

**STATEMENT OF JOHN HILL, ADMINISTRATOR
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS, TRANSIT, AND PIPELINES
MARCH 20, 2007**

Chairman DeFazio, Ranking Member Duncan, and Members of the Subcommittee, thank you for inviting me today to discuss the Federal Motor Carrier Safety Administration's (FMCSA) safety oversight role in motorcoach operations. I am pleased to discuss with you FMCSA's programs that will achieve our goal of improving bus safety on our nation's highways.

Mr. Chairman, FMCSA was conceived out of the need to achieve stronger commercial motor vehicle (CMV) safety – it is our mandate. More than that, our Agency consists of dedicated professionals to whom safety is the highest priority. Toward that goal, FMCSA is working to reduce the loss of life on our nation's highways.

Mile for mile, motorcoaches are one of the safest forms of commercial passenger transportation. For the last 10 calendar years, there has been a yearly average of 22.7 occupant-related fatalities. Approximately 3,700 interstate motorcoach companies are registered in our database to operate over 34,000 motorcoaches in the United States and approximately 100,000 motorcoach drivers have Commercial Driver's Licenses (CDLs) with passenger endorsements. This figure does not include school bus drivers who have CDLs with passenger endorsements, the vast majority of whom are not subject to most of our safety regulations.

RECENT MOTORCOACH CRASHES

On Friday, March 2, we all observed with horror the scenes from the motorcoach crash in Atlanta, Georgia, in which seven people were killed. Five student passengers and the motorcoach driver and his wife lost their lives when the chartered motorcoach transporting a baseball team from Ohio's Blufton University to Florida plunged off an overpass onto an expressway below. Preliminary investigations seem to indicate that the motorcoach driver mistook a High Occupancy Vehicle exit ramp for a traffic lane, and did not stop at the top of the ramp.

The bus company involved in the crash, Executive Coach Luxury Travel Inc., has a satisfactory safety rating from a 2001 compliance review. More recently, 11 vehicle inspections and 5 driver inspections were performed during the 12 months prior to the crash, resulting in zero out-of-service violations. On February 23, 2007, just one week prior to the crash, the Public Utility Commission of Ohio inspected 5 buses at the company's terminal, including the one involved in the crash. No violations were found on the vehicle during the inspection. The driver involved in the crash relieved the previous driver from driving and boarded the bus at approximately 4:30 AM, only one

hour prior to the crash. Preliminary investigation shows the driver involved was not in violation of the hours-of-service regulations. Please be assured that we will continue to work with the National Transportation Safety Board (NTSB) as it finalizes its investigation and issues its findings.

NATIONAL MOTORCOACH SAFETY PROGRAM

FMCSA is and has always been committed to the safe transportation of passengers on our Nation's highways. Passenger safety continues as one of the highest priorities within FMCSA and we continue to increase our focus on this area. The Agency has established a National Motorcoach Safety Program that emphasizes six areas: (1) increasing the number of motorcoach compliance reviews (CRs), which are investigations of a company's safety practices; (2) ensuring motorcoach companies have a higher priority within FMCSA's compliance review prioritization system, known as SafeStat; (3) establishing formal motorcoach inspection programs within all States; (4) improving the collection and analyses of safety data; (5) reducing motorcoach fires; and (6) expediting safety audits of new entrant passenger carriers. Addressing each of these areas is essential to improving passenger vehicle safety. In addition, I will discuss the following two major initiatives: (1) our national initiative to address unrated and high priority motorcoach operations; and (2) FMCSA's Comprehensive Safety Analysis 2010 (CSA 2010) initiative.

Motorcoach Company Compliance Reviews

FMCSA is increasing the number of compliance reviews conducted on motorcoach companies. In FY 2005, FMCSA and our State partners conducted 457 motorcoach CRs, surpassing our established goal of 375 by 22%. Our goal for FY 2006 was to conduct 450 CRs and we conducted more than 600 CRs on motorcoach companies, an increase of more than one-third.

Augmenting these efforts is one of the two major new initiatives. Last month, FMCSA established the National Initiative to Address Unrated and High Priority Motorcoach Operations, a project to expand our Agency's contact with motorcoach operators who appear to run safe operations. We expect to visit approximately 1,600 companies as part of this initiative before the end of 2007.

Passenger Carrier Enhancements to the SafeStat System

The availability of motorcoach safety data is more limited than that of property carriers due to fewer driver and vehicle safety inspections and a fewer total number of CRs. However, we believe that bus companies deserve more careful program attention and dedicated enforcement resources because they transport people rather than cargo. As a result, FMCSA will apply more stringent safety standards for passenger carriers through a reform of our risk pointer systems. With this change, we will ensure that passenger carriers receive higher scrutiny through more frequent on-site reviews.

Motorcoach Inspections

While all States conduct motorcoach inspections, not every State has a formal motorcoach inspection program. Beginning in FY 2007, FMCSA requires State agencies that receive Motor Carrier Safety Assistance Program (MCSAP) grant funds to include a bus inspection program in their Commercial Vehicle Safety Plans (CVSPs), which describe the State's inspection and enforcement activities for the coming year.

FMCSA has also initiated a series of motorcoach inspection and CR strike force activities to increase the attention and focus on passenger vehicle safety. The most recent inspection strike force was conducted from November 13 to 25, 2006, by FMCSA's Eastern division offices and our MCSAP State partners. The strike force spanned 14 States from Maine to Virginia and included participation by Federal and State personnel including over 22 law enforcement agencies. Thanks to the commitment of our Federal staff and our many State and local police agencies, more than 1,300 safety inspections were conducted on passenger vehicles and drivers.

The increased activities generated by the strike force resulted in more than 26,000 bus inspections during FY 2006, double the previous fiscal year. The additional data enables FMCSA to better identify poorly performing passenger carriers for a CR by increasing the amount of passenger carrier safety data entered into Federal and State databases. In addition, FMCSA has encouraged States to increase the number of CRs they perform on motorcoach operations.

Improved Safety Data

The use of safety data is critical to properly target our resources. In the past three years, there have been significant improvements in the timeliness and quantity of our motorcoach safety data. This is due in large part to the increase in motorcoach inspections resulting from inclusion of bus safety inspection programs in the State CVSPs and the increased emphasis on inspection and compliance review strike forces. As a part of the Agency's national initiative to address unrated and high priority motorcoach operations, safety investigators are confirming data through contacts and personal visits to bus carriers.

FMCSA is also conducting a Bus Crash Causation Study to determine the reasons for and the factors contributing to serious bus crashes. The data collection for this study will be completed this May and the final report is due in December 2007.

Motorcoach Fires

Another critical aspect of our safety program relates to the problem of motorcoach fires. It is vital that we gather and evaluate information on the causes, frequency, and severity of bus and motorcoach fires and analyze bus fire data to measure the effectiveness of bus fire prevention. FMCSA is also taking immediate action to address the collection and analysis of bus fire data. FMCSA recently issued a statement to FMCSA field offices

and our MCSAP partners to re-emphasize our position that fires that occur in CMVs, including buses, while they are operated on our highways must be classified as CMV crashes.

New Entrant Passenger Carriers

Each year, approximately 900 new entrant passenger carriers register with FMCSA. Research has shown that new entrant motor carriers have significantly more non-compliance issues and a higher crash rate than more established motor carriers. FMCSA has implemented a new entrant program policy placing greater priority on the safety of passenger carriers. New entrant passenger carriers are now subject to an on-site safety audit within 9 months of beginning operations instead of the statutorily required 18 months for other motor carriers. Where we have indicators of safety problems, Mr. Chairman, we go in to the company immediately. In addition we have published a proposed rule to strengthen new entrant program standards for all motor carriers including a provision for bus companies regarding verification and education about compliance with the Americans with Disabilities Act (ADA). The public comment period for the proposed rule closed on February 20, 2007.

CURBSIDE CARRIERS

FMCSA has taken important steps in enforcing regulations that apply to curbside bus operators that provide fixed-route service among major cities in the northeast such as New York, NY, Boston, MA, Philadelphia, PA, and Washington, DC. In December 2003, FMCSA organized a task force to examine these companies. Some were providing for-hire fixed-route bus transportation without proper operating authority and/or adequate insurance. This marked the first time FMCSA had organized a task force to address a specific sector of the passenger carrier industry. In 2006, FMCSA identified 24 curbside bus companies that are domiciled in the Northeast corridor that operate approximately 200 motorcoaches. As of March 2007, eighteen of these curbside companies are assigned a satisfactory safety rating, three are assigned conditional ratings, two companies went out of business, and one is not rated. FMCSA plans to conduct a compliance review on the unrated company in the near future.

