

NATIONAL TRANSPORTATION SAFETY BOARD
Virtual Meeting of September 29, 2020
(Information subject to editing)

Stretch Limousine Run-Off-Road Crash
Near Schoharie, New York
October 6, 2018
HWY19MH001

This is a synopsis from the NTSB's report and does not include the Board's rationale for the conclusions, probable cause, and safety recommendations. NTSB staff is currently making final revisions to the report from which the attached conclusions and safety recommendations have been extracted. The final report and pertinent safety recommendation letters will be distributed to recommendation recipients as soon as possible. The attached information is subject to further review and editing to reflect changes adopted during the Board meeting.

Executive Summary

On October 6, 2018, about 1:55 p.m. (local time), a 2001 Ford Excursion XLT stretch limousine, operated by Prestige Limousine and Chauffeur Service, was traveling south on New York State Route 30 (NY-30) near Schoharie, Schoharie County, New York. The limousine, occupied by a 53-year-old driver and 17 passengers, was descending a downhill grade that began about 1.81 miles north of a T-intersection with New York State Route 30A (NY-30A). The posted speed limit was 55 mph.

Although the driver likely applied the brakes while descending the hill, the brake system failed to effectively slow the limousine down the grade, and the vehicle's speed increased to over 100 mph. The driver steered the vehicle over the double pavement striping to avoid a car stopped at the NY-30/NY-30A intersection, proceeded past a stop sign, crossed the intersection, and entered the driveway of a restaurant parking lot. The limousine struck an unoccupied 2015 Toyota Highlander sport utility vehicle (SUV) that was parked in a grassy field adjacent to the driveway. Two pedestrians who were making their way to this SUV were struck by it when the SUV was forced forward by the limousine. The limousine continued across the edge of the driveway and into a ravine, where it struck an earthen embankment and several trees. As a result of the crash, 20 people died, including all 18 limousine occupants and the 2 pedestrians

The accident investigation focused on the following safety issues:

- **Inadequate brake system maintenance.** The limousine's brake system was poorly maintained. While descending a downhill grade, the brake system failed to effectively slow the vehicle and stop it at the bottom of the hill.
- **Vehicle alteration affecting compliance with applicable *Federal Motor Vehicle Safety Standards*.** The vehicle involved in this crash had originally been a Ford Excursion SUV; it was altered to become a stretch limousine. There is no evidence that, when the SUV was altered, the alterer, 21st Century Coachworks, conducted

the required testing and engineering analyses to ensure that the altered vehicle conformed to required federal safety standards. As a consequence of the increase in vehicle weight and seating capacity, the classification of the vehicle changed from an SUV to a “bus,” as defined by the National Highway Traffic Safety Administration, which affected how certain federal safety standards applied to the vehicle. The report discusses the vehicle alteration and certification processes for stretch limousines, the results of a brake performance test that evaluated the effect of increased weight on a properly maintained vehicle, and the steps that limousine operators should take to ensure the safety of altered or stretched vehicles being purchased or operated as limousines in passenger transportation.

- **Drivers falsifying medical histories in medical certification examinations for commercial driver’s licenses.** The limousine driver was required to be medically certified to operate a commercial vehicle. During the medical examination process, the driver failed to disclose pertinent information about his medical history, which prevented an accurate assessment of his physical qualifications to operate a stretch limousine. Based on the driver’s marijuana use, he would not have been medically certified to drive the limousine.
- **Ineffective state oversight of intrastate motor carrier operations.** The New York State Department of Motor Vehicles (NYSDMV) and Department of Transportation (NYSDOT) were responsible for the oversight of the limousine operator, Prestige Limousine and Chauffeur Service, and its commercial stretch limousines. The NYSDMV was responsible for properly registering limousines. The report discusses deficiencies in the NYSDMV registration process, which allowed Prestige Limousine to circumvent more rigorous state bus safety and inspection requirements by improperly registering its vehicles. The report also discusses the NYSDOT’s ineffective safety enforcement efforts, which failed to prevent the unauthorized operator Prestige Limousine from operating. Although the NYSDOT was aware that Prestige Limousine was operating, it failed to verify whether Prestige Limousine had made vehicle safety repairs, required due to out-of-service vehicle inspection violations, which enabled the carrier to continue transporting passengers in limousines that had serious safety deficiencies. The report addresses the need for additional efforts at the state and national levels to prevent motor carriers from operating with active out-of-service violations.
- **Insufficient occupant protection for limousine passengers.** As part of the Schoharie crash investigation, the National Transportation Safety Board (NTSB) issued a safety recommendation report on September 13, 2019, on providing occupant protection for limousine passengers. This report briefly summarizes the 2019 safety report and describes the insufficient occupant protection systems in the limousine at the time of the crash.

