



# **Bus Industry Safety Council Summer Meeting 2018**

Baltimore, MD  
June 26-27, 2018

*Loretta G. Bitner, Chief  
Commercial Passenger Carrier Safety Division  
Office of Enforcement and Compliance*





## Topics

- Bus Leasing – Update
- FAST Act Safety Study of Double-Decker Motorcoach with Rear Luggage Compartment
- Migrant Agriculture Worker Transportation
- Medical Examiner’s Certification Integration
- Personal Conveyance



# Lease and Interchange of Vehicles; Motor Carriers of Passengers

## Considering revisions re:

1. Exclusion of “chartering” (i.e. subcontracting) from leasing requirements
2. Amend the temporary vehicle marking requirements for leased/interchanged vehicles
3. Changing the 24-hour customer notification requirement for subcontracting
4. Expand the 48-hour delay in preparing a lease to include emergencies when there are no on-board passengers

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

Section 5510 of Fixing America's Surface Transport Act (FAST Act) 2015 required a study with respect to:

- Safety of vehicle operations;
- Fire suppression capability;
- Tire loads; and
- Roadway pavement impacts.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

The study was conducted through a combination of analysis and tests in 3 loading conditions:

- **Reference** – ballast for a full load of passengers and their normal luggage without a rear luggage compartment;
- **Regulatory** - same amount of ballast and a rear luggage compartment attached; and
- **Maximum** - weighted to gross vehicle weight rating (GVWR) with a rear luggage compartment attached.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment



# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Key Findings

### 1. Safety of vehicle operations:

The rear luggage compartment did not impair the vehicle's ability to meet any of the FMVSSs or industry consensus standards tested. Its effects on vehicle handling ability, across test conditions, were not measurable or were of minimal significance.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Operational Safety

Topic	Applicable Standard	Method	Summary Finding
Stopping Distance	FMVSS No. 121, S5.3.1	Test	The luggage compartment did not affect stopping distance.
Turning Radius	SAE J695	Test	Repositioning weight increased turning radius by 7 inches.
High-Speed Cornering	ISO 14792	Test	The compartment had a minimal effect in the test conditions.
Lane Change	ISO 14793, Section 10	Test	The compartment had a minimal effect in the test conditions.
Structural Integrity	(Analysis based on MIL-STD-810G Method 514.7)	Test and Analysis	The lifetime of the attachment hardware is estimated to be adequate.
Lighting	FMVSS No. 108	Inspection	Location and activation requirements were met.
Rear Visibility	FMVSS No. 111, S7	Inspection	The compartment did not interfere with rear visibility.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Key Findings

### 2. Fire risk:

The rear compartment, mounted near the vehicle's engine, could keep heat from an engine compartment fire close to the rear of the vehicle. This could accelerate a breach of the rear window and allow combustion products in the passenger compartment. The compartment does not block any exit.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Fire Safety

Topic	Applicable Standard	Method	Summary Finding
Chimney Effect	(none)	Inspection	There is an unquantified concern that the compartment might keep heat and smoke near the vehicle.
Unlatching Time	(none)	Inspection	The compartment can be quickly removed by tools carried by a fire suppression crew.
Fuel Source	(none)	Inspection	Compartment contents could become fuel for a fire.
Emergency Egress	FMVSS No. 217	Inspection	The rear luggage compartment blocked no exits.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Key Findings

### 3. Tire Loads:

The tires and rims on the test motorcoach had adequate capacity for their loads.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Tire Loads

Topic	Applicable Standard	Method	Summary Finding
<b>Tire Capacity</b>	FMVSS No. 119, S6.5 and S6.6	Inspection	Tires had adequate capacity.
<b>Rim Capacity</b>	FMVSS No. 120, S5.1.2, S5.3	Inspection	Rims had adequate capacity.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Key Findings

4. **Bridge and Pavement Damage:**  
Test results show that the loads under all conditions may exceed some State limits with respect to the Federal Highway Administration (FHWA) Bridge Formula. States must enact limits on tire and axle loads that are consistent with FHWA regulations.

# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

## Bridge and Pavement Damage

Topic	Applicable Standard	Method	Summary Finding
Bridge Formula	State rules based on 23 CFR 658.17 (e)	Calculation	Loads may be above some State limits.
Maximum Axle Load	State rules based on 23 CFR 658.17 (f)	Calculation	Loads may be above some State limits.
Tire Load-to-Width Ratio	State rules based on 23 CFR 658.17(f)	Calculation	Some loads are close to some State limits.



# Safety Study of Double-Decker Motorcoaches with Rear Luggage Compartment

Related links for more information:

Technical Brief: <https://rosap.ntl.bts.gov/view/dot/34562>

Full Report: <https://rosap.ntl.bts.gov/view/dot/34627>



# Migrant Agricultural Worker Transportation



The National Transportation Safety Board published a Highway Accident Report on the Agricultural Labor Bus and Truck-Tractor Collision that happened at the US-98–SR-363 Intersection Near St. Marks, Florida on July 2, 2016.

