

**EXCERPTS FROM DALLAS COUNTY
SHERIFF'S DEPARTMENT
ACCIDENT RERPORT**

(50 Pages)

SHERIFF'S DEPARTMENT
CASE REPORT

DISPOSITION	FILED
DATE _____	DATE _____ TIME _____
COURT _____	WITH _____
DOCKET _____	BY _____
METHOD _____	COURT _____
DISPOSITION _____	DOCKET _____

Grand Jury Referral
LOCATION OF DEFENDANT _____

DEFENDANT Robles, Juan Gutierrez RACE H SEX M D.O.B. [REDACTED]
 (LAST) (FIRST) (MIDDLE)
 HEIGHT 5'8 WEIGHT 180 HAIR Blk EYES Bro SCARS/TATTOO _____
 ALIAS _____

RESIDENCE ADDRESS [REDACTED] IDENTIFICATION NO. (LAI) _____

PLACE OF ARREST _____ DATE OF ARREST _____

MAGISTRATE'S HEARING: DATE _____ TIME _____ MAGISTRATE _____

OFFENSE: DATE 9/23/05 TIME 6:07AM SERVICE NO. 05-100213 OFFENSE NO. _____

COMPLAINANT Terry, Robert RACE W SEX M D.O.B. [REDACTED]
 (LAST) (FIRST) (MIDDLE)

WHERE COMMITTED N/B 6300 IH45 at Mars Rd. Wilmer, Dallas County, Texas

HOW COMMITTED Fire started in right rear wheel area of bus causing death of complainant

CHARGE Criminal Negligent Homicide

PROPERTY TAKEN AND VALUE _____

EVIDENCE AND SEIZURES _____

VOLUNTARY STATEMENT _____

ACCOMPLICES _____

DALLAS COUNTY SHERIFF'S DEPARTMENT

 OFFENSE

 INCIDENT

 ARREST REPORT FORM 127 REV.6-95

DATE OF REPORT 09-23-05		ELEMENT 526		DIST. OCCURRED 526		TIME DISP. 6:07 am		TIME ARRIVED 6:15 am		TIME CLEARED 5:30 pm		SERVICE NO. 05-100213			
ADDRESS DISPATCHED TO: 6300 NB IH45 @ Mars Rd.				GRID 88R		COMP. OR FIRM (LAST NAME FIRST) Terry, Robert				RACE- SEX- D.O.B. W/M					
DESCRIBE LOCATION - TYPE PREMISES Public Roadway				DISP. AS 51.04		COMP. ADDRESS				CITY-STATE-ZIP CODE (A/C) PHONE NO.					
INFO ONLY <input type="checkbox"/>		CIVIL <input type="checkbox"/>		NO VIOLATION <input type="checkbox"/>		NO PROSECUTION <input type="checkbox"/>		COMP. BUSINESS-SCHOOL ADDRESS CITY-STATE-ZIP				(A/C) PHONE NO. N/A			
C.I.D. ELEMENT - NAME				P.E.S. ELEMENT- NAME				REPORTED BY Miller, Ronald Lee		RACE-SEX-D.O.B. W/M		(A/C) PHONE NO.			
ADDITIONAL FIRE INFORMATION				REPORTER ADDRESS				CITY-STATE-ZIP CODE Lancaster Tx. 75134		(A/C) PHONE NO.					
INSURANCE CO. NAME				ADDRESS				DAY(S) Friday		DATE(S) 09-23-05		HOUR(S) OFFENSE/INCIDENT 06:05 am			
AMOUNT OF INSURANCE		ESTIMATED LOSS		LOCATION OF OFFENSE/INCIDENT (MAILING ADDRESS OR BLOCK NO. ONLY) 6300 NB IH45 @ Mars Rd. Wilmer, Dallas Co. Tx.											
ESTIMATED VALUE OF PROPERTY		ARSON SUSPECTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		OFFENSE/INCIDENT/ARREST TITLE Deceased Person											
FIRE DEPT(S) See Narrative				FIRE INJURIES											
ENGINE NO. (S) See Narrative				TOTAL NUMBER MEN				FIRE FATALITIES							
SICK/ INJURED/ (DECEASED)															
COMPLAINANT TAKEN TO: M.E.'s Office				TRANSPORTED BY: Contract Services				DESCRIBE ILLNESS/INJURIES N/A				CONDITION N/A			
M.E. NOTIFIED BY: Dispatch		M.E. FIELD AGENT NAME Gaylor, Charles		TIME NOTIFIED 7:17 am		TIME ARRIVED AT SCENE 7:59 am		BODY REMOVED TO M. E.		BODY REMOVED BY M. E.					
DEATH PRONOUNCED BY: Gaylor, Charles		ADDRESS 5230 Medical Center Dr. Dallas, Tx. 75234				CITY-STATE-ZIP CODE		(A/C) PHONE NO. 2149205900		DATE/ TIME 09-23-05 8:00a					
RUNAWAY/ MISSING PERSON															
HT	WT	HAIR	EYES	COMPL	HAT	COAT	JACKET	SWEAT	SHIRT	BLOUSE	PAINTS	SKIRT	SHOES	JEWELRY	
POSSIBLE CAUSE OF ABSENCE				COMPELENCY				BLOOD TYPE		SCARS TATOOS		SOCIAL SECURITY NO.			
DESTINATION						PHYSICAL		MENTAL		I.D./ MONEY CARRIED		DENTAL CHART YES <input type="checkbox"/> NO <input type="checkbox"/>			
VEHICLE INFORMATION															
ABANDONED <input type="checkbox"/>				STOLEN <input type="checkbox"/>				RECOVERED STOLEN <input type="checkbox"/>							
YEAR	MAKE	MODEL	COLOR	YEAR	STATE	LICENSE NO.	V.I.N.								
LOCATION RECOVERED				DATE RECOVERED		DIST, RECOVERED		OWNER NOTIFIED BY:		DATE					
CONDITION OF VEHICLE															
REPORTED STOLEN BY-AGENCY				O.C.A.		CONFIRMED BY:		NOTIFIED YES <input type="checkbox"/> NO <input type="checkbox"/>		DISPOSITION <input type="checkbox"/> IMPOUNDED BY: <input type="checkbox"/> RELEASED OWNER					
LIEN HOLDER				PAYMENTS CURRENT YES <input type="checkbox"/> NO <input type="checkbox"/>		INSURANCE CO. NAME		ADDRESS		CITY-STATE-ZIPCODE					
LIEN HOLDER ADDRESS				CITY-STATE-ZIPCODE		ENTERED N.C.I.C.		DATE		CLEARED N.C.I.C. BY DATE					
M/O: HOW COMMITTED-FORCED USED-AT WHAT POINT- WITH WHAT TYPE TOOL, OBJECT OR WEAPON-OTHER ACTS OR TRADEMARKS															
Fire started in the right rear wheel area.															
REPORTING OFFICER/BADGE# B. King #674				OTHER OFFICER D. Sneed #361		INV. ASSIGNED K Feinglas 323		DATE ASSIGNED		REV. BY SR Walker 09-29-05		DATE: TIME 9:29-05		PAGE 1 of 3	

NARRATIVE REPORT

SERVICE NO.05-100213

On 09-23-05 at approximately 06:07 am I was dispatched to NB IH-45 at Mars Rd., a public roadway in the city of Wilmer, Dallas County Tx., on a vehicle fire. When I arrived, I saw a passenger bus on the right shoulder fully engulfed in flames. I made contact with Sgt. P. Fassett #341 (DSO), who advised me that he had arrived to the scene just a few minutes before, and had attempted to remove people from the bus. He was on the steps leading into the bus with his flashlight shining into the aisle when the bus started to explode. He heard several explosions and was forced from the bus by the force, intense heat, and smoke. At this time he proceeded to help with passengers that had already exited the bus.

Hutchins fire dept. arrived on the scene at approx. 06:24am, and began fighting the fire. Other dept.'s arrived on the scene to assist. Lancaster fire #Q351, Ferris fire #5, Seagoville F&R rescue 1, Dallas Co. F&R Engine 31, Dallas Co. F&R Squad 1, Wilmer fire Med. 1, and Care Flight #41 TLC ambulance units # 122, 340, and 560 were on scene.

Hutchins #701 & 702 transported three to PMH. TLC ambulance units # 122, 340, and 560 transported four to PMH and two to Baylor. Lancaster Med #351 transported two to Baylor. Dallas #738 transported two to PMH. Care Flight #141 transported one to PMH. The transported were not identified at the time of transport.

Once the fire was extinguished there were several bodies discovered inside of the bus. According to statements from caretakers that were on the bus, the bus had a flat tire on the right rear (# 3 tag axle) a few miles south of the location of the fire. The flat was repaired by K & S tire, towing & recovery, Inc. #1 out of Corisicana, Tx. Once the tire was repaired the bus proceeded a few miles from that point until the driver was notified by someone in another vehicle that there were flames coming from the right rear of the bus. The bus was pulled to the right shoulder where the driver exited, and tried to fan the fire out with his shirt. The caretakers attempted to get everyone out of the bus, but were unable to, due to several of the elderly passengers being unable to walk or stand and the intense heat and smoke that filled the bus. Bonnie Estes, the lead caretaker on the bus, advised me that several of the passengers on the bus had to be loaded by fire personnel, which took approximately three hours, before the trip began in Bellaire.

The medical examiners were requested and dispatched to the IH45 location. Chief Medical Examiner Dr. Jeffrey Bernard, field agents Mary Clymer #938, and Charles Gaylor #844 responded to the scene to begin their investigation and processing.

The bus bearing Texas License plate #T84305, which shows to be a 1991 Vanh bus, Vehicle Identification number YE2TA72BOM2021707, registered to Global Limo Inc. 1708 N. Jackson Rd. Pharr Tx. 78577. However, further investigation and a check of the vehicle identification number on the bus shows that it is assigned Oklahoma license plate B12951, registered to McMynn, Robert John and Joanne Jacqueline, 802 E. Main St. Ada Oklahoma 74820. The bus driver was identified by Mexican drivers license [REDACTED] as Robles, Juan Gutierrez H/M, date of birth [REDACTED]. All passengers were either residents, employees, or family members of Bellaire Brighton Gardens assisted living center, 4620 Bellaire Blvd. Bellaire Texas, 77401. The bus left Bellaire at approximately 2:00pm on 09/22/05 enroute to Park Ln. Forum in Dallas Texas.

The bus was removed from the scene by Prasifka's wrecker service, with the bodies inside, to Shop # 3... 1506 E. Langdon Rd. Chief Medical Examiner Dr. Jeffrey Bernard, field agents Mary Clymer #938, and Charles Gaylor #844 responded to shop #3 to complete their investigation, processing the bus, and removal of the victims bodies. Due to the large number of victims, removal was conducted at different times. All victims were transported to the medical examiners office in Dallas by contract services.

The NTSB was requested and responded to Shop #3 and is conducting an investigation in the fire.

CONTINUED ON SUPPLEMENT REPORT YES NO

Page 2 of 3

(4)

**DALLAS COUNTY SHERIFF'S DEPARTMENT
OFFENSE/INCIDENT SUPPLEMENTARY REPORT**

Comp. Or Firm (Last Name First)	Date	Service No.
Etie, Anna Beth	09-28-05	05-100213

On 09-28-05 at approximately 1:30 pm all luggage, clothing, patient notebooks, meals ready to eat (MRE), adult diapers, boxes of gloves, and boxes of bed pads from the bus were transported from Shop #3, 1506 E. Langdon Rd. to the Sheriff's Department property room in the Frank Crowley Courts Building, 133 N. Industrial Blvd. in Dallas Tx. Several attempts were made to have the belongings picked up by the nursing home, but to no avail.

On 09-29-05 at approximately 1:05 pm the following property was released from shop #3 to Attorney Josh Schroeder of Fletcher & Springer Law Firm, 8750 N. Central Expy. Dallas, Texas 75231.

