

**Remarks Prepared for Anne S. Ferro
FMCSA Administrator
Transportation Trades Department
School Bus Summit
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Introduction

Good morning everyone. Thank you, Ed [Ed Wytkind, TTD's President] for that kind introduction.

We at FMCSA share a deep commitment to high safety standards for school bus drivers who keep our most precious cargo – our children – safe as they travel to and from school.

Today I will talk about how we can come together to address gaps in school bus safety and identify opportunities for partnering to close those gaps.

Overview of FMCSA Oversight

Before I begin, it is important to make clear exactly where FMCSA has jurisdiction over school buses, and where it doesn't.

Many people are surprised to learn that most school bus drivers are **ONLY** subject to commercial driver's license requirements and drug and alcohol testing requirements; that's because all transportation of students from home-to-school and school-to-home is exempt from our other safety rules.

School bus operations conducted by the school districts are exempt from most FMCSA regulations because transportation performed by state and local government entities are statutorily exempt from FMCSA safety rules concerning driver qualifications, hours-of-service and vehicle maintenance rules. This exemption applies even for the interstate operation of the school buses by the school district.

For school bus operations conducted by for-hire carriers operating under a contract with the school district, we have a regