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REGIONAL NEWS

Greyhound Sued Over Pennsylvania Highway Crash Injuries

BY P.J. D'ANNUNZIO
Of the Legal Staff

The Greyhound bus company is being sued by a passenger who was among several injured when the bus he rode collided with the rear of a truck on a highway near Williamsport, Pa.

Jon Ostroff, managing partner of Ostroff Injury Law, said that in addition to William and Gloria Koomson, who filed their cause of action against Greyhound Lines Inc. on Oct. 18 in the Philadelphia Court of Common Pleas, another family is preparing to initiate a complaint against Greyhound in the same court.

Ostroff identified the second family as that of Son Thi Thonh Huong, who died when the force of the crash caused her to be ejected from the bus.

According to Ostroff, the Oct. 9 incident is the fourth highway crash of the year involving a Greyhound bus. He said it illustrates a trend in terms of Greyhound's practices.

"There is a problem at Greyhound, there is not adequate fatigue management for drivers. The real problem is that drivers drive continuously at different times of day. Anywhere from 10 to 24 hours later they'll get another route. So, unlike a school bus driver who drives the same time every day, there is no regularity in their scheduling, they have no



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sleep cycle," Ostroff said. Alexandra Pedrini, a spokeswoman for Greyhound, declined to comment on the matter.

Ostroff said William Koomson sustained injuries to his back, neck and jaw; had broken teeth; had a concussion; and displayed symptoms of brain injury.

Koomson and his wife, who are suing for loss of consortium in addition to the injury claims in *Koomson v. Greyhound Lines*, filed a complaint that alleged that Greyhound was negligent in allowing a fatigued driver to operate a bus.

Additionally, the complaint alleged that Greyhound knew its driver in the incident, Sabrina Anderson, was too tired to operate a bus, but allowed her to do so anyway.

The complaint also claimed that, among other things, Greyhound failed to comply with federal regulations that lay out the maximum amount of time a driver can operate without taking a break.

Ostroff said that Greyhound had no policies or systems in place to regulate driver fatigue, and that in similar accident cases involving the company this year, driver fatigue

has played a significant role.

"In my litigation with Greyhound, I've found that no one there is monitoring fatigue," Ostroff said. "There is no supervisor there making sure they're awake and alert. This is a real, ongoing problem and it's not getting better."

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REGULATION AND ENFORCEMENT

Lawyers who have litigated cases involving the bus industry said it is underregulated and the regulations that do exist tend to be poorly enforced.

Fredric S. Eisenberg, who handles bus accident litigation at Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck in Philadelphia, said that bus companies tend to have lax enforcement of regulations that do exist.

"Bus companies are, for the most part, a completely unregulated industry," Eisenberg said. "For example, buses that leave from Chinatown in Philadelphia to go to Chinatown in New York, or discount buses, are notorious for driving too many miles without adequate checks for violations. Once they're closed down by specific state legislatures, they reopen somewhere the next day."

Eisenberg said that although many of the cases he has seen have shown that poor bus maintenance has been the cause of accidents, the lack of enforcement in regards to driving hours and driver fatigue still plays a

significant part in bus accidents.

Despite the number of accident cases these carriers face, regulation remains spotty, according to Eisenberg.

"I have not seen any change in behavior," Eisenberg said. "There continues to be the same violations. The only thing that will lead to safer buses are continuing to inspect buses before they go on the roadway and continuing to monitor hours and driving records closely."

In terms of jury reaction in bus cases, James F. Mundy of Powell Law in Scranton, Pa., said that juries tend to be angered when they learn there was more to the cause of an accident than a momentary mistake on the driver's part.

Additionally, Mundy said that plaintiffs attorneys in accident cases need to pay close attention to the causes of fatigue, and not just the moment of the accident.

"When you investigate claims, you look at where the driver was the night before, how long did they sleep, do they take medications, what was the dosage, what did they eat and drink. The moment is not the cause," Mundy said.

In order to curb accidents like the one that occurred near Williamsport, according to Mundy, bus companies need to impose stricter regulations, more frequent blood and

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urine testing, and thorough character screening for drivers.

However, Theodore M. Schaer, an attorney who handles large motor carrier defense litigation at Zarwin Baum DeVito Kaplan Schaer Toddy in Philadelphia, said that bus

companies do pay close attention to driver hours and are quite mindful of the fact that accidents caused by fatigued drivers could anger juries.

"The larger, more sophisticated carriers are aware of hours of service, and are acutely aware of driver fatigue issues. They are very aware of their obligations and work very hard to ensure drivers don't go over their hours of service and adhere to federal regulation," Schaer said.

Companies go through comprehensive safety analyses, Schaer said, and drivers are subject to roadside stops by state police. He said that safety information is put into a national database that reflects the safety ratings of motor carriers.

"You have a climate with a lot of publicity about bus crashes, and the Federal Motor Carrier Safety Administration has really put a lot of pressure on the bus industry," Schaer said. "The major carriers, the Greyhounds of

the world, are acutely aware of what's going on, and negative publicity can very seriously affect their business."

Schaer added that big motor carriers take passenger safety seriously and want their drivers to operate their buses in a safe manner.

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