Investigative Constraints

The New York State Police and the Schoharie County District Attorney’s Office are conducting a criminal investigation of this crash. These state entities (particularly the District

Attorney's Office) denied the NTSB timely access to the crash vehicles and related information that would have allowed the NTSB to follow its usual investigative protocols. The involved motor carrier, Prestige Limousine, would not permit access to its records, maintenance history, some witnesses, and other investigative material. These impediments delayed and complicated the NTSB's investigation, but they did not affect its quality, as investigators used the factual information collected and developed alternative methodologies to complete an accurate investigation. In particular, to compensate for the District Attorney and state police denying our timely access to vehicle and braking components for any actions other than a visual inspection, the NTSB contracted an independent testing firm to conduct performance-based testing to examine the braking performance of a Ford Excursion SUV at the original manufacture gross vehicle weight rating and at the weight of the stretch limousine at the time of the crash. The testing included brake dynamometer testing to simulate braking performance over the route the crash vehicle traveled. The testing was instrumental to understanding factors relevant to the crash.

Findings

1. None of the following were factors in this crash: (1) the driver's experience or familiarity with the limousine, (2) roadway signage, (3) alcohol impairment or fatigue, (4) cell phone use, (5) weather conditions, or (6) visibility and stopping sight distance at the intersection where the crash occurred.
2. The emergency response to the crash was timely and adequate.
3. The limousine was unable to slow on the downhill grade approaching the intersection due to a failure within the poorly maintained brake system.
4. Although 21st Century Coachworks, the company that altered the Ford Excursion sport utility vehicle into a stretch limousine, does not appear to have certified that the altered vehicle met the applicable *Federal Motor Vehicle Safety Standards*, the results of a brake system performance study show that, had the brake system been properly maintained, the limousine should have been capable of stopping safely at the bottom of the New York State Route 30 downgrade.
5. Limousine operators can help ensure the safety of altered vehicles being acquired for use in passenger transportation service by (1) obtaining an engineer's certification that the altered vehicle meets the *Federal Motor Vehicle Safety Standards* and (2) ensuring that a secondary certification label is affixed to the limousine before purchase.
6. The limousine driver failed to disclose pertinent information about his medical history as required on the examination form for commercial driver's license medical certification, which prevented accurate assessment of his fitness to drive a vehicle transporting passengers.

7. Based on the limousine driver's medical conditions, it cannot be determined whether he would have been granted medical certification to drive a limousine had he fully disclosed his medical history on the examination form for commercial driver's license medical certification; however, had he disclosed his use of marijuana, he would not have been medically certified.
8. Although toxicology tests detected evidence of marijuana and prescription drug use by the limousine driver, insufficient information was available to determine whether the drugs in his system were at levels that would have impaired his ability to respond to the emergency situation.
9. Despite numerous warnings and Notices of Violation issued by the New York State Department of Transportation, Prestige Limousine violated the law by transporting passengers in its limousines without having operating authority.
10. On the day of the crash, Prestige Limousine was knowingly operating a limousine in poor mechanical condition that had recently been placed out of service for safety deficiencies, including brake equipment violations.
11. Prestige Limousine did not have an effective maintenance program in place to ensure the safety of its passenger-carrying vehicles.
12. Despite knowing that the crash limousine driver was not properly licensed, Prestige Limousine repeatedly assigned him to transport passengers, in direct violation of a New York State Department of Transportation out-of-service order, which indicates deficiencies in driver-related safety controls at the motor carrier.
13. The New York State Department of Motor Vehicles' failure to verify information in its vehicle registration program allowed the crash limousine to be incorrectly classified and improperly registered, which enabled Prestige Limousine to circumvent the more thorough state safety and inspection requirements that might have prevented the crash.
14. The state inspection stations Mavis Discount Tire and Wilton Truck Center knowingly inspected and certified the crash limousine, which was clearly an altered vehicle, in contravention of the New York State Department of Motor Vehicles' policy that prohibited stations from inspecting modified or altered vehicles, including stretch limousines.
15. By not ensuring that state inspection stations adhered to the policy that prohibited them from inspecting altered vehicles, the New York State Department of Motor Vehicles enabled the crash limousine to undergo annual vehicle inspections instead of the more rigorous semiannual New York State Department of Transportation bus safety inspections, as required.
16. The New York State Department of Motor Vehicles did not provide effective oversight of state inspection stations, allowing Mavis Discount Tire and Wilton Truck Center to perform inadequate inspections of the crash limousine that failed to detect serious safety deficiencies before the crash.

17. The New York State Department of Transportation's ineffective enforcement and lack of repair verification processes allowed Prestige Limousine to continue to transport passengers in the crash limousine despite the carrier's (1) not having operating authority and (2) failing to repair out-of-service vehicle violations that compromised the limousine's safety.
18. The State of New York's implementation of Assembly Bill A.9056 should help resolve the safety problem of stretch limousines continuing in commercial operation without having their out-of-service violations repaired.
19. The New York State Department of Transportation's enforcement efforts directed toward motor carriers that continue operating after being cited for serious out-of-service violations have been inadequate, and additional strategies and repair verification processes are needed.
20. Making the definition of what constitutes a "bus" consistent between the New York State agencies responsible for registering and inspecting higher occupancy passenger-carrying vehicles would reduce the likelihood of miscommunication between these safety oversight agencies and of motor carriers exploiting administrative loopholes to avoid safety scrutiny.
21. Although the extent of the problem is unknown, some motor carriers across the nation are likely continuing to operate without correcting out-of-service violations, placing the motoring public at risk.

Probable Cause

The National Transportation Safety Board determines that the probable cause of the Schoharie, New York, crash was Prestige Limousine and Chauffeur Service's egregious disregard for safety, in dispatching a stretch limousine with an out-of-service order for a passenger charter trip, resulting in the failure of its brake system while descending the steep grade of New York State Route 30. Contributing to the crash was the New York State Department of Transportation's ineffective oversight of Prestige Limousine despite its knowledge of the carrier's multiple out-of-service violations and lack of operating authority, as well as the department's inadequate repair verification process. Further contributing to the crash was the New York State Department of Motor Vehicles' inadequate oversight of state-licensed inspection stations and its failure to properly register the limousine, which enabled Prestige Limousine to circumvent the state's safety regulations and more rigorous inspection requirements.

Recommendations

New Recommendations

To the Federal Motor Carrier Safety Administration:

1. Provide guidance and best practices to states to enforce carrier compliance with state-issued out-of-service orders, based on available information on state efforts to prevent vehicles and drivers from continuing to operate without authority or after being cited for out-of-service violations.

To the Governor of the State of New York:

2. Require the New York State Department of Transportation to implement the “key recommendations” in the 2014 New York Office of the State Comptroller Report 2012-S-13 addressing vehicle repair certification requirements, strategies to improve carrier compliance with out-of-service violations, and progressive enforcement actions for continued operation of out-of-service vehicles.
3. Require the New York State Department of Motor Vehicles to adopt the New York State Department of Transportation’s definition of a bus as a passenger vehicle for hire with a seating capacity of 10 or more.

To the New York State Department of Motor Vehicles:

4. Review your policies and protocols on the inspection of stretch limousines and establish stricter safeguards and more rigorous enforcement protocols to ensure that state-contracted inspection stations do not inspect stretch limousines that have a seating capacity of 10 or more.
5. Renotify state-contracted inspection stations that they may not inspect stretch limousines that have a seating capacity of 10 or more.

To the National Limousine Association:

6. Inform your member limousine operators of the importance of verifying the safety of altered vehicles planned for passenger transportation by ensuring that the altered vehicle passes a structural and mechanical safety inspection, obtaining from the alterer an engineer’s certification that the altered vehicle meets the *Federal Motor Vehicle Safety*

Standards affected by the alteration, and checking that a secondary certification label is affixed to the limousine before purchase.

Previously Issued Recommendations

In September 2019, the NTSB issued a safety recommendation report titled *Providing Occupant Protection for Limousine Passengers*, which issued and reiterated the following safety recommendations addressing occupant protection safety issues identified during the Schoharie crash investigation:

To the National Highway Traffic Safety Administration:

Require lap/shoulder belts for each passenger seating position on all new vehicles modified to be used as limousines. (H-19-14)

Require that seating systems installed in new vehicles modified to be used as limousines meet minimum performance standards to ensure their integrity during a crash. (H-19-15)

The status of Safety Recommendations H-19-14 and -15 is “Open—Unacceptable Response.”

To the New York State Department of Transportation:

As an addition to your regular state inspection process, ensure that seat belts are functional and accessible in all limousines in the state equipped with passenger seat belts. (H-19-16)

The status of Safety Recommendation H-19-16 is “Closed—Acceptable Alternate Action.”

To the National Limousine Association:

Educate member limousine operators on the life-saving benefits of proper seat belt use, and recommend that they develop methods to (1) ensure that seat belts are functional and accessible to the passengers and (2) encourage passengers to use them. (H-19-17)

The status of Safety Recommendation H-19-17 is “Open—Acceptable Response.”

In the Safety Recommendation Report, the NTSB reiterated Safety Recommendation H-15-42:

To the State of New York:

Enact legislation that provides for primary enforcement of a mandatory seat belt use law for all vehicle seating positions equipped with a passenger restraint system.
(H-15-42)

The status of Safety Recommendation H-15-42 to the State of New York is “Open—Acceptable Response.”