This report included information related to two other crashes.



# Migrant Agricultural Worker Transportation

- On July 2, 2016, about 5:16 a.m., a 1979 Blue Bird bus, operated by Billy R. Evans Harvesting, Inc., was traveling south on State Road 363, near St. Marks, Florida.
- It was struck by a westbound 2005 Freightliner, operated by Verity Van Lines, Inc., at the intersection of US-98 and SR 363.

# Migrant Agricultural Worker Transportation

- The bus driver had failed to stop at the intersection.
  - On SR 363, traffic was controlled by a stop sign and overhead flashing red traffic control beacons.
  - Overhead flashing yellow traffic control beacons controlled traffic on US-98.
- The truck struck the left side of the bus, resulting in the rapid counterclockwise rotation of the truck and the breach of its right-side-mounted diesel fuel tank, which ignited a fire.
- The front of the semitrailer then struck the left side of the bus.



# Migrant Agricultural Worker Transportation

- The bus was occupied by the driver and 33 passengers, most of whom were migrant agricultural workers.
- The truck was occupied by the driver and a passenger.
- The truck driver and three bus passengers died.
- The bus driver, 28 bus passengers, and a passenger in the sleeper berth of the truck were injured.



# Migrant Agricultural Worker Transportation



# Migrant Agricultural Worker Transportation

Little Rock, Arkansas - November 6, 2015

- At 12:55 am, a motorcoach operated by Vasquez Citrus and Hauling, occupied by a 28-year-old driver, codriver, and 20 AG workers, was traveling west on I-40.
- The motorcoach departed the roadway, crossed rumble strips, traveled about 640 feet along the paved shoulder, and collided with a concrete barrier.

# Migrant Agricultural Worker Transportation

Little Rock, Arkansas



# Migrant Agricultural Worker Transportation

Ruther Glen, Virginia - June 18, 2016

- At 12:35 am, a 15-passenger van occupied by a 50-year-old driver and 15 passengers, most of whom were migrant agricultural workers, was traveling north on I-95 to NJ.
- The van departed the roadway onto the left shoulder, swerved right across all three lanes striking a passenger car and swinging out of the roadway onto the grass, overturned at least two times.



# Migrant Agricultural Worker Transportation

Ruther Glen, Virginia



# Migrant Agricultural Worker Transportation

Ruther Glen, Virginia



# Migrant Agricultural Worker Transportation

## New NTSB Recommendations to FMCSA

- Work with the USDOL re enforcement responsibilities sharing of safety-critical information. (H-17-58)
- Implement a data-driven enforcement plan in collaboration with state Motor Carrier Safety Assistance Program partners. (H-17-59)
- Work with the USDOL re guidelines for state oversight agencies to improve transportation safety for migrant/ seasonal agricultural workers. (H-17-60)
- Work with SAE International and the NHTSA to improve truck side-mounted fuel tank crashworthiness. (H-17-61)

# Migrant Agricultural Worker Transportation

## NTSB Recommendation to the American Bus Association and United Motorcoach Association

Initiate an outreach campaign to agricultural employers, farm labor contractors, and the migrant worker community to offer access to safe, reliable, and authorized motor carriers to meet their transportation needs. (H-17-67)

# Migrant Agricultural Worker Transportation

NTSB Report Link:

<https://www.nts.gov/investigations/AccidentReports/Pages/HAR1705.aspx>



# Medical Examiner's Certification Integration Final Rule

Recently FMCSA issued an interim final rule delaying several provisions of the Medical Examiner's Certification Integration final rule **from June 22, 2018 date to June 22, 2021.**

This action:

- Provides FMCSA additional time to complete certain information technology system development tasks for its National Registry of Certified Medical Examiners.
- Provides State Driver's Licensing Agencies (SLDAs) time to make the necessary changes.

# Medical Examiner's Certification Integration Final Rule

This interim final rule requires that **through June 21, 2021**

## **Certified Medical Examiners**

Continue issuing the original paper Medical Examiner's Certificate (Form MCSA-5876) to all qualified drivers including Commercial Learner's Permit/Commercial Driver's License applicants/holders.

# Medical Examiner's Certification Integration Final Rule

This interim final rule requires that **through June 21, 2021**

## **Commercial Learner's Permit/Commercial Driver's License Applicants/holders**

Continue providing the SDLA a copy of their Medical Examiner's Certificate (Form MCSA-5876)

Continue carrying their Medical Examiner's Certificate (Form MCSA-5876) as proof of medical certification for the first 15 days following certification.

# Medical Examiner's Certification Integration Final Rule

This interim final rule requires that **through June 21, 2021**

## Motor Carriers

Continue verifying that drivers were certified by a Medical Examiner listed on the National Registry.

# Medical Examiner's Certification Integration Final Rule

This interim final rule requires that **through June 21, 2021**  
**State Driver's Licensing Agencies**

Continue processing paper copies of Medical Examiner's  
Certificates (Form MCSA-5876) received from Commercial  
Learner's Permit/Commercial Driver's License  
applicants/holders.