- 22 Wheel chairs
- 4 Walkers
- Misc. wheel chair parts
- Oxygen cylinder cart
- 1 case meals ready to eat (MRE)
- 1 case Aquafina water
- 1 plastic bag misc. clothing

On 09-29-05 at approximately 2:30 pm a wheel and mounted tire from the bus was taken to the property room in the Frank Crowley Courts Building, 133 N. Industrial Blvd. During this time an inventory was being taken of all personal belongings that had been delivered to the property room on 09-28-05.

Officer	Badge	Officer	Badge	
B. King	674	D. Sneed	361	Page 3 of 3

Dallas Sheriff's Office
Investigator's Supplement Report
October 05, 2005
Service Number: 05-100213
Prepared by: Ssg. Kevin Feinglas #323

Offense: Criminally Negligent Homicide

Suspect: Robles, Juan Gutierrez R/S: H/M D.O.B.: [REDACTED]
Address: [REDACTED] Phone: [REDACTED]
Ht: 5'08" Wt: 180 Hair: Blk Eyes: Bro Clothing: Jeans, White t-shirt

Complainant: Terry, Robert R/S: W/M D.O.B.: [REDACTED]
Address: [REDACTED]

Cause of Death: Thermal injuries / smoke inhalation from bus fire due to evacuation during Hurricane Rita.

OVERVIEW:

On September 23, 2005 at 6:07am deputies were dispatched to a vehicle fire at N/B IH-45 south of Mars Rd., Wilmer, Dallas County, TX. When they arrived they determined that a 55 passenger (54 passenger + driver) MCI bus was on fire with people still on board. Fire crews had already been dispatched and rescue attempts were made by officers, fire fighters, and civilians to save the passengers that remained on board. Unfortunately, 23 of the passengers died during this incident.

During the subsequent follow up investigation of this incident it was determined that the bus was coming from a nursing home called Brighton Gardens Bellaire, which is in the Houston area. Of the passengers on board, 36 were residents of the "assisted living center", 6 were staff members, 1 was a family member of one of the staff, and one was the bus driver. They were being relocated to other assisted living centers / nursing homes in the DFW metroplex while fleeing hurricane Rita.

As a result of this investigation, this fire is believed to have begun in the right rear wheel area and intensified very quickly causing heavy smoke causing the victims to be overcome. Due to all of these factors, rescuers were unable to enter the bus safely and remove the remaining 23 victims.

FINDINGS:

Just outside Corsicana, TX the right rear tire of the bus locked leaving approximately 1.9 miles of scuff mark on the roadway prior to going flat. That tire was changed by a company called K & S Towing and Recovery. K & S employees have stated that they changed the tire and did not make mention of any mechanical deficiencies regarding the bus. The bus then continued northbound on IH-45 until the tire locked again, which resulted in the fire.

Negligent Acts:

1. Driver did not possess a valid Texas driver license. He only possessed a Mexican CDL. He stated that he had lived in this country (in Pharr, TX) since February, 2005. His Mexican DL would allow him only 30 days from the date he moved to change to a Texas CDL. The date of the accident was 7 months after he moved. According to TX DPS officials, to change from his Mexican CDL to a Texas CDL the driver would have had to pass the proficiency exams and a driving test.
2. The driver, because of the Federal Motor Carrier Safety Act (FMCSA), is required to perform a "pre-trip inspection" of his vehicle. The driver stated that he did not. If he had, he should have observed any mechanical deficiencies such as the lubrication level with the "tag" axle (the third axle). The level of lubrication in this axle is visible in the hub of the wheel. This is the area where the fire appears to have started.
3. After the fire was extinguished, 5 oxygen containers were pulled from the passenger compartment. Upon observation of these canisters, 2 were found ruptured, 1 was found melted, and 2 were found whole. The oxygen from these bottles fueled and intensified the fire causing it to spread very quickly. Oxygen is considered a hazardous material and is regulated by FMCSA for transportation on passenger vehicles to 1 container per passenger requiring use. There were only two passengers requiring oxygen aboard at the time of the accident.
4. When the driver had his first flat (outside Corsicana) this would have caused a large amount of drag or pull on the bus, slowing the bus considerably and causing it to want to pull to one side. According to the bus manufacturer (MCI), the third axle is also a steering axle. Because of the flat tire it would necessitate that the driver overcompensate steering to one side or the other to correct for the flat.
5. Approximately 29 miles later the driver was flagged down in Wilmer by a passing motorist. The driver was told of the "glowing" red hub on the tag axle and he pulled to the right shoulder of the roadway (leaving more than 1600 feet of scuff marks on the roadway). Upon checking the wheel the driver found that the area around the tire had caught fire. According to witnesses the driver attempted to extinguish the fire using his shirt, some dirt, dry grass, and water. The driver stated that he tried to get the fire extinguisher that was on board the bus but could not. It remained in its cradle unlatched until I pulled it off of the bus a day later. During the course of the fire, officers, fire personnel, civilians, and staff members were attempting to remove as many people from the bus as possible. The driver had stated that he assisted 3 people from the bus, but his account has not been verified by anyone at the scene.
6. The FMCSA requires that the driver's English speaking skills be sufficient enough to be able to read road signs, make reports, and converse with the general public. The driver could not speak English, only broken English at best. He was unable to communicate with the passengers regarding emergency exits prior to the trip, and he could not give them the adequate warning that there were problems when the bus caught fire.
7. The driver left the Bellaire area sometime around 3:00pm prior to the date of the accident. The accident occurred at 6:07am. This is roughly 15 hours of continuous driving without rest for the driver. FMCSA regulations state that a driver may not drive more than 10 hours before resting for 8 hours. He may not drive at all after

being on duty for 15 hours. In other words, if it takes 4 hours to load a bus (for example) then the driver may drive for 10 hours before stopping the bus for the rest of his shift. He must then rest for 8 hours before driving again. Coincidentally, if he works prior to driving the bus for 14 hours, he may only drive for 1 hour before resting for 8 hours.

8. The driver switched registrations on the bus, according to his own statements to avoid being stopped by the police, from an expired 144 hour permit to a Texas registration from another bus on the lot.

SUMMARY

The combination of all of these factors proved to be lethal. The drivers actions, had he been in compliance with the laws of this state and the FMCSA, could have prevented the loss of 23 lives.

PLACE WHERE ACCIDENT OCCURRED: **Dallas** COUNTY, **Wilmer** CITY OR TOWN

IF ACCIDENT WAS OUTSIDE CITY LIMITS, INDICATE FROM NEAREST TOWN: _____ MILES N S E W OF _____ CITY OR TOWN

ROAD ON WHICH ACCIDENT OCCURRED: **6300 N/B IH-45** BLOCK NUMBER, STREET OR ROAD NAME, ROUTE NUMBER OR STREET CODE

INTERSECTING STREET OR RR X'ING NUMBER: **0.2** BLOCK NUMBER, STREET OR ROAD NAME, ROUTE NUMBER OR STREET CODE

NOT AT INTERSECTION: FT. MI. N S E W OF **Mars Rd.**

CONST. YES SPEED ZONE NO LIMIT **60**

CONST. YES SPEED ZONE NO LIMIT

SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY. IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT

LOC. NO. **05-100159**

DO NOT WRITE IN THIS SPACE

DPS NO. _____

LOC. _____

CODE _____

SEVERITY _____

TYPE _____

FAT. REC. _____

DR. REC. _____

DATE OF ACCIDENT: **September 23, 2005** DAY OF WEEK: **Friday** HOUR: **6:07 AM**

A.M. IF EXACTLY NOON P.M. OR MIDNIGHT, 50 STATE

UNIT NO. **1** - MOTOR VEHICLE VEH IDENT NO. **1M8TRMTA2WP060300** IF BODY STYLE = VAN OR BUS, INDICATE SEATING CAPACITY: **55**

YEAR MODEL: **1998** COLOR & MAKE: **White / MCI** MODEL NAME: **102EL3** BODY STYLE: **Bus** LICENSE PLATE: **04 OK B12951**

DRIVER'S NAME: _____ PHONE NUMBER: _____

DRIVER'S LICENSE: **MX** STATE, NUMBER, CLASS/TYPE, DOB, RACE: **H** SEX: **M** OCCUPATION: **Bus Driver**

SPECIMEN TAKEN (ALCOHOL/DRUG ANALYSIS): 1-BREATH 2-BLOOD 3-OTHER 4-NONE 5-REFUSED: **4** ALCOHOL/DRUG RESULT: _____ PEACE OFFICER, EMS DRIVER, FIRE FIGHTER ON EMERGENCY? YES NO

LESSEE OWNER: **McMynn, Robert John & Joanne Jaqueline** 802 E. Main St., Ada, OK, 74820

LIABILITY INSURANCE: YES NO **Lincoln General Insurance Company** INSURANCE COMPANY NAME, POLICY NUMBER: _____ VEHICLE DAMAGE RATING: **SEE NARRATIVE**

UNIT NO. _____ MOTOR VEHICLE TRAIN PEDALCYCLIST TOWED PEDESTRIAN OTHER

YEAR MODEL: _____ COLOR & MAKE: _____ MODEL NAME: _____ BODY STYLE: _____

DRIVER'S NAME: _____ LAST, FIRST, MIDDLE, ADDRESS (STREET, CITY, STATE, ZIP): _____

DRIVER'S LICENSE: _____ STATE, NUMBER, CLASS/TYPE, DOB, RACE, SEX, OCCUPATION

SPECIMEN TAKEN (ALCOHOL/DRUG ANALYSIS): 1-BREATH 2-BLOOD 3-OTHER 4-NONE 5-REFUSED: _____ ALCOHOL/DRUG RESULT: _____ PEACE OFFICER, EMS DRIVER, FIRE FIGHTER ON EMERGENCY? YES NO

LESSEE OWNER: NAME (ALWAYS SHOW, LESSEE IF LEASED, OTHERWISE SHOW OWNER): _____ ADDRESS (STREET, CITY, STATE, ZIP): _____

LIABILITY INSURANCE: YES NO INSURANCE COMPANY NAME: _____ POLICY NUMBER: _____ VEHICLE DAMAGE RATING: _____

DAMAGE TO PROPERTY OTHER THAN VEHICLES

OBJECT	NAME AND ADDRESS OF OWNER	FEET FROM CURB	DAMAGE ESTIMATE

LIGHT CONDITION: 3	WEATHER: 1	SURFACE: 1	TYPE ROAD: 2	DESCRIBE ROAD CONDITIONS (INVESTIGATOR'S OPINION)
1-DAYLIGHT 2-DAWN 3-DARK-NOT LIGHTED 4-DARK-LIGHTED 5-DUSK	1-CLEAR 2-RAINING 3-SNOWING 4-FOG 5-BLOWING DUST	6-SMOKE 7-BLEETING 8-HIGH WINDS 9-OTHER	1-BLACKTOP 2-CONCRETE 3-GRAVEL 4-SHELL 5-DIRT 6-OTHER	

IN YOUR OPINION, DID THIS ACCIDENT RESULT IN AT LEAST \$1000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? YES NO

CHARGES FILED

NAME	CHARGE	CITATION NUMBER

TIME NOTIFIED OF ACCIDENT: **09/23/05** DATE, **6:15 AM** HOUR, HOW: **Self Dispatched**, TIME ARRIVED AT SCENE OF ACCIDENT: **09/23/05** DATE, **7:10 AM** HOUR

TYPED OR PRINTED NAME OF INVESTIGATOR: **Ssg Kevin Feinglas**, DATE REPORT MADE: **09/28/05**, IS REPORT COMPLETE? YES NO

SIGNATURE OF INVESTIGATOR: *Kevin Feinglas*, ID. NO. **323**, DEPARTMENT: **Dallas S.O.**, DIST./AREA: **502**

