

Texas bus crash points to oversight problems

By **DANNY ROBBINS** Associated Press Writer © 2008 The Associated Press

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DALLAS — Sprouting like mushrooms, rogue motorcoach operators come and go, often defying efforts to keep unsafe buses and drivers off the nation's highways.

When one company is forced out of service, another crops up to take its place, sometimes barely attempting to hide the fact that the two companies are related.

Against this backdrop, a Houston charter bus company, Iguala BusMex Inc., operated in virtual anonymity until one of its buses ran off the road outside Sherman last week, killing 17 of its 55 passengers.

The accident has cast light on Iguala BusMex and its owner, Angel de la Torre, who formed the company when another he operated, Angel Tours Inc., was placed out of service by federal regulators because of serious vehicle and driver deficiencies.

But it also has been a window to a subculture of renegade operators who stay one step ahead of state and federal authorities simply by changing their company names.

"It's a very murky underground that most people

don't know exists," said Richard Mithoff, a Houston attorney who represented the families of victims in a 2005 bus fire that killed 23 Hurricane Rita evacuees. "And it's an area that clearly needs attention."

When de la Torre formed Iguala BusMex in June, he listed the same owner — himself — and address as Angel Tours. Iguala BusMex was issued a U.S. Department of Transportation number but had not been approved for service at the time of the wreck.

Repeated voicemail messages left by The Associated Press for de la Torre, including one Wednesday, have not been returned.

Outrage over the way Iguala BusMex slipped through the cracks prompted the Federal Motor Carrier Safety Administration Tuesday to temporarily stop licensing new bus companies. FMCSA administrator John H. Hill said the moratorium will last until his agency has a system in place to cross-check applicants more effectively.

Hill believes the plan will help his agency better monitor bad operators and get them off the roads. But he expects rogue companies will simply adapt and look for new ways to beat the system.

"As soon as we start doing this, I guarantee we'll find less of them, because they're going to get smart and change the way they do business," he said. "Then we'll be back to tracking them down and putting it all together like a puzzle. And that's when it gets real messy."

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An examination of documents by the AP found that Iguala BusMex is just the tip of an iceberg.

In one case examined by the AP, a Dallas company involved in a fatal accident in Mexico in 2006 morphed into another company, which last month was involved in a second deadly crash in Mexico.

After the first company was taken out of service, the operator simply translated its name into Spanish, kept the same phone number and applied for a new license.

The second company is still in good standing with the FMCSA, records show.

Such transformations are common for problem operators, experts say.

"That's something companies have done for years," said Whitney Morgan, a former field agent for the U.S. Department of Transportation who is now president of a motor carrier consulting firm in Birmingham, Ala. "They shut down at one location, move across the street to another, change the name, and it's basically the same individuals.

"Maybe they file their paperwork under a wife or brother's name, but they just keep on operating until they get caught again."

Operators who attempt to game the system are a small minority tarnishing the image of an industry that is in fact the safest mode of surface transportation, said Eron Shosteck, senior vice president of the American Bus Association.

"This underscores the difference between responsible operators, which are our core members, and the unlawful rogues who imperil public safety," he said.

Another tactic used by operators forced out of service is to lease their buses to companies in good standing.

The practice is legal, but raises questions for some in the industry, who believe it deludes passengers who likely would not be aware of the bus' owner.

A month after Angel Tours was forced out of service, a random inspection by the Texas Department of Public safety in Fort Bend County found that one of the company's buses had been leased to a San Antonio company, Liberty Charters & Tours. The bus was en route to Matamoros.

The inspection dealt only with the driver and found no violations.

Lt. Omar Villarreal of the DPS Motor Carrier Bureau said finding a bus owned by Angel Tours on the road at that time wouldn't necessarily be cause for concern if the bus was in the hands of a company that has a clean record. Liberty Charters is in fact in good standing with the FMCSA.

"It is somewhat of a way for Angel Tours to remain in business, but more in the leasing capacity rather than the transporting of passengers," Villarreal said.

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Jose Hidalgo, the owner of Liberty Charters, said he knew at the time that Angel Tours had been forced out of service but wasn't worried because the company's deficiencies mainly involved "paperwork."

Even though the deal between Angel Tours and Liberty Charters was legal, it should have raised a red flag, said Hill, the FMCSA chief.

"I would like to think if somebody saw that (bus) and knew there was an out-of-service order for Angel Tours, they would have connected the dots and said, 'Hey, we think we've got a problem here,' and looked at it," he said.

The FMCSA's ability to monitor problem companies received public attention in 2006 when the National Transportation Safety Board recommended that the agency establish a program to verify that operators forced out of service remained out of business.

The recommendation came after an 2003 accident at a Chicago-area toll plaza in which a tractor-trailer struck a bus, killing eight passengers. The bus operator's license had been revoked a year and a half earlier.

Hill said the recommendation prompted his agency to improve the information systems available to roadside inspectors, but he acknowledged that the change was effective only "after the fact."

The FMCSA, established in 2000 as part of the U. S. Department of Transportation, regulates approximately 650,000 companies with about

750 people in the field, 250 which are stationed on the United States-Mexico border. State law enforcement personnel also have the authority to inspect vehicles and conduct compliance reviews.

"There is a deficiency in budget and manpower within the FMCSA, as there is with a lot of government agencies, and there are just so many companies out there," said Morgan, the former U. S. DOT agent.

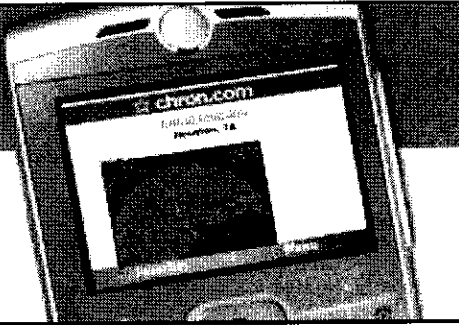
Hill said his agency's funding is affected by its relatively low profile, although that is likely to change.

"The problem we're dealing with is when you get one of these buses with 66 people (in an accident), that's more than a regional jet," he said. "But if you have regional jets falling out of the air, you'd have people all over that."

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