# Medical Examiner's Certification Integration Final Rule

Does not change the requirement for medical examiners to report results of all commercial motor vehicle driver physical examinations performed - including the results of examinations where the driver was found not to be qualified - to FMCSA by midnight (local time) of the next calendar day following the examination.

**The compliance date for this provision remains as June 22, 2018.**

FMCSA will announce when the function is restored that allows medical examiners to report results of examinations conducted. Until that time, medical examiners should segregate all examinations completed during the National Registry outage and be prepared to upload them to the National Registry system when it is back online, with no penalties.

# Personal Conveyance 2018

## What is personal conveyance?

- The movement of a commercial motor vehicle (CMV) for personal use while **off-duty**.
- A driver may record time operating a CMV for personal conveyance as off-duty **only when the driver is relieved from work and all responsibility for performing work by the motor carrier.**
- The CMV may be used for personal conveyance even if it is laden, if the load is not being transported for the commercial benefit of the motor carrier at that time.

# Personal Conveyance 2018



Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely.

# Personal Conveyance 2018

## Why Change?

- 20 year old guidance
- Improve flexibility
- Focus on intent of the movement
  - Why is the vehicle moving
    - Is it contributing to the motor carrier's operational readiness?
    - Is the movement personal in nature?
  - Laden or unladen
- Consistent application for industry and law enforcement

# Personal Conveyance 2018

## Motor Carrier's Responsibility

- Ensure driver is in compliance with the hours of service regulations - not operating a vehicle while ill or fatigued - regardless of the amount of driving and working time.
- A company may have policy that is more restrictive than the regulation and guidance.
  - Time and/or distance
  - Prohibit laden vehicles from operating under personal conveyance

# Personal Conveyance 2018



## Driver's Responsibility

- Record start and end time of personal conveyance
- Comply with hours of service rules
- Don't drive while fatigued

# Personal Conveyance 2018



## What about ELDs?

- The ELD rule requires ELDs have:
  - A Personal Conveyance feature; or
  - Driver annotation at the beginning and end of personal conveyance.

# Personal Conveyance 2018

## Proper Use:

1. Time spent traveling to a **nearby, reasonably, safe location** to obtain required rest after loading or unloading.
2. Time spent traveling from a driver's enroute lodging to restaurants and entertainment facilities. **Must allow the driver adequate time to obtain the required rest** - minimum off-duty periods under 49 CFR 395.5(a) - before returning to on-duty driving, and **the resting location must be the first such location reasonably available.**

# Personal Conveyance 2018



## Proper Use:

3. Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence.
4. Moving a CMV at the request of a safety official during the driver's off-duty time.
5. Time spent transporting personal property while off-duty.

# Personal Conveyance 2018

## Proper Use:

6. Authorized use of a CMV to travel home after working at an offsite location.
7. Time spent traveling in a motorcoach **without passengers** to enroute lodging or to restaurants and entertainment facilities and back to the lodging.
  - In this scenario, the driver of the motorcoach can claim personal conveyance provided the driver is **off-duty**.
  - Other off-duty drivers may be on board the vehicle and are not considered passengers.

# Personal Conveyance 2018

## Improper Use:

1. The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, **bypassing available resting locations** in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
2. After delivering a towed unit, and the towing unit no longer meets the definition of a CMV, the driver returns to the point of origin under the direction of the motor carrier to pick up another towed unit.

# Personal Conveyance 2018

## Improper Use:

3. Time spent **transporting** a CMV to a facility **for vehicle maintenance**.
4. Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or **repositioning a CMV at the direction of the motor carrier**.



# Personal Conveyance 2018

## Improper Use:

5. Time spent **driving a passenger-carrying CMV while passenger(s) are on board**. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
6. After being placed out of service for exceeding the maximum periods permitted under part 395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.

# Personal Conveyance 2018

## Improper Use:

7. Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
8. Time spent operating a motorcoach when luggage is stowed, the passengers have disembarked and **the driver has been directed to deliver the luggage.**

# Personal Conveyance 2018

## Personal Conveyance Questions

Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov)

**Personal Conveyance website:**

<https://www.fmcsa.dot.gov/regulations/hours-service/personal-conveyance>

# Additional FMCSA Websites

## **ELD Implementation Information:**

<https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices>

## **National Registry of Certified Medical Examiners:**

<https://www.fmcsa.dot.gov/regulations/medical/national-registry-certified-medical-examiners>

## **ADA Requirements for Bus Companies**

<https://www.fmcsa.dot.gov/regulations/americans-disabilities-act-reporting-and-other-requirements-over-road-bus-companies>

## **Guidance for International Motor Carriers**

<https://www.fmcsa.dot.gov/international-programs>



# Thank You

## Any questions?

Contact Information

FMCSA Commercial Passenger Carrier Safety Division

e-mail: [mc-ecp@dot.gov](mailto:mc-ecp@dot.gov)