SOLICITATION (SOL)	EJECTED	CODE FOR TYPE RESTRAINT USED	AIRBAG CODE	HELMET USE	CODE FOR INJURY SEVERITY	ALCOHOL/DFA ANALYSIS (COMPLETE IF CASUALTIES NOT IN MOTOR VEHICLE)
INDICATES PERSON'S DESIRE TO RECEIVE CONTACT FROM PERSONS SEEKING PROFESSIONAL EMPLOYMENT AS/FOR AN ATTORNEY, CHIROPRACTOR, PHYSICIAN, SURGEON, PRIVATE INVESTIGATOR, OR ANY OTHER PERSON REGISTERED OR LICENSED BY A HEALTH CARE REGULATORY AGENCY. Y-O.K. TO SOLICIT N-NO SOLICIT	A-NOT APPLICABLE Y-YES N-NO P-PARTIALLY U-UNKNOWN	A-SEATBELT & SHOULDER STRAP B-SEATBELT & NO SHOULDER STRAP C-CHILD RESTRAINT E-SHOULDER STRAP ONLY N-NONE	Y-DEPLOYMENT N-NO DEPLOYMENT U-UNIK IF DEPLOYED	1-WORN-DAMAGED 2-WORN-NOT DAMAGED 3-WORN-UNIK IF DAMAGED 4-NOT WORN 5-UNKNOWN IF WORN	K-KILLED A-INCAPACITATING INJURY B-NON INCAPACITATING C-POSSIBLE INJURY N-NOT INJURED	1-BREATH 2-BLOOD 3-OTHER 4-NONE 5-REFUSED

UNIT NO. **1**
 DAMAGE RATING **See Narrative**
 TOWED DUE TO DAMAGE YES NO
 VEHICLE REMOVED TO BY **1506 E. Langdon Rd. Prasifkas Wrecker Service**

ITEM NO.	OCCUPANT'S POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS' NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.	SOL	EJECTED	TYPE RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
1	DRIVER	SEE FRONT	N	N	N	N	4	37	M	C
2		See supplemental pages								
3										
4										
5										

UNIT NO. _____
 DAMAGE RATING _____
 TOWED DUE TO DAMAGE YES NO
 VEHICLE REMOVED TO BY _____

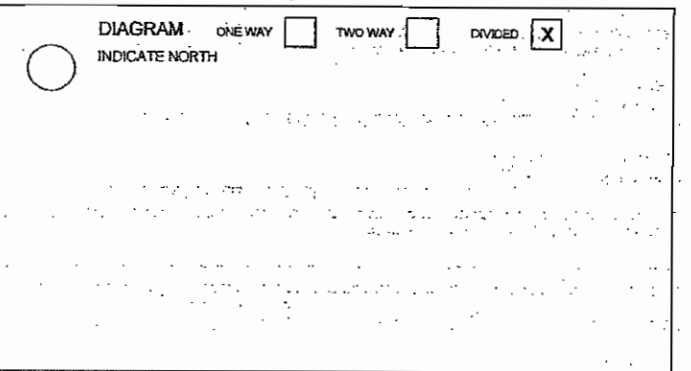
ITEM NO.	OCCUPANT'S POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS' NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.	SOL	EJECTED	TYPE RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
6	DRIVER	SEE FRONT								
7										
8										
9										
10										

PEDESTRIAN PEDALCYCLIST ETC.	COMPLETE IF CASUALTIES NOT IN MOTOR VEHICLE	CASUALTY NAME (LAST NAME FIRST)	CASUALTY ADDRESS (STREET, CITY, STATE, ZIP)	SOL	TYPE SPECIMEN TAKEN	RESULT	HELMET	AGE	SEX	INJURY CODE
11										
12										

DISPOSITION OF KILLED OR INJURED				IF AMBULANCE USED, SHOW		
ITEM NUMBERS	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	NO. ATTENDANTS INC. DRIVER	
1	Parkland Hospital	Careflight				
2-45	See Supplement Page					

ITEM NUMBER	DATE OF DEATH	TIME OF DEATH	ITEM NUMBER	DATE OF DEATH	TIME OF DEATH	ITEM NUMBER	DATE OF DEATH	TIME OF DEATH

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)
 See supplemental pages



FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

FACTORS/CONDITIONS CONTRIBUTING	OTHER FACTORS/CONDITIONS MAY OR MAY NOT HAVE CONTRIBUTED
X UNIT 1 42 74 -	UNIT 1 - -
UNIT - - -	UNIT - - -

- ANIMAL ON ROAD - DOMESTIC
- ANIMAL ON ROAD - WILD
- BACKED WITHOUT SAFETY
- CHANGED LANE WHEN UNSAFE
- DEFECTIVE OR NO HEADLAMP
- DEFECTIVE OR NO STOP LAMPS
- DEFECTIVE OR NO TAIL LAMPS
- DEFECTIVE OR NO TURN SIGNAL LAMPS
- DEFECTIVE OR NO TRAILER BRAKES
- DEFECTIVE OR NO VEHICLE BRAKES
- DEFECTIVE STEERING MECHANISM
- DEFECTIVE OR SLICK TIRES
- DEFECTIVE TRAILER HITCH
- DISABLED IN LANE OF TRAFFIC
- DISREGARD STOP AND GO SIGNAL
- DISREGARD STOP SIGN OR LIGHT
- DISREGARD TURN MARKS AT INTERSECTION
- DISREGARD WARNING SIGN AT CONSTRUCTION
- DISTRACTION IN VEHICLE
- DRIVER INATTENTION
- DRIVE WITHOUT HEADLIGHTS
- FAILED TO CONTROL SPEED
- FAILED TO DRIVE IN SINGLE LANE
- FAILED TO GIVE HALF OF ROADWAY
- FAILED TO HEED WARNING SIGN
- FAILED TO PASS TO LEFT SAFETY
- FAILED TO PASS TO RIGHT SAFETY
- FAILED TO GIVE SIGNAL OR GAVE WRONG SIGNAL
- FAILED TO STOP AT PLACE
- FAILED TO STOP FOR SCHOOL BUS
- FAILED TO STOP FOR TRAIN
- FAILED TO YIELD ROW - EMERGENCY VEHICLE
- FAILED TO YIELD ROW - OPEN INTERSECTION
- FAILED TO YIELD ROW - PRIVATE DRIVE
- FAILED TO YIELD ROW - STOP SIGN
- FAILED TO YIELD ROW - TO PEDESTRIAN
- FAILED TO YIELD ROW - TURNING LEFT
- FAILED TO YIELD ROW - TURN ON RED
- FAILED TO YIELD ROW - YIELD SIGN
- FATIGUED OR ASLEEP
- FAULTY EVASIVE ACTION
- FIRE IN VEHICLE
- FLEEING OR EVADING POLICE
- FOLLOWED TOO CLOSELY
- HAD BEEN DRINKING
- HANDICAPPED DRIVER (EXPLAIN IN NARRATIVE)
- ILL (EXPLAIN IN NARRATIVE)
- IMPAIRED VISIBILITY (EXPLAIN IN NARRATIVE)
- IMPROPER START FROM PARKED POSITION
- LOAD NOT SECURED
- OPENED DOOR INTO TRAFFIC
- OVERSIZED LOAD OR VEHICLE
- OVERTAKE AND PASS INSUFFICIENT CLEARANCE
- PARKED AND FAILED TO SET BRAKES
- PARKED IN TRAFFIC LANE
- PARKED WITHOUT LIGHTS
- PASSED IN NO PASSING ZONE
- PASSED ON RIGHT SHOULDER
- PEDESTRIAN FAILED TO YIELD ROW TO VEHICLE
- SPEEDING - UNSAFE (UNDER LIMIT)
- SPEEDING - OVER LIMIT
- TAKING MEDICATION (EXPLAIN IN NARRATIVE)
- TURNED IMPROPERLY - CUT CORNER ON LEFT
- TURNED IMPROPERLY - WIDE RIGHT
- TURNED IMPROPERLY - WRONG LANE
- TURNED WHEN UNSAFE
- UNDER INFLUENCE - ALCOHOL
- UNDER INFLUENCE - DRUG
- WRONG SIDE - APPROACHING OR IN INTERSECTION
- WRONG SIDE - NOT PASSING
- WRONG SIDE - ONE WAY ROAD
- DRIVER INATTENTION - (CELL/MOBILE PHONE USE)
- ROAD RAGE
- OTHER FACTOR (WRITE ON LINE BELOW)

TRAFFIC CONTROL **9**

0 - NO CONTROL OR INOPERATIVE	5 - TURN MARKS	10 - NO PASSING ZONE
1 - OFFICER OR FLAGMAN	6 - WARNING SIGN	11 - OTHER CONTROL
2 - STOP AND GO SIGNAL	7 - RR GATES OR SIGNALS	
3 - STOP SIGN	8 - YIELD SIGN	
4 - FLASHING RED LIGHT	9 - CENTER STRIPE OR DIVIDER	

Mechanical failures TBD

Dallas Sheriff's Office
Investigator's Supplement Report
September 28, 2005
Service Number: 05-100159
Prepared by: Ssg. Kevin Feinglas #323

Approved for Filing
By: KJ323
Date: 9-28-05

On September 23, 2005 at 6:07am Deputies were dispatched to a vehicle fire on IH-45 south of Mars Rd. When they arrived they determined that the vehicle was a 55 passenger (54 passengers + driver) MCI bus that was engulfed in flames and still had passengers on board. Attempts to rescue several of the passengers were unsuccessful, however several passengers made it off. The passengers were elderly evacuees from the Houston area fleeing hurricane Rita. The cities of Wilmer, Hutchins, Lancaster, Seagoville, Dallas, and Ferris, as well as Dallas County Fire and Rescue all sent fire equipment to the scene for rescue and fire suppression attempts. The fire consumed the bus and 23 of the 45 passengers on board died. The fire *appears* to have started in the area of the right rear tag axle and tire. There is a very long scuff mark leading from the lanes of traffic onto the shoulder under the bus. The driver also has stated in interviews that he was flagged down prior to stopping and told that his right rear tire was on fire. I asked TX DPS commercial vehicle enforcement (Troopers M. Dial and A. Cummins) to come to the scene to inspect the vehicle and the NTSB has also come to inspect the vehicle. The Dallas County ME's office was notified and sent two field agents to the scene. The decisions were made to tarp the vehicle and transport it by Prasifkas Wrecker Service to Road and Bridge District Shop #3 with the 23 decedents aboard and Dallas County ME (Dr. J. Bernard) met us there to unload the bus. All of the injured were transported to area hospitals and the deceased were taken to the DCME's office. The names of the staff, one passenger who was not a staff member, and patients as well as their dispositions are listed on page two.

The bus bore the registration of TX T84305 but that registration is not correct for this bus. The correct registration is OK 04 B12951.

*Note (for reporting statistics from the back of ST-3): It is unknown if any of the passengers were wearing seatbelts at the time of the accident, no passengers wore helmets, and no passengers were ejected.

This is a preliminary report and ALL findings, as far as causative factors, are subject to final report by the TX DPS and NTSB. This report may be supplemented upon final receipt of inspection reports.

Ssg. K.J. Feinglas #323
Accident Reconstructionist
Dallas Sheriff's Office
Traffic Section

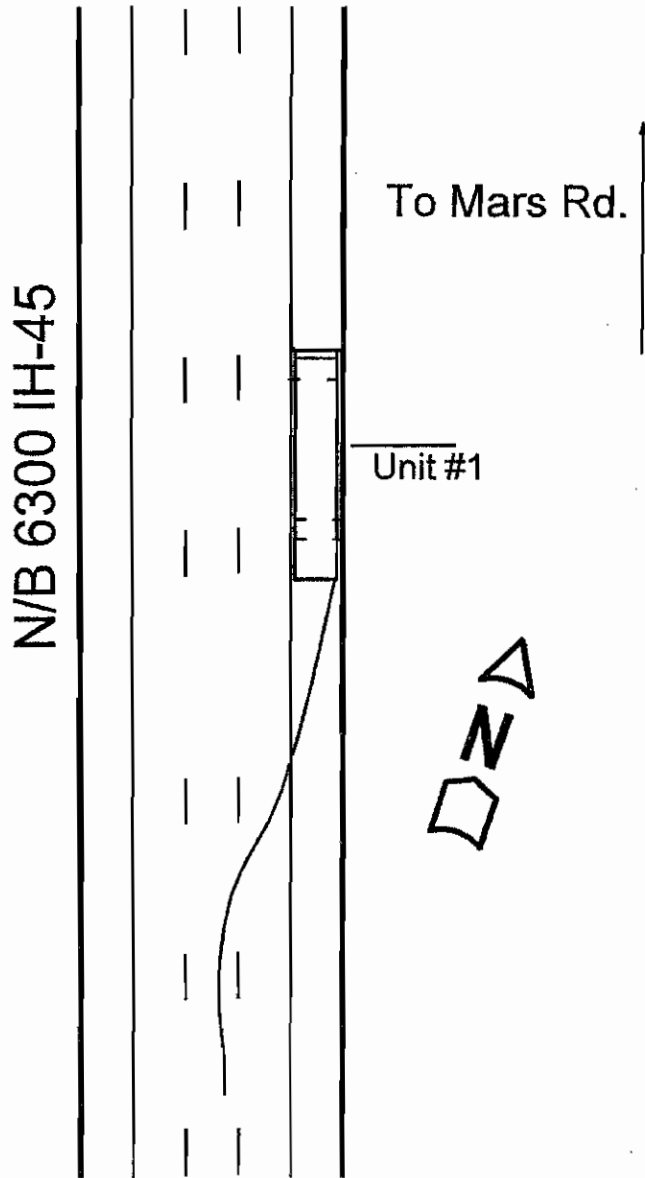
Approved for Filing
 By: MA7323
 Date: 9-28-05

Disposition of Killed and / or Injured

Seat position:	Name	Address	R/S	D.O.B.	Age	Transported to:	By:	Injury Code:
P/B	Billie Barton	4620 Bellaire Blvd, Bellaire, TX	W/F		88	Parkland Hospital	Dallas F.D	C
P/B	Gloria Putney	4620 Bellaire Blvd, Bellaire, TX	W/F		84	Parkland Hospital	Hutchins F.D.	B
P/B	Edna Briant	4620 Bellaire Blvd, Bellaire, TX	W/F		87	Baylor Hospital	TLC Amb.	C
P/B	Ruby Goldberg	4620 Bellaire Blvd, Bellaire, TX	W/F		84	Baylor Hospital	Lancaster.	C
P/B	Clara Briant	4620 Bellaire Blvd, Bellaire, TX	W/F		84	Baylor Hospital	TLC Amb.	C
P/B	Harry Wilson	4620 Bellaire Blvd, Bellaire, TX	W/M		78	Parkland Hospital	Hutchins F.D.	C
P/B	Warren Dahl	4620 Bellaire Blvd, Bellaire, TX	W/M		93	Parkland Hospital	TLC Amb.	C
P/B	Carlo Aiello	4620 Bellaire Blvd, Bellaire, TX	W/M		81	Parkland Hospital	Dallas F.D.	C
P/B	Jean Aiello	4620 Bellaire Blvd, Bellaire, TX	W/F		81	Baylor Hospital	Dallas F.D.	C
P/B	Bill Talbot	4620 Bellaire Blvd, Bellaire, TX	W/M		76	Parkland Hospital	TLC Amb.	C
P/B	Lee Daniel	4620 Bellaire Blvd, Bellaire, TX	W/M		78	Baylor Hospital	Lancaster	C
P/B	Alta Morgan	4620 Bellaire Blvd, Bellaire, TX	W/F		99	Parkland Hospital	TLC Amb.	C
P/B	Fred Reynolds	4620 Bellaire Blvd, Bellaire, TX	B/M		68	Baylor Hospital	TLC Amb.	C
P/B	Lillie Spies	4620 Bellaire Blvd, Bellaire, TX	W/F		87	Parkland Hospital	Hutchins F.D.	C
P/B	Dorothy Mod	4620 Bellaire Blvd, Bellaire, TX	W/F		80	DCME	DCME	K
P/B	Portia Waddle	4620 Bellaire Blvd, Bellaire, TX	W/F		92	DCME	DCME	K
P/B	Fannie Mills	4620 Bellaire Blvd, Bellaire, TX	W/F		94	DCME	DCME	K
P/B	London England	4620 Bellaire Blvd, Bellaire, TX	W/M		86	DCME	DCME	K
P/B	Evelyn Greer	4620 Bellaire Blvd, Bellaire, TX	W/F		84	DCME	DCME	K
P/B	Bessie Kaplan	4620 Bellaire Blvd, Bellaire, TX	W/F		92	DCME	DCME	K
P/B	Ida Dahl	4620 Bellaire Blvd, Bellaire, TX	W/F		91	DCME	DCME	K
P/B	Dorothy Miller	4620 Bellaire Blvd, Bellaire, TX	W/F		79	DCME	DCME	K
P/B	Ruth Nicely	4620 Bellaire Blvd, Bellaire, TX	W/F		88	DCME	DCME	K
P/B	Rebecca Elledge	4620 Bellaire Blvd, Bellaire, TX	W/F		80	DCME	DCME	K
P/B	Maxey Hathome	4620 Bellaire Blvd, Bellaire, TX	W/F		87	DCME	DCME	K
P/B	Louis Stolz	4620 Bellaire Blvd, Bellaire, TX	W/M		92	DCME	DCME	K
P/B	Martha Talbot	4620 Bellaire Blvd, Bellaire, TX	W/F		77	DCME	DCME	K
P/B	Matti Bynum	4620 Bellaire Blvd, Bellaire, TX	W/F		100	DCME	DCME	K
P/B	Mary Gillette	4620 Bellaire Blvd, Bellaire, TX	W/F		85	DCME	DCME	K
P/B	Natalie Lenzener	4620 Bellaire Blvd, Bellaire, TX	W/F		68	DCME	DCME	K
P/B	Anna Beth Etie	4620 Bellaire Blvd, Bellaire, TX	W/F		92	DCME	DCME	K
P/B	Gene Macey	4620 Bellaire Blvd, Bellaire, TX	W/M		76	DCME	DCME	K
P/B	Robert Terry	4620 Bellaire Blvd, Bellaire, TX	W/M		74	DCME	DCME	K
P/B	Lester Lothman	4620 Bellaire Blvd, Bellaire, TX	W/M		86	DCME	DCME	K
P/B	Rose DePuma	4620 Bellaire Blvd, Bellaire, TX	W/F		91	DCME	DCME	K
P/B	Adrien Flake	4620 Bellaire Blvd, Bellaire, TX	W/M		90	DCME	DCME	K
P/B	Mike Boudreax	4620 Bellaire Blvd, Bellaire, TX	W/M		89	DCME	DCME	K
P/B	Marie Ceres	(R)	B/F		55			N
P/B	Lerline Fuller		B/F		59			N
P/B	Bernadette Nanez		H/F		50			N
P/B	Shiela White		B/F		42			N
P/B	Ayelech Taywork		O/F		51			N
P/B	Bonnie Estes		W/F		57			N
P/B	Conchita Lorenzo		H/F		79			N

Dallas Sheriff's Office
Investigator's Supplement Report
September 28, 2005
Service Number: 05-100159
Prepared by: Ssg. Kevin Feinglas #323

Approved for Filing
By: K. Feinglas
Date: 9-28-05



ACCIDENT INFORMATION

1. COUNTY DALLAS By: APR 33 2. CITY OR TOWN WILMER
 Date: 9-28-05

3. ROAD ON WHICH ACCIDENT OCCURRED 6300 N/B IH-45
 Block No. Street or Road Name

4. DATE OF ACCIDENT 9-23-2005 5. HOUR 6⁰⁷ Rt. No. AM (If exactly noon or PM midnight, so state) PM

LOC. NO. 05-100139

DO NOT WRITE IN THIS SPACE

MCS NO. _____

DRIVER INFORMATION

6. NAME ROBLES, JUAN GUTIERREZ 7. DRIVER'S LICENSE MX [Redacted] State Number

8. RESTRICTIONS _____ 9. ENDORSEMENTS _____ 10. DRIVER'S DOB [Redacted] CDL YES NO

CARRIER INFORMATION

11. VEHICLE OPERATION INTERSTATE COMMERCE INTRASTATE COMMERCE NOT IN COMMERCE

12. CARRIER'S CORPORATE NAME McMYNN, ROBERT JOHN & JOANNE JACQUELINE

13. CARRIER'S PRIMARY ADDRESS 802 E. MAIN ST. ADA, OK. 74820
 Number Street City State Zip

14. CARRIER ID TYPE: ICC US DOT TxDOT OTHER NONE 15. CARRIER ID NO. 1031282

MOTOR VEHICLE INFORMATION

16. UNIT NUMBER ON ST-3 1

17. LICENSE PLATE 04 OK B12951
 Year State Number

18. Gross Vehicle Weight Rating (GVWR)
 Registered Gross Vehicle Weight (RGVW) 8

19. TOTAL NUMBER OF AXLES 3

20. TOTAL NUMBER OF TIRES 8

21. VEHICLE TYPE

4

1-PASSENGER CAR (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
 2-LIGHT TRUCK (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
 3-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
 4-BUS (SEATS FOR >15 PEOPLE, INCLUDING DRIVER)
 5-SINGLE UNIT TRUCK (2 AXLES, 6 TIRES)
 6-SINGLE UNIT TRUCK (3 OR MORE AXLES)
 7-TRUCK TRAILER
 8-TRUCK TRACTOR (BOBTAIL)
 9-TRACTOR/SEMITRAILER
 10-TRACTOR/DOUBLE TRAILER
 11-TRACTOR/TRIPLE TRAILER
 99-UNKNOWN HEAVY TRUCK OVER 10,000 LBS CANNOT CLASSIFY

22. CARGO BODY TYPE

2

1-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
 2-BUS (SEATS FOR >15 PEOPLE, INCLUDING DRIVER)
 3-VAN/ENCLOSED BOX
 4-CARGO TANK
 5-FLATBED
 6-DUMP
 7-CONCRETE MIXER
 8-AUTO TRANSPORTER
 9-GARBAGE/REFUSE
 10-GRAIN, CHIPS, GRAVEL
 11-POLE
 12-NOT APPLICABLE

23. HAZARDOUS MATERIAL

TRANSPORTING HAZARDOUS MATERIAL YES NO HAZARDOUS MATERIALS RELEASED YES NO

1. CLASS _____ ID NO. _____
 2. CLASS _____ ID NO. _____
 3. CLASS _____ ID NO. _____

TRAILER NUMBER 1 INFORMATION

24. LICENSE PLATE _____ Year State Number

25. Gross Vehicle Weight Rating GVWR
 Registered Gross Vehicle Weight RGWV

TRAILER TYPE 1-FULL TRAILER
 2-SEMI-TRAILER
 3-POLE-TRAILER

TRAILER NUMBER 2 INFORMATION

26. LICENSE PLATE _____ Year State Number

27. Gross Vehicle Weight Rating GVWR
 Registered Gross Vehicle Weight RGWV

TRAILER TYPE 1-FULL TRAILER
 2-SEMI-TRAILER
 3-POLE-TRAILER

28. SIGNATURE [Signature] DALLAS 50 DATE THIS SUPPLEMENT MADE 9-28-05
 Person Completing Supplement Department

TX057J0ATV01

TEXAS DEPARTMENT OF PUBLIC SAFETY

P#: 0171958

LEVEL 2

ARREST TKT 9 - 15 PASS. FOR HIRE
 COM. VEH. 16 PASS. FOR HIRE
 ACCIDENT 16 PASS. NOT FOR HIRE SP PROG: INTERSTATE YES NO
 CDL SCHEDULE CHARTER INTRASTATE OCCUPIED CONSTRUCTION ZONE FIXED ROADSIDE ALCH DS
SCALE HOUSE 1A199 SW TE

