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Survivors, families of those who died in Yucaipa bus crash sue feds



Eight people were killed and nearly two dozen were injured when a bus carrying a group from Tijuana crashed on its way back from Big Bear Lake on Highway 38 north of Yucaipa in 2013. File photo

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Hearing for bus driver in fatal 2013 Yucaipa crash postponed

By **Beatriz Valenzuela**, *San Bernardino Sun*

POSTED: 02/05/16, 9:39 PM PST | UPDATED: 2 DAYS AGO 0 COMMENTS

The Department of Transportation repeatedly issued bus company Scapadas Magicas — involved in the deadly 2013 Yucaipa tour bus crash that killed eight people — and its buses passing grades despite serious deficiencies inspectors found months, possibly years, before the fatal crash, according to a wrongful death and injury lawsuit filed against the federal government.

According to the lawsuit, inspectors failed to follow their own rules and procedures for inspecting commercial vehicles

“For the weeks, months and years prior to the subject collision, (the Federal Motor Carrier Safety Administration) failed to properly perform and apply its clear duties and instead issued a (safety) decal and satisfactory rating to the subject bus and carrier in violation of clear rules, procedures, laws and policies,” according to the complaint filed Dec. 21 in U.S. District Court Southern District of California in San



Norberto Perez appears in San Bernardino Superior Court as part of his pretrial hearing Jan. 29. Perez was the bus driver in the 2013 Yucaipa bus crash that killed eight people along Highway 38. File photo



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A spokesman with the Federal Motor Carrier Safety Administration, part of the DOT, declined to comment.

The 2013 crash on Highway 38 killed seven passengers, who had taken a day trip to Big Bear Lake from Tijuana, and Fred Richardson, 72, of Mountain Home Village, who was killed when the bus hit his pickup truck.

“Their inspections were deficient,” said James P. Frantz, the San Diego-based attorney representing some of those injured in the crash and the families of those killed. Frantz also represented the same clients in a civil case against Scapadas Magicas and the driver, Norberto Perez, who is currently the only person facing criminal charges associated with the crash.

Scapadas Magicas shut down one month after the deadly crash.

Because of Perez’s ongoing case, the San Bernardino County District’s Attorney’s Office would not comment on whether anyone else will be criminally charged in connection to the crash.

In one instance, the lawsuit alleges omitted deficiencies were later found after the crash.

During an Oct. 25, 2012, roadside inspection — three months prior to the fatal crash — an FMCSA agent only reported the brake measurements for one of the bus’s axles. The measurements for the remaining two axles were not recorded although required, according to the complaint.

“Furthermore, the brake measurement numbers from axle two do not appear realistic,” the lawsuit states, and it appeared that they were not “actually measured or that they were misreported.”

That day, the bus was given a [Commercial Vehicle Safety Alliance decal](#).

“That sticker lets people know that that vehicle is safe to be on the roads,” said Frantz.

California Highway Patrol officers can stop vehicles that do not have the decal and pull them off the road for not meeting national safety standards.

But because it had the decal, the CHP “wouldn’t have any idea to stop it,” Frantz said.

National City-based Scapadas Magicas Tours [failed 36 percent of its safety inspections](#) in the two years prior to the crash, according to the FMCSA.

Only 16 of its 25 vehicles had passed inspection.

Violations noted in the inspections that occurred between February 2011 and October 2012 include insufficient brake linings, leaky brake connections, missing wheel fasteners, oil leaks, low tire tread and



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inoperable headlights, tail lights and turn signals, records show.

Despite the carrier's abysmal track record, on Jan. 2, 2013, one month before the Yucaipa crash, a compliance review resulted in a satisfactory rating despite it not addressing any mechanical violations, the complaint says. Excessive maintenance issues prompted the review.

An inspection done of the bus by the National Transportation Safety Board following the crash showed mechanical issues that directly contributed to the deadly incident "were present at the time" of both the October and January inspection and review, the lawsuit says.

The federal government missed the Feb. 1 deadline to answer the complaint, according to a courthouse clerk. As of Friday, Frantz's office, The Frantz Law Group, had not filed a default motion against the United States, court officials said.

"I think it's important that (the FMCSA) be held accountable," said Frantz. "We don't want any other vehicles like that running around on the road. I don't like that."

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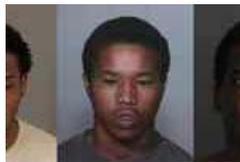


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