

# **The Arizona Republic (Phoenix)**

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## **Bus company probed after I-10 crash kills 6**

By, Robert Anglen, The Arizona Republic

The company that owns a tour bus that rolled over Friday on Interstate 10, killing six people, has a history of safety violations, no federal record of insurance and could not legally carry passengers in Arizona, The Arizona Republic has learned.

Transportation-safety records and federal regulators confirm the only two buses owned by Tierra Santa Inc. of Van Nuys, Calif., were not licensed to carry passengers across state lines.

But Tierra Santa's buses have been hauling passengers from Mexico across the Southwest to California, even though they were stopped and cited three times last year by state and federal transportation inspectors in Arizona, New Mexico and Texas. Federal regulators were unable to say Friday why the buses were allowed to continue operating.

"I cannot comment. It is an ongoing investigation," said Duane DeBruyne, a Federal Motor Carrier Safety Administration spokesman, referring to a probe launched after the crash. "I can say (Tierra Santa) does not possess U.S. Department of Transportation operating authority."

The state and federal inspectors' reports show that one of the buses was pulled off the road and declared "out of service" when it was cited in Texas in August. In that stop, inspectors cited the bus for lack of insurance and an interstate license, defective lights, defective emergency exits, inoperable lamps and other maintenance issues. The other two citations occurred in July and September.

Records also show that drivers working for the company failed two out of three safety inspections and were deemed an "imminent hazard to safety." Drivers were cited for not speaking English and failing to provide identification to passengers.

Officials with Tierra Santa refused to comment Friday about the safety or licensing issues. A man who identified himself as the company's owner said Friday that his company had insurance, but he said the safety concerns were "none of your business."

The crash occurred at 5:25 a.m. when, Arizona Department of Public Safety officers say, the bus, which was carrying 22 passengers, rear-ended a pickup truck, fishtailed and swerved onto the median. The driver overcorrected, swerved back across the freeway, slammed into the edge of the roadway and rolled down an embankment.

As the bus rolled, its roof collapsed, windows shattered and six passengers were ejected and killed; their bodies were thrown as far as 30 feet away from the crushed hulk of the bus. Officers said 16 people who remained inside the bus suffered varying degrees of injury and were transported to local hospitals.

According to U.S. Department of Transportation records, Tierra Santa's operations were suspended for lack of insurance in April 2009. The company's insurance carrier said Friday that two policies listed on federal records were no longer active.

Federal records show the company obtained a \$5 million policy through National Continental Insurance Co., a division of Progressive, which was canceled July 30. The company obtained a second policy on Aug. 20 that was canceled on Nov. 27. Progressive officials would not say why the policies were canceled.

DeBruyne, of the Federal Motor Carrier Safety Administration, which regulates and licenses interstate buses, said the agency also has "no record of their insurance." He said Tierra Santa applied for an interstate license in April and was rejected in December. He said companies applying for licenses must submit plans to ensure drivers pass regular drug and alcohol tests, have valid commercial driver's licenses, obtain medical certificates and comply with federal driving limits. The company must also show that it has the ability to maintain its vehicles.

After Tierra Santa submitted its application, the administration requested additional information, which the company never provided, DeBruyne said. "You are not authorized to engage in interstate transportation of passengers by commercial motorized vehicles," the administration said in a certified letter to Tierra Santa in December.

Tierra Santa's headquarters is located in a shabby commercial district on Victory Boulevard in Van Nuys, sandwiched between a bail-bond operation and a muffler shop. Another nearby business is a check-cashing operation that advertises wire transfers to Mexico.

Todd Glickman of Glickman Bail Bonds said the bus often parks on the street in front of his office, where passengers, mostly Hispanic, disembark. "It's a big huge bus that parks there," Glickman said. "A tour bus. When it can't park there because of cars, it parks down the street."

But since 2008, Arizona has seen three crashes involving tour buses that have left 22 dead. The latest accident underscores what some safety experts say are insufficient safety standards for tour buses, or so-called motor coaches. No national laws exist that compel companies to equip buses with safety belts, reinforced roofs or safety glass. When a bus rolls over, passengers can be tossed about like dice in a cup and thrown out.

That was the case in 2008 when a charter bus loaded with members of a Phoenix-based ski club crashed near the Arizona-Utah border, killing nine, including three Deer Valley

high-school students. It was also the case in a 2009 crash near Hoover Dam when a small tour bus rolled over and seven people died.

"In more than half of these crashes where buses roll or fall over, passengers are ejected," said Phoenix lawyer Pat McGroder, who represents 15 victims of the Utah crash or their families. "We've been talking about this for two decades, and still nothing has been done."

For more than a decade, the National Transportation Safety Board, which investigates bus crashes on U.S. highways, has called enhanced safety on motor coaches one of its top priorities. McGroder said the Department of Transportation and industry representatives continue to drag their feet when it comes to action, saying more studies need to be done.

"We don't need any more studies," McGroder said. "Nothing speaks more loudly than real-world crashes that result in deaths and serious injuries."

McGroder said the proof of enhanced safety can be seen every day at his warehouse in Phoenix, where the remains of the bus carrying the Phoenix ski club sit side by side with another wrecked Utah bus. Although the circumstances in both crashes were similar -- a rollover down an embankment -- the outcomes were remarkably different.

That's because the second bus was designed to European standards with a reinforced roof, seat belts and safety glass. McGroder said he recently petitioned Sens. John McCain, R-Ariz., and Jon Kyl, R-Ariz., to support bills in the House and the Senate that would mandate seat belts and other safety improvements.

"It is time that the federal government act to ensure the safety of not only Arizonans, but all Americans who routinely use motor coaches for a means of transportation," McGroder wrote in January.

**Officials with the American Bus Association, a trade organization representing 800 motor-coach companies in the United States, said they support standards, but must wait for federal mandates. "It's really the role of the federal government to do the testing and come up with a standard," association President Peter Pantuso said Friday. "We have been urging them to move faster."**

**Pantuso maintains that illegal operators are to blame for as many as half of the fatal bus accidents. The Tierra Santa bus not only went through several state checkpoints en route to California, it also passed through a border-inspection checkpoint when entering the United States. Pantuso said bus drivers crossing the border are rarely asked about licenses and inspections, but he said they should be.**

**"These are companies that never should have been allowed on the road," he said. "That bus came across the border. Somebody should have been looking at that bus."**