DATE: 09/23/2005 TIME: 8:01 AM COUNTY: DALLAS HWY: (E) DALLAS CO PCT 3 SHOP M.P.#: 0

LESSEE/MC: GLOBAL LIMO INC (GLOBAL TOURS & CHARTERS) (GLOBAL SPORTS & ENTERTAINMENT) USDOT#: 1031282

ADD/CITY/ST/ZIP: 1708 N JACKSON RD PEARR TX 78577 ICC/MC#: 199729

OWNER: ROBERT JOHN & JOANNE JACQUELINE MCMONN TXDOT#: 005170405C

ADD/CITY/ST/ZIP: 802 EAST MAIN STREET ADA OK 74820 PHONE#: 9566864960

OPERATOR: JUAN ROBLES-GUTIERREZ RACE/SEX: FM DOB: MED CARD: CURRENT

ADD/CITY/ST/ZIP: D.L.#: D.L.#: MX

VEH SEARCH: YES NO REASON FOR STOP: WARN CITATION INSPECTION CONTRABAND LOCATED: YES NO

TYPE OF SEARCH: CONSENT PC INC. TO ARREST INVENTORY TYPE OF CONTRABAND: DRUGS WEAPONS CURRENCY OTHER

UNIT	TYPE	MAKE	GOV	PLATE	ST
1	BU	MCIN		NONE	TX



X

SIGNATURE:

I HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE DESIGNATED IN THIS NOTICE. (THIS IS NOT A PLEA OF GUILTY)

X OX

COPY RECEIVED BY

GROSS WEIGHT:

GROUP WEIGHT:

YOU ARE HEREBY NOTIFIED TO APPEAR

JUDGE: COURT: PCT./PLACE: LOAD DISP:

PHONE: ON/BEFORE AT PERMIT #:

ADDRESS: RG WT #1 GVWR #1

RG WT #2 GVWR #2

SEAL #'S REMOVED: DEPT. SEAL #; INSTALLED CVSA DECAL-TT CVSA DECAL-ST CVSA DECAL-ST

SHIPPING #: PASSENGER CONSIGNOR: BRIGHTON GARDENS CONSIGNEE: UNKNOWN NURSING

COMMODITY: ORIGIN: BELLAIRE TX DESTINATION: RICHARDSON TX

HM CATEGORY	CODE	RQ?	HW?	PLACARDS REQ?	R	AX 1	AX 2	AX 3	AX 4	AX 5	AX 6	AX 7	AX 8	ALLEGED SPEED	SPEED LIMIT	RADAR CAL.
NA																

TICKET	VIOL. CITE #	Unit No.	OOS Y/N	OOS DISP	POST ACC	VIOLATIONS DISCOVERED
	393.48(a)	1	Yes	U		DRIVER: PLEASE COMPLY WITH DIRECTIONS ON BACK SIDE OF THIS FORM DEFECTIVE BRAKE - X#3 RT BRAKE FAILED-LOSS OF WHEEL BEARING/DISC CALIPER
	393.47	1				BRAKES NOT MAINTAINED IN GOOD WORKING ORDER (BRAKE LINING) - MISSING PORTIONS OF LINING ON X # 3 LF OUTSIDE PAD ON REAR
		D				NO DRIVER LICENSE-RESIDENT IN TX OVER 30 DAYS - NO TEXAS CDL

VEHICLE/DRIVER OUT OF SERVICE NOTICE

VEHICLE Pursuant to authority contained in TRC Chapter 644 I hereby declare "Out of Service" the vehicle/s with defects followed by "YES" in the Out of Service column of this report. No person shall remove the out of service stickers applied to these vehicles or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

DRIVER Pursuant to authority contained in TRC Chapter 644 I hereby notify and declare the driver named on this report out of Service. No motor carrier shall permit or require driver to drive or operate any motor vehicle until

OOS DISPOSITIONS
 A. Repaired at Scene / Obtained Oper. Auth.
 B. Towed/Escorted to Repair Service
 C. Other
 D. Unknown
 E. Driver OOS

SEE CONTINUATION SHEET TROOPER COMMENTS:

VJN#-1M8TRMTA2WP060300. BUS DESTROYED AS A RESULTS OF THE FIRE.

X

COPY RECEIVED BY

INSPECTED BY: DIAL, MONTY L ID/REGION/DISTRICT/AREA: 04310 1 A 01 TIME COMPLETED: 2:37PM REPORT PREPARED BY: DIAL, MONTY L REFERRAL ID:

BRAKES INSPECTED BY:

15

UnitNo: 1692

Disp Status: NEW

Return Type: DL Check

Identifier String: ROBLES-GUTIERREZ, JUAN U/M [REDACTED]

/ MX/ [REDACTED]

SOC:

Query Return:

FROM: NLT# TO: 08X1

09/27/05 15:13:30

DR.MXLIC0000

13:17 09/27/2005 07161

13:17 09/27/2005 02625 TXDPS08X1

*X&8851&XXX

TXT

ROBLES-GUTIERREZ@JUAN

LICENSING OFFICE/MONTERREY, NUEVO LEON, MEXICO.

MAILING ADDR/HUIZACHE [REDACTED]

SEX/M. DOB/ [REDACTED] HGT/ [REDACTED] . WGT/ [REDACTED] . EYE/. RFC/[REDACTED]

OLN/ [REDACTED]

CATEGORIA/A. EXPIRES/09022006. STATUS/VALID.

RSTR/A Pasaje y Turismo.

OLT/A - BUSES WITH MORE THAN 13 RIDERS AND RELATED CARGO;

NO HAZARDOUS MATERIAL.

Dial

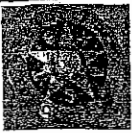
UnitNo: 1610
Disp Status: NEW
Query Return:
FROM: NLT# TO: 08X1
09/27/05 10:04:50

RR.OK00000VS
08:08 09/27/2005 07642
08:08 09/27/2005 89313 TXDPS08X1
*X&87C4&XXX
TXT
INQUIRY BY: NLET

TITLE/621003113007 REG DATE/00000000 EXP DATE/042004
LAST UPDATED DATE/12112003 LAST ISSUED DATE/04232003
LIC/B12951 LIY/2004 LIT/CE DECAL/4L851257
VIN/1M8TRMTA2WP060300 VYR/1998 VMA/MCI VMO/56P VST/BUS
UNLADEN WGT/000000 LADEN WGT/000000 BASE STATE/
FEE PAID/\$ 0.00 RES COUNTY/62 AGENT NO/9999
LESSEE: NONE
OWNER: MCMYNN ROBERT JOHN &
JOANNE JACQUELINE
ADDR: 802 E MAIN ST , ADA , OK, 74820
*** NO OWNER XFER REC ON FILE ***

VIN/1M8TRMTA2WP060300*** NO PRORATE DATA FOUND ***

*** END OF RESPONSE ***



RICE POLICE DEPARTMENT



203 E. Calhoun Rice, TX 75155
Phone #: (903)326-4146 Fax #: (903)326-7426
CITY OF RICE

Case #: 200513413

Police Related #: 0513413

Incident Type(s): **STRANDED MOTORIST** Disposition: **INFORMATION ONLY FIELD INCIDENT REPORT**

Reporting Person: 370C Incident Date & Time: 09/23/2005 3:49 AM Called In/Discovered: 09/23/2005 3:49 AM

Location: 241 MILE MARKER N/B INTERSTATE 45 Area/Beat/Sector: SE DISTRICT

Manager/Supervisor on Duty: CHIEF MCDUFFIE Manger/Sup. Notified: YES Use of Force:

CONTACT # 1 ()

Name	Name Type	Phone #	Work #
MCDUFFIE/JAMES/L			(903)326-4146
Address	Birthdate	Age	Sex
203 E. Calhoun			
City, State, Zip/Postal Code	EMAIL	Trespasser	Use Caution
Rice, TX 75155		NO	NO
Employer	Occupation	Other ID	Other ID type
Rice Police Department			

Incident Narrative

On September 23, 2005 at approximately 03:49 hours I Officer James McDuffie was on a call at the Fina Truck Stop in Rice Texas. I was notified by Navarro County S.O. that a bus was having mechanical problems on the Northbound lane and was trying to make it to the 242 exit. I proceeded north on the east service road and was contacted by Navarro County that the bus was stopped in the lane of traffic at the 241 Mile Marker. I located the bus in the right hand northbound lane of Interstate 45 in front of the School Administration Building. I checked the bus and noticed that it had a flat tire on the right rear tire. The tire was on the floating axle and was a single tire behind the rear drive tires. The tire was flat but not off the rim. The bottom of the rim had a flat spot PM the bottom of the rim.

W. W. Weber construction was on scene and we called K&S towing to change the tire. I had made contact with the driver and medical personnel on the bus. The Medical Personnel advised that there were 37 Nursing Home patients on the bus some were on oxygen. I moved my Unit 201 behind the bus to control traffic and then requested assistance to help with traffic. Texas Department of Transportation arrived and helped divert the traffic into the inside lane.

I then went checked with dispatch to get an arrival time on the K&S towing. I was advised that he was passing the Fina Truck Stop. when he arrived he began to change the tire with the spare provided by the driver. K&S had to use two (2) jacks one to lift the axle so he could get the jacks under the frame. After the removal of the tire he noticed a liquid on the pavement and informed the driver at the rear tire. I saw the liquid but was not aware of what type it was. The tire was installed and checked for air then I had them move the bus to the 242 exit for safety while they took care of charges. I cleared at 05:37 hours.

Prepared By	Date and Time	Signature	Reviewed By / Date
370C CHIEF JAMES MCDUFFIE	09/23/2005 at 17:18:10	<i>James McDuffie</i>	CHIEF JAMES MCDUFFIE 09/23/2005

(70)

DEPARTMENT OF PUBLIC SAFETY
State of Texas

Voluntary Statement - (Not under arrest)

THE STATE OF TEXAS
COUNTY OF

NAVARRO County

Before me, the undersigned authority in and for said County and State, on this the 23RD day of SEPTEMBER, A.D. 2005, personally appeared ALBERT KUYKENDALL, JEFFREY, TEXAS DRIVER LICENSE who, after being by me duly sworn, deposes and says:

I Jeffrey Kuykendall on 9-23-05 was called by Kenneth Brown to assist a Global Limo Bus with a Blown out tire, I arrive to the Bus' location on I 45 at mile marker 241 at 4:30 am, The right rear Tag axle tire was Blown out, The Driver of the Bus was standing by the blown out tire and had the mounted spare tire ~~been~~ leaning against the bus, I got 2 Jocks out of my Service truck and put 1 under the frame of the bus to get the tag axle off of the ground, I removed the Blown out tire & wheel off the bus, laid it on the ground by the bus, got another jack put under the axle, jacked the axle up. The bus driver took the blown out tire to the front of the bus to put in spare tire rack, I put spare tire & wheel provided by bus driver on Right Rear tag axle tightened lug nuts removed both jacks from under bus & put all my equipment back in service truck. Then Rice PD officer that was on the scene asked me to let the bus driver to move down the interstate to the next exit to free traffic back up. we move off the interstate at the next exit to settle up bill, the bus driver paid with a credit card & I left the scene at approximately 4:50 Am. End of Statement.

Subscribed and sworn to before me, the undersigned authority, on this the 23 day of September, A.D. 19 2005.

None
Call

[Redacted]

J.K.

Notary Public in and for
County, Texas.

