”) with a “P” endorsement and an “S” endorsement.

Passenger Endorsement (“P”)

An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements.

- Knowledge test. All applicants for the passenger endorsement must have knowledge covering at least the following topics:
 - Proper procedures for loading/unloading passengers;
 - Proper use of emergency exits, including push out windows;
 - Proper responses to such emergency situations as fires and unruly passengers;
 - Proper procedures at railroad crossings and drawbridges; and
 - Proper braking procedures.
- Skills test. To obtain a passenger endorsement applicable to a specific vehicle group, an applicant must take his/her skills test in a passenger vehicle satisfying the requirements of that group as defined in §383.91

School Bus Endorsement (“S”)

To obtain a school bus endorsement, you must:

Pass the written and skills test for obtaining a CDL with passenger vehicle (P) endorsement.

Pass a new written test for school bus (S) endorsement which includes the following:

1. Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices.
2. Emergency exits and procedures for safely evacuating passengers in an emergency. State and Federal laws and regulations related to safely traversing highway rail grade crossings.
3. Pass a driving skills test in a school bus of the same vehicle group, as the school bus applicant will drive.
4. Take your written and skills test results to your local license office to apply for a new CDL with an S endorsement.

5. Meet driving history review requirements (completed at the time of application).
6. Pay the applicable fees for a new CDL license and the required fees for the CDL written and/or skills test.

Medical Qualification

1. Drivers transporting pupils for a public school district must have a statement on file from a medical examiner that indicates he or she is physically qualified to operate a school bus. This information may be retained in the employee files as determined by the district or contractor.
2. The medical statement shall be completed annually.
3. New school bus drivers must have the medical statement on file with the district or contractor prior to initial operation of a school bus.

Training Requirements

Drivers transporting pupils for a public school district to complete training in at least 8 hours of duration providing special instruction in school bus driving. This training must be completed annually. It is the responsibility of the employer/school district to verify the required training has been completed.

K. St. James School District Oversight

The St. James School District consisted of an elementary school, a middle school, a high school and a vocational school for junior and senior high school students. The school district serves the counties of Crawford, Dent, Maries, and Phelps. Student enrollment for the District is about 1,800 students. About 1,089 students are transported by school bus daily on 18 different routes. Reportedly, school bus mileage annually is about 165,200 miles of regular routes, 3,503 pre-school miles, and 24,380 activity miles traveled. The oversight of the pupil transportation is directly through the St. James School District and consisted of records of school bus driver qualification including medical certification, school bus routing information, and the total number of students transported. There was no one at the St. James School District that conducted a formal review of the operations of Copeland Bus Service however the District Superintendent communicated with the company on a regular basis and addressed problems as they arose.

END OF REPORT

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Senior Motor Carrier Investigator

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