In October 2005, FMCSA organized a bus inspection strike force in the Northeast corridor that resulted in 403 inspections. Many of these inspections were conducted on curbside bus companies. In December 2005, FMCSA's Passenger Technical Advisory Group, a specialized group of field investigators, conducted a bus company CR strike force along the Northeast Corridor. The strike force conducted CRs on 14 bus companies in the States of Massachusetts, New York, Pennsylvania, Maryland, and in the District of Columbia. Eight of these companies were curbside carriers. Of the CRs conducted on these curbside carriers, six resulted in satisfactory safety ratings and three in enforcement actions, which can occur simultaneously with a satisfactory safety rating. The most common violations were related to drug and alcohol testing. FMCSA has found that some small bus companies do not comply with drug and alcohol testing regulations because this testing is sometimes regarded as unnecessary if the company owner knows

the driver personally. During the CRs, our investigators documented the compliance status with ADA regulations for over-the-road buses. Documentation was forwarded to the Department of Justice for further action if necessary. FMCSA has found the use of multi-jurisdictional strike forces to be an effective tool in identifying and apprehending unsafe carriers.

Comprehensive Safety Analysis 2010 (CSA 2010)

Since the Motor Carrier Safety Improvement Act of 1999 created FMCSA as an independent agency within the Department of Transportation, the motor carrier population has increased steadily with an expected doubling of freight volumes by 2020. At the same time, FMCSA's programmatic responsibilities have increased, including implementation of Congressional mandates such as the New Entrant Program, and increased emphasis on ensuring transportation security.

While FMCSA's compliance and enforcement programs have been demonstrated to be effective, FMCSA's compliance review program is resource-intensive and reaches only a small percentage of motor carriers. To improve our reach into motor carriers, FMCSA has developed an improved safety oversight process called Comprehensive Safety Analysis 2010 or CSA 2010, which is the Agency's plan to develop an improved operational model for its primary compliance and enforcement operations. The CSA 2010 initiative, which includes our State partners, will reshape how FMCSA approaches its safety mission. Its goal is to develop and implement more effective and efficient ways for FMCSA and its State partners to reduce commercial motor vehicle crashes, fatalities, and injuries. Key features of CSA 2010 are (1) more contact with more carriers and drivers, (2) improved data to better identify high-risk carriers and drivers, and (3) a wider range of interventions beyond safety audits and CRs to address high safety risk behavior earlier.

Collaboration with Other Agencies

Finally, our bus safety program involves collaboration with numerous other Federal agencies and State partners, more so than most FMCSA programs. FMCSA works cooperatively with other Federal agencies to improve the overall safety of motorcoach transportation. We have a mutually beneficial working relationship with the Department of Justice regarding ADA compliance and enforcement. We have collaborated with the National Highway Traffic Safety Administration on issues related to the nature and causes of bus fires. We are currently involved with the Federal Transit Administration in exploring the development of a bus inspection program for transit buses. Finally, we have assisted the Transportation Security Administration with administering grants to bus companies to improve security within the industry.

CONCLUSION

Whether it be a college student boarding a bus for a summer cross-country trip, a senior citizens' group traveling by charter bus to see the Grand Canyon, or a class trip to

Washington, D.C., it is our duty to ensure our passenger carriers provide safe transportation. The traveling public expects motorcoach transportation to be fatality free – the loss of one passenger’s life is unacceptable. Mr. Chairman, during my tenure at FMCSA I have worked hard to accomplish the goal of increased safety for our nation’s traveling public. I know the thousands of State and local law enforcement officers in your Districts are also dedicated to improving highway safety. Thank you for giving me the opportunity to outline the work FMCSA is doing to make this segment of transportation safer. I commend you, Mr. Chairman, for demonstrating a strong safety oversight in the transportation of our country’s bus passengers. I would be happy to answer any questions you may have.