Ra-5

DEPARTMENT OF PUBLIC SAFETY
State of Texas

Voluntary Statement - (Not under arrest)

THE STATE OF TEXAS
COUNTY OF

NAVARRO

Before me, the undersigned authority in and for said County and State, on this the 23rd day of Sept, A.D. 19 2005, personally appeared MARK MADISON TEXAS DRIVER LICENSE # [REDACTED] who, after being by me duly sworn, deposes and says:

ON The morning of Sept 23rd approx 3:45 AM I WAS NOTIFIED OF A bus broken down in the North bound Lane of I-405 South of Cathlamet ST EXIT. When I Arrived at the scene, I noticed the rear RT tire was almost completely off the rim. Also I noticed something wet under the bus around the tire area on the ground. I mentioned it to the others who were standing around. I called K & S wrecker service to come out & repair and they had already been dispatched. The reason the scene with me was the driver, W.W. Walker night traffic control Personnel & Rice P.D. I asked about moving the bus to a safer area but the agreement was that if the bus were moved it would ruin the wheel and the tire might damage some of the ~~brake~~^{brake} brake system or axle or bus under-pinning. The ~~wrecker~~^{wrecker} wrecker arrived and changed the tire and we left the scene. The bus pulled over @ Cathlamet exit for a few while and later drove off.

Subscribed and sworn to before me, the undersigned authority, on this the 23rd day of September, A.D. 19 2005.

MARK MADISON
TX-DOT NAVARRO CO AREA OFFICE

Ra-5 [REDACTED]

Mark Madison
Notary Public in and for
County, Texas.

DEPARTMENT OF PUBLIC SAFETY
State of Texas

Voluntary Statement - (Not under arrest)

THE STATE OF TEXAS
COUNTY OF

NAVARRO County

Before me, the undersigned authority in and for said County and State, on this the 23rd day of SEPTEMBER, A.D. 2005, personally appeared KENNETH BROWN TEXAS DRIVER LICENSE [REDACTED] after being by me duly sworn, deposes and says:

Kenneth Brown
[REDACTED]

K+S Tire Towing & Recovery Inc.
[REDACTED]

On 9-23-05 around 3:30 AM W.W. Webber Called about a Bus with Elderly People. With A Flat. I was also Dispatched By NCSO. & Tx dot. I sent my Employee To the 242 W Bound. I-45 To Install a mounted spare on the Bus. Position of Flat was unknown to me. Jeff Konkendall was the tech.

End of Statement

[Signature]

Jeffery Simmons 9/23/05

Subscribed and sworn to before me, the undersigned authority, on this the 23 day of September, A.D. 2005.

Notary Public in and for
County, Texas.

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared _____

Who, after being by me duly sworn, on oath deposes and says:

se poncho la llanta del Bogy y la cambio una rueda en la milla 242. y nos arancamos del lugar en la milla. 270 y on camino me abiso geg esta saliendo lumbre y me pare saliendo del Bus y lle. estaba la lumbre



Juan R. L.

WITNESS: E. J. Jensen # 504

ADDRESS: _____

CITY: _____

PHONE #: _____

WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

or

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____

_____ A.D. 19 _____

Notary Public, Dallas County, Texas

* Bus Driver * (22)

DEPARTMENT OF PUBLIC SAFETY
State of Texas

Voluntary Statement - (Not under arrest)

THE STATE OF TEXAS

COUNTY OF Dallas

Before me, the undersigned authority in and for said County and State, on this the 03 day of Sept, A.D. 2005, personally appeared Juan Robles, who, after being by me duly sworn, deposes and says:

DRIVER observed a white vehicle on the RT side of his bus. DRIVER traveling in the left lane. Next, the DRIVER observed the white vehicle pass and changed lane to the left in front of the bus and slowed down. DRIVER observed the white vehicle slow down. DRIVER observed the brake lights on the white vehicle come on. DRIVER applied his brakes and looked in the Right side mirror. At this point the DRIVER observed flames on the Right side of the bus. DRIVER moved bus onto the Right shoulder & exited the vehicle. DRIVER observed that it was the same fire that had been changed earlier. DRIVER entered bus and attempted to get fire but was unable to get fire extinguisher. DRIVER attempted to help passengers off the bus. DRIVER helped get 3 other passengers off. When police arrived, DRIVER assisted the passengers as they exited the bus. DRIVER attempted to open emergency exits. DRIVER opened the 1st emergency window on the DRIVER side and managed to get the 2nd emergency exit on the DRIVER side unlatched. DRIVER assisted the 3rd passenger off and ran to the Mass Rd underpass when he heard the explosions.

Juan Robles

Subscribed and sworn to before me, the undersigned authority, on this the _____ day of _____, A.D. 19 _____.

Notary Public in and for
County, Texas.

Ra-5

STATEMENT WAS written during an interview with Mr. Robles by M. Dial.

AFFIDAVIT IN ANY FACT

**THE STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME,

A NOTARY PUBLIC in and for said County, State of Texas, on this day personally appeared

Who, after being by me duly sworn, on oath deposes and says:

As I recall one of tires blew up, there was a loud noise & then the bus has to drive slowly until we had a safe spot to stop, the highway sheriff came & told us the wrecker was coming, so finally came to probably an hour or more due to traffic. The sheriff stayed w us until it was fixed.

As far as I know we haven't gone far, I fell asleep & the loud noise like a tire blowing up again was what I heard & the smell of burning tire.

We got out of the bus & saw that the right rear on the area of tire was in flame. We tried to pull the patients that we can't come out, most of them confused, in panic & resisting to come out. Several

WITNESS
ADDRESS _____
CITY _____
PHONE # _____

OR SUBSCRIBED AND SWORN TO BEFORE ME

THIS ____ DAY OF _____ A.D.

WITNESS
ADDRESS _____
CITY _____
PHONE # _____

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

*continued
J. J. [Signature]*

AFFIDAVIT IN ANY FACT

**THE STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME,

A NOTARY PUBLIC in and for said County, State of Texas, on this day personally appeared

Who, after being by me duly sworn, on oath deposes and says:

people came & stop to help, trying to do the best they can to help, the bus was full of smoke there were several explosions at the rear part of the bus when it was turning, I remember that we have oxygen tanks for the patient at the back of the bus.

*BERNADETTE NANEZ RN
Bernadette Nanez RN*



WITNESS : _____
ADDRESS : _____
CITY : _____
PHONE # : _____

OR SUBSCRIBED AND SWORN TO BEFORE ME

WITNESS : _____
ADDRESS : _____
CITY : _____
PHONE # : _____

THIS ____ DAY OF _____ A.D.

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared Jason Saulsbury

Who, after being by me duly sworn, on oath deposes and says:

pulled up behind bus was already pulled over and rear right side was on fire people were still in bus and tried to get as many out as possible

X Jason Saulsbury

Saulsbury Jason Robert



WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

or

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____

_____ A.D. 19 _____

Notary Public, Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, Vincent Loera

A Notary Public in and for said County, State of Texas, on this day personally appeared Vincent Loera

Who, after being by me duly sworn, on oath deposes and says:

I PULLED UP ABOUT THE TIME THE FLAMES, ROSE TO ABOUT HALF WAY UP THE BUS I RAN INSIDE THE BUS TO HELP ~~PULL~~ PULL 3 PEOPLE OUT, TRIED TO BREAK OUT WINDOWS BUT WERE SHATTER PROOF. I WAS RUNNING BACK IN ABOUT THE TIME IT EXPLODED AND HAD TO PULL BACK.



[Handwritten signature]

WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____

_____ A.D. 19 _____

Notary Public, Dallas County, Texas

* Not on Bus

AFFIDAVIT IN ANY FACT

**THE STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME,

A NOTARY PUBLIC in and for said County, State of Texas, on this day personally appeared.

Who, after being by me duly sworn, on oath deposes and says:

Sheila White



Lerline Fuller



Caretakers (staff)
couldn't give statements

B. X 674

WITNESS : _____
ADDRESS : _____
CITY : _____
PHONE # : _____

OR SUBSCRIBED AND SWORN TO BEFORE ME

WITNESS : _____
ADDRESS : _____
CITY : _____
PHONE # : _____

THIS ____ DAY OF _____ A.D.

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

AFFIDAVIT IN ANY FACT

**THE STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME,

A NOTARY PUBLIC in and for said County, State of Texas, on this day personally appeared

Who, after being by me duly sworn, on oath deposes and says: I was sitting at the back, heard loud noise at the back and the car started going slow, and stopped I thought tire flat again. I heard our leader saying fire, then when I turn to the window the fire was already at the window, then I started pulling pt at the back and took the ladies off of the oxygen, and ^{try to} walk them to the front, most of them won't get up, then the smoke engulfed the whole room. ~~It~~ We could only help few, ~~the~~ smoke got stronger & got out ~~off~~ ^{out} of the ca

WITNESS
ADDRESS
CITY
PHONE #

Ayelech Tayework
[Redacted]

OR SUBSCRIBED AND SWORN TO BEFORE ME

WITNESS
ADDRESS
CITY
PHONE #

THIS ____ DAY OF _____ A.D.

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

AFFIDAVIT IN ANY FACT

**THE STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME,

A NOTARY PUBLIC in and for said County, State of Texas, on this day personally appeared

Who, after being by me duly sworn, on oath deposes and says:

Flat tire at mile marker 241 - 242, 911 called. 2 white trucks came with one male in each truck. Sometime later a larger yellow truck arrived - felt truck vibrate in rear - spare tire on, drove down road (off shoulder) met 2 tire repair man, paid for tire repair with credit card. Apx mile 270 another pick-up got in front + stopped - got out + said 'truck is on fire' - driver pulled bus ~~over~~ over + got out - swatted at fire with shirt. I had stuck my head out door, observed + immediately started shouting 'get residents out'. Another car mgr. in the rear did the same + we all pulled as many out as we could - volunteers + passersbyers stopped to help. Flat tire changed was right rear.

Bonnie Estes

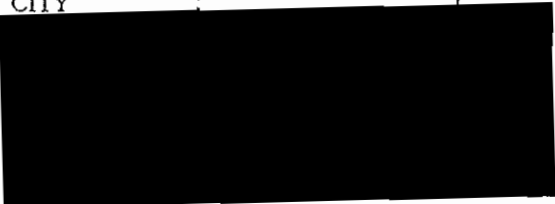
Bonnie Estes

WITNESS : _____
ADDRESS : _____
CITY : _____
PHONE # : _____

OR SUBSCRIBED AND SWORN TO BEFORE ME

WITNESS : _____
ADDRESS : _____
CITY : _____

THIS ____ DAY OF _____ A.D.



NOTARY PUBLIC, DALLAS COUNTY, TEXAS

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared _____

Who, after being by me duly sworn, on oath deposes and says:

Came from Bellaire, TX
Going to The Forum at Park Lane
7827 Park Ln.
Dallas, TX
Left at 1:00 pm 9/22/05

K. Hannan
Administrator

WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____
WITNESS: _____
ADDRESS: _____ or _____
CITY: _____
PHONE #: _____

Park Ln Forum

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____

_____ A.D. 19 _____

Notary Public, Dallas County, Texas

*Not on bus
Administrator for Forum Park Ln. Dallas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared Drew William Wood

Who, after being by me duly sworn, on oath deposes and says:

We pulled up bus was on fire we got out and tried to pull people out of the bus as fast as we could. X [Signature]

WOOD DREW WILLIAM



WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____
WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

or

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____
_____ A.D. 19 _____
Notary Public, Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

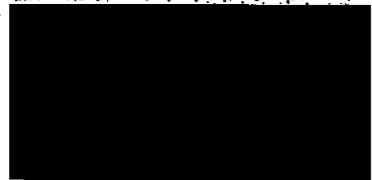
BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared DAN Grabau

Who, after being by me duly sworn, on oath deposes and says:

Came up on bus stopped to help bus on fire helped out as many people as we could until smoke was too much X D. Grabau

GRABAU, DANIEL DAVID



WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

WITNESS: _____

ADDRESS: _____

CITY: _____

PHONE #: _____

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____

_____ A.D. 19 _____

Notary Public, Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared Ruel Harold

Who, after being by me duly sworn, on oath deposes and says:

*I pulled up back of bus was on Fire. When I got to the bus
it was filling with smoke, we started pulling people out.*

HAROLD, RUEL EUGENE JR.



WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____
WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

OR

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____
_____ A.D. 19 _____

Notary Public, Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER 05-100159

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, PATRICK FASSETT #341

A Notary Public in and for said County, State of Texas, on this day personally appeared PATRICK FASSETT Who, after being by me duly sworn, on oath deposes and says:

I WAS DISPATCHED TO A BUS LINE ON NB I-45 & MARSH AT 607AM. WHEN I ARRIVED I OBSERVED THE BUS ALMOST FULLY ENGULFED. THE FRONT PASSENGER AREA WAS NOT BURNING BUT FULL OF HEAVY SMOKE. I SHINED MY FLASHLIGHT IN THE AISLE AND YELLED FOR PEOPLE TO TRY TO GET OUT. I COULD HEAR SEVERAL PEOPLE YELLING FOR HELP BUT I COULD NOT SEE THEM DUE TO THE SMOKE. THERE WAS A LARGE EXPLOSION FORCING ME OUT OF THE BUS DOOR. DURING THIS TIME DEPUTY EVANS WAS ON THE DRIVER SIDE OF THE BUS AND DEPUTY GRANT WAS RUNNING UP TO THE BUS. AFTER THE EXPLOSION WE RETREATED FROM THE BUS AND BEGAN ASSISTING THE PEOPLE ALREADY REMOVED FROM THE BUS SINCE THERE WAS NOTHING ELSE WE COULD DO FOR THE PEOPLE ON THE BUS.

P. Fassett



WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

SUBSCRIBED AND SWORN TO
OR BEFORE ME THIS _____ DAY
OF _____ A.D. 20 _____

Notary Public,
Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared F. Bassett Who, after being by me duly sworn, on oath deposes and says:

In reference to the affidavit Deputy Spurger wrote about seeing the explosion and flame shooting out of the bus it was more towards the right side of the bus.

*F. Bassett 341
Dallas Co Sheriff Dept*

WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

SUBSCRIBED AND SWORN TO
OR BEFORE ME THIS _____ DAY
OF _____ A.D. 20 _____

Notary Public,
Dallas County, Texas

AFFIDAVIT IN ANY ACT

SERVICE NUMBER 05-100159

THE STATE OF TEXAS
COUNTY OF DALLAS,

BEFORE ME, E.S. EVANS

A Notary Public in and for said County, State of Texas, on this day personally appeared, E.S. EVANS

Who, after being by me duly sworn, on oath deposes and says:

ON 09/23/05, I WAS DISPATCHED ON A BUS FIRE N/B I45 AT MARS. UPON MY ARRIVAL, I NOTICED PEOPLE LYING ON THE GROUND. I HEARD SOMEONE SAY THAT PEOPLE WERE STILL ON THE BUS. I COULD HEAR THE FIRE CRACKLING AND THE WINDOWS POPPING. S/SGT. FASSETT AND OFC. SHAW WERE ON THE STEPS OF THE BUS TRYING TO RESCUE THE TRAPPED PASSENGERS. I TRIED TO WALK AROUND THE BUS LOOKING FOR ANOTHER ENTRANCE. AS I MADE IT TO THE DRIVERS WINDOW, THE BUS EXPLODED. THE PERCUSSION KNOCKED ME BACKWARDS. AS I REGAINED MY FOOTING, I NOTICED FASSETT AND SHAW COMING OFF THE BUS. I WENT OVER TO THEM TO MAKE SURE THEY WERE OK. ONCE I KNEW THEY WERE ALRIGHT, MY ATTENTION WAS FOCUSED ON THE INDIVIDUAL THAT WERE LYING ON THE GROUND NEAR THE BUS. I STARTED DRAGGING PEOPLE AWAY FROM THE BUS WITH THE HELP OF OTHER PEOPLE. THERE WERE MORE EXPLOSIONS. ONCE THE FIRE DEPARTMENT ARRIVED, I WENT OVER TO THEM AND TOLD THEM THAT PEOPLE WERE STILL TRAPPED AND THAT THERE WERE OXYGEN BOTTLES EXPLODING INSIDE THE BUS. I WALKED BACK TO THE SERVICE ROAD AND TRIED TO FIND THE DRIVER OF THE BUS. I NOTICED DEPUTY WILSON AND OTHER PEOPLE TENDING TO THE INJURED PEOPLE. I THEN WALKED OVER TO A SQUAD CAR PARKED ON THE SERVICE ROAD AND JUST WATCHED AS THE FIRE DEPARTMENT SPRAYED WATER ON THE BUS.

WITNESS: _____

OR

ADDRESS: _____

SUBSCRIBED AND SWORN TO BEFORE ME

CITY: _____

THIS _____ DAY OF

PHONE #: _____

A.D. - 2004

WITNESS: _____

ADDRESS: _____

Notary Public, Dallas County, Texas

CITY: _____

PHONE #: _____

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared E. O. Wilson #5809

Who, after being by me duly sworn, on oath deposes and says:

ON 9-24-05 AT APPROX. 6:17am I WAS APPROACHING THE BUS FROM THE REAR IN MY PATROL CAR ROUGHLY 50 TO 60 FEET AWAY WHEN THE FIRST MAJOR EXPLOSION OCCURED, WHICH SHOOK MY CAR CAUSING ME TO GLANCE AWAY FROM THE FLASH AND AS I LOOK BACK I SAW OFFICERS NEAR THE FRONT OF THE BUS MOVE BACK TO THE EAST SIDE SERVICE RD. SIO (SGT. FASSETT) CALLED FOR MORE OFFICERS TO THE FRONT AREA OF THE BUS WHERE THE PASSENGERS WHICH WERE OFF NEEDED HELP. I CROSSED THE GLASS MEDIAN ONTO THE SERVICE RD. TO GET PAST THE BUS AND BLOCK MOTORIST WHO WERE TRYING TO DRIVE THRU THE AREA WHERE THE PASSENGERS WERE BEING MOVED AWAY FROM THE BUS. THE EXPLOSIONS CONTINUED TOTALLY ENVELOPING THE BUS. SEVERAL PASSERBY'S AND NURSE'S WERE AIDING THOSE RESCUED AND MOVED TO THE SERVICE ROAD. I BEGAN TRYING TO ASSES INJURIES PRIOR TO MEDICAL UNITS ARRIVAL, MANY WERE DESORIENTED AND CONFUSED, AS WELL AS HAVING SOOT AROUND MOUTHS AND NASAL PASSAGES (SMOKE INHALATION) INITIAL FIRE FIGHTERS SET UP OXYGEN PACKS WHILE FIGHTING THE FIRE. IN THE CONFUSION I CAME ACROSS THE BUS DRIVER WHO WAS WANDERING AROUND THE SCENE DESORIENTED AND WITH SOOT ON HIS MOUTH AND NOSE, I LEAD HIM TO NURSES AND ASKED HIM FOR HIS LICENSE. HE GAVE ME WHAT APPEARED TO BE A MEXICO D.L. I CONTINUED TO AIDE THE EMER. UNITS UNTIL ENDORSE FIRE DEPT.'S WERE ON SCENE.

[Signature]

WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____
WITNESS: _____
ADDRESS: _____
CITY: _____
PHONE #: _____

or

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____
_____ A.D. 19 _____

Notary Public, Dallas County, Texas

AFFIDAVIT IN ANY FACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared D-I EDWARDS B GRANT #639 who, after being by me duly sworn, on oath deposes and says:

ON 9-23-05 AT APPROXIMATELY 6:06 AM I WAS DISPATCHED TO NB I-45 AND MAYS RD, IN REFERENCE TO A BUS THAT WAS ON FIRE WITH PEOPLE INSIDE OF IT. WHEN I ARRIVED ON THE SCENE THE BUS WAS ALREADY FULLY ENGUIN IN FIRE. I OBSERVED SEVERAL PEOPLE AND OFFICERS HELPING PEOPLE LYING ON THE GROUND. I SAW A WITNESS POLICE OFFICER WHO TOLD ME THAT THERE STILL SEVERAL PEOPLE ON THE BUS TRAPPED. AT THIS POINT I STARTED HELPING MOVE THE PEOPLE WHO WERE ABLE TO GET OFF THE BUS AWAY FROM THE BUS BECAUSE THERE WAS AN EXPLOSION. AFTER THIS THERE WAS AT LEAST TWO MORE EXPLOSION. AT THAT POINT MYSELF ALONG WITH OTHER DEPUTIES ON THE SCENE AND THE PEOPLE AT THE SCENE STARTED ATTENDING TO THE VICTIMS WHO WERE LYING ON THE GROUND. AFTERWARDS OTHER EMERGENCY PERSONNEL AND EQUIPMENT STARTED ARRIVING ON SCENE.

[Handwritten Signature]
#639

WITNESS: _____
ADDRESS: _____
CITY : _____
PHONE #: _____

WITNESS: _____
ADDRESS: _____
CITY : _____
PHONE #: _____

SUBSCRIBED AND SWORN TO
OR BEFORE ME THIS _____ DAY
OF _____ A.D. 20____

Notary Public,
Dallas County, Texas

AFFIDAVIT IN ANY ACT

SERVICE NUMBER _____

THE STATE OF TEXAS

COUNTY OF DALLAS,

BEFORE ME, _____

A Notary Public in and for said County, State of Texas, on this day personally appeared, M. Spurger #653

Who, after being by me duly sworn, on oath deposes and says:

On September 23 2005 at approximately 6:07 am I was dispatched to a vehicle fire involving a bus that was fully engulfed with people trapped. At that time I was at North Bound I-45 and TX310 on a traffic stop. I cleared my stop and went to the bus fire code 3. Upon arrival I saw a bus that was fully engulfed in flames 510 and 511 arrived at the scene before me and proceeded to the bus to try and rescue people from the bus. I turned my car sideways on north bound I-45 at Mars and shut the highway down. I got out of my car to go back and set out a flare line and I heard and felt an explosion from the bus, I looked and there was flames being shot in the air approximately 40 to 50 feet high. I started laying out the flares and then I saw another explosion just like the first. I was back at my squad car keeping the highway shut down until the fire dept arrived. M Spurger 653

WITNESS: _____

OR

ADDRESS: _____

SUBSCRIBED AND SWORN TO BEFORE ME

CITY: _____

THIS _____ DAY OF

PHONE #: _____

_____ A.D. - 2004

WITNESS: _____

ADDRESS: _____

Notary Public, Dallas County, Texas

CITY: _____

PHONE #: _____

Proclamation - September 20, 2005



Proclamation
by the
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, do hereby certify that Hurricane Rita poses a threat of imminent disaster along the Texas Coast beginning September 20, 2005.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby proclaim the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.015 of the code be implemented to meet that threat.

As provided in section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of September, 2005.

RICK PERRY(Signature)
Governor of Texas

Attested by:
ROGER WILLIAMS(Signature)
Secretary of State



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

SEP 23 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 14248

EXPIRATION DATE: December 31, 2005

1. GRANTEE: Texas State, local, and Federal government officials and persons conducting operations under the direction of those government officials within the Hurricane Rita disaster areas.
2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of hazardous materials used to support the recovery and relief efforts to, from and within the Hurricane Rita disaster areas under conditions that may not meet the Hazardous Materials Regulations. This exemption provides no relief from any regulation other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR, Parts 171 through 180, except as specified herein.
5. BASIS: This emergency exemption is based on a determination that it is necessary to avoid a risk of significant harm to persons or property by facilitating expedited transportation of hazardous materials to, from or within the disaster areas.

SEP 23 2005

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous Materials listed in the 49 CFR other than radioactive materials	Class 1, 2, 3, 4, 5, 6, 8, 9	As Applicable	As Applicable

7. SAFETY CONTROL MEASURES: Compliance with the HMR is required to the extent practicable. When compliance with the HMR is not possible or practicable, shipments may be offered or transported under alternative safety requirements imposed by the grantees.
8. SPECIAL PROVISIONS: Operations under this exemption are limited to the grantees.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicles, rail freight, cargo vessel, cargo aircraft only.
10. MODAL REQUIREMENTS: The shipper must provide written notification to the carrier of the hazardous material and packagings being offered at the time the shipment is initiated.

Issued in Washington, D.C.:

for Robert A. McGuire
 Robert A. McGuire
 Associate Administrator
 for Hazardous Materials Safety

9/23/05
 (DATE)

PO: RP



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

September 23, 2005

The Honorable Richard F. "Ric" Williamson
Chairman
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701-2483

RE: Hurricane Rita – Waiver for Motor Carriers

Dear Chairman Williamson:

To accompany my September 20, 2005 State Disaster Proclamation for Hurricane Rita, I am issuing this letter to provide guidance to the commercial motor carriers that will be involved in disaster relief or economic recovery efforts following the Hurricane Rita event.

I direct the Texas Department of Transportation (TxDOT) to suspend all oversize/overweight permitting requirements and fees for motor carriers involved in relief efforts, with the exception of exceeding posted weight limits on bridges. Carriers moving loads that exceed 14' high will be required to contact TxDOT's Motor Carrier Division at 512/465-3592 between 6 a.m. and 6 p.m., Monday through Friday. If calling after hours, please call 512/658-1149.

I direct the Texas Department of Public Safety (DPS) to suspend all size and weight enforcement for motor carriers involved in relief efforts.

I direct that all requirements concerning Motor Carrier Registration, Single State Registration, the International Registration Plan, and International Fuel Tax Agreement be suspended for motor carriers traveling within or into Texas to assist with relief efforts. I am also suspending the requirements regarding the purchase of trip permits for registration and fuel for commercial motor carriers engaged in interstate disaster relief efforts.

Hours of service limitations are temporarily suspended for carriers involved in evacuation and recovery efforts. Also carriers not directly involved in evacuation and recovery efforts that were caught in evacuation traffic are excused from hours of service overages noted in their logbook.

44

The Honorable Richard F. "Ric" Williamson
September 23, 2005
Page 2

Insurance, commercial driver's license, and safety requirements associated with the above mentioned permits, registration, and programs are not suspended and remain in effect. Motor carriers traveling into or within Texas must, at the minimum, have liability insurance at limits required by Texas or their home state.

I ask all Texas law enforcement and other federal and state officials to honor this letter as a blanket permit issued to commercial motor carriers for the purpose of Hurricane Rita disaster relief or economic recovery efforts.

This waiver will be in effect until October 31, 2005, unless extended or repealed.

Thank you for your cooperation

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly slanted style.

Rick Perry
Governor

RP:khp

cc: The Honorable Carole Keeton Strayhorn
Ms. Colleen McHugh, Chairman, Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY INTEROFFICE MEMORANDUM

To: All Regional Commanders, HP, and CVE Captains **Date:** 03/30/05
From: R. K. Elliston, Chief, Texas Highway Patrol Division **Division:** THP
Subject: 49 CFR 391.11(b)(2) – English Language Requirement – Enforcement Policy

The Federal Motor Carrier Safety Regulations, in Part 391.11(b)(2), provide that a person is qualified to drive a commercial motor vehicle if he/she can read and speak the English language sufficient to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.

This English language requirement was originally established by the Interstate Commerce Commission (ICC) in 1936. When promulgated at that time, the ICC explained that this regulation was not intended to be enforced at the roadside. The ICC specifically stated that it was the motor carrier employer's responsibility to evaluate the driver's proficiency in the English language as the employer was presumed to know what communication skills were necessary for the type of cargo handled, the route taken, and the public contact required (see 62 FR 45200 – 45201 issued August 26, 1997). In July 2003, the Federal Motor Carrier Safety Administration (FMCSA) again reviewed the English language requirements in Part 391.11(b)(2) and determined the following: "As written, the regulation sets forth the qualifications of drivers of CMV's to read and speak the English language and allows each motor carrier employer the flexibility to determine the extent of proficiency needed to enforce it. It provides carriers with the flexibility to individually determine whether a driver has communication skills and English fluency to operate safely on the highway" (see 68 FR 43889 – 43891). Clearly, the FMCSA continues to believe that this regulation is not intended to be enforced at roadside, but rather through the compliance review process with the employing motor carrier. Based on this FMCSA interpretation of Part 391.11(b)(2), the following enforcement policies will be in effect.

CMV's Operating in Interstate Commerce

Neither custody arrests nor arrest citations should be initiated against a driver for a violation of 49 CFR 391.11(b)(2). If the driver has insufficient command of the English language **and** highway safety is compromised, then that driver may be issued a warning for violation of 49 CFR 391.11(b)(2) and placed out-of-service in accordance with the North American Standard Driver Out-of-Service Criteria that becomes effective on 04/01/05. DPS employees that place a driver out-of-service for violation of 49 CFR 391.11(b)(2) shall promptly notify their

first-line supervisor of such action. DPS employees shall also submit a Compliance Review Complaint Form to the Motor Carrier Bureau requesting that a compliance review be initiated against the employing motor carrier of the driver. If the Compliance Review determines non-compliance with 49 CFR 391.11(b)(2) by the employing motor carrier, then appropriate enforcement action may be initiated against the motor carrier by the Motor Carrier Bureau.

CMV's Operating in Intrastate Commerce

Title 37, Texas Administrative Code, §4.12(b)(5), provides that 49 CFR 391.11(b)(2) has not been adopted for intrastate drivers. Therefore, no enforcement or out-of-service action shall be initiated under Part 391.11(b)(2) for intrastate drivers. Compliance Reviews conducted on intrastate motor carriers shall not include any enforcement action for violations of 49 CFR 391.11(b)(2).

cc: Assistant Chief Lamar Beckworth, THP Division
Inspection Dale St. John, OAI

stops. Often, the driver is forced to spend hours trying to obtain sleep or rest aboard the bus during off-duty periods. Most destinations do not provide driver "lounges". With rare exception, the typical motorcoach is not equipped so the driver can lay-down to obtain restful sleep – most of the time the drivers are forced to rest in a passenger seat. Also, local idling laws may prevent the driver from running the engine in extremes of weather for heat or air-conditioning during layover periods.

Lastly, the subject of extended days. In the course of the typical charter or tour, there are pre-scheduled intermittent off-duty periods throughout the day. The driver is free to leave the vehicle for a specified period of time until the group finishes their activity. Unlike the 14 hour rule for property carriers, the motorcoach driver's day can extend to 18 hours and beyond due to the intermittent off-duty periods. It is not uncommon for a driver to report at 5:00am to the garage and to return past midnight and still be on task and not in violation of the hours of service.

PART 396

INSPECTION, REPAIR, AND MAINTENANCE

Push out window tests

When reviewing maintenance files, investigators should ensure that the motor carrier is conducting tests on the push out windows, emergency door, and emergency door marking light. These tests should be conducted at least every 90 days and a record of the tests should be retained for each vehicle as required by 396.3(b)(4). State mandated inspections that include these satisfy this requirement.

Periodic inspection

State mandated inspection programs that have been approved by FMCSA meet the requirements of 396.17. Those vehicles that are inspected by a State listed in 396.17 are considered in compliance with the annual inspection requirements. Otherwise, documentation of inspection must be maintained by the carrier.

PART 177

HAZARDOUS MATERIALS

Part 177.870 of the Hazardous Material Regulations describes the condition under which specific hazardous materials may be transported on a for hire passenger carrying vehicle. An often-asked question concerns the transportation of oxygen cylinders (non-flammable gas) for personal use by the passenger. Passengers who require oxygen are permitted to bring one cylinder into the passenger compartment for their personal use. On multi-day tours for example, there are occasions when the passenger may require several back-up cylinders to sustain them for the duration of the trip.

A RSPA interpretation, dated 4/2/99 addresses this issue. According to this interpretation, additional cylinders that must be stored outside the passenger compartment (in the luggage bays) are considered to be in commerce and therefore are subject to the Hazardous Materials Regulations. Therefore, when transporting additional oxygen cylinders for the passengers' personal use as cargo, a motor carrier of passengers is subject to the shipping paper requirements, marking and labeling, blocking and bracing, and the hazardous materials training requirements found in Subpart H of Part 172.

Dallas Sheriff's Office
Investigator's Supplement Report
Service Number: 05-100159
Prepared by: Ssg. Kevin Feinglas #323

Re: Interview with Bonnie Estes W/F [REDACTED]

Spoke with Ms. Estes concerning her role during the evacuation and subsequent bus fire on 9-23-05. Her title is senior area director of resident care and one of her areas of responsibility is the Bellaire area. She volunteered for this assignment. She does speak some Spanish but is not fluent. She arrived at the "community" at around 8am on 9-22-05 and began reviewing the evacuation list. She left the community around 11am to return a rental car but could not, so she brought it back to the community to leave it there. The bus had driven up as she was leaving at about 11am. She returned at about 12-12:15pm and the residents had begun to line up. She did notice that the cargo areas of the bus were open and the loading was beginning of their belongings.

She was asked if she had any conversations with the driver at that point and stated that her only conversation with him then was that he was hungry. She took him inside and got him something to eat. There were 4-5 fireman (she believes from Bellaire) there assisting with the loading of residents. When asked when the bus departed, she believed it was about 2:30pm.

They took 610E to 59N and she stated that 59 eventually became gridlocked. Again asked about discussions with the driver she stated that her only discussions with him were about their route to get onto I-45. They proceeded out of town and eventually reached Humble at about 7pm. She stated that she then discussed with the driver that oxygen was out for 1 of the residents so they stopped and brought up 3 canisters and took 3 down.

When asked about her first indication of mechanical problems on the bus, she stated it was the flat outside of Corsicana. She heard a "thud" and they reduced their speed from the 40-50mph range and "limped along for a while". She called 911 but didn't know her location until she saw mile marker 241. When asked why she felt compelled to call 911, she stated that she felt that would be the quickest way to get help to their location.

When officers responded, she stated that he summoned "up to 3 pickup trucks" at one point to help but she couldn't tell who all they were. She stated that they were on the side of the road for at least an hour.

Ms. Estes became concerned, at some point, about the use of / lack of oxygen to complete the trip so she called her area manager (Kelly Gundlie (sp?)). She was reassured about the oxygen and no additional oxygen was picked up. When Ms. Estes was asked about the flow rate of oxygen for the patients, she believed it to be 3 liters per hour, thus allowing one bottle to last approximately 3-3 1/2 hours (per witness).

The driver never expressed concerns regarding the bus and the witness never spoke to the driver about the bus until they had the flat tire. When asked about her next indication of problems with the

bus, she stated that it was when they were stopped by the white pickup truck. She said the driver of the pickup told the driver something about the "brake pads" and "flames". She stated that the driver seemed to understand. He pulled over and got out, as did she. She saw the driver trying to put the fire out with his shirt.

The witness got back on the bus and yelled fire and told the other staff members to start getting the residents off of the bus. She began pulling people off of the bus herself. She stated that others began to stop and help. As she got on for the 3rd time, she couldn't see or breathe any longer because of the smoke so she got off.

Several questions were asked of the witness after she finished telling us her recollections:

When asked about other conversations with the driver. She stated that she only spoke to him about fuel. The bus was under half a tank. She asked him to stop and she paid for the fuel. The witness also informed us that she paid for the tire change.

She was asked about the oxygen and its placement / storage. There were initially 1 each per resident in the passenger compartment with 9 in the cargo hold and the additional 6 that she was originally unaware of.

When asked if anyone attempted to open the windows from the inside, the witness stated that she did not know. She then added that she thought that all of the windows were "fixed".

When asked if she saw any warning lights on the dash of the bus, the witness stated that she did not.

When asked who unlatched the fire extinguisher, the witness did not know.

When asked if anyone else on the bus spoke to the driver, the witness stated that "Bernadette" did (Bernadette Nanez).

Asked who loaded the oxygen under the bus, the witness did not know for sure but thought it was maintenance personnel from Brighton Gardens.

Asked who hired the bus company, she thought it was the area manager (Kelly Gundlie (sp?)).

She also stated that she saw the driver with some type of "canister" as she got off of the bus the 2nd time after the fire began but could not tell if it was a fire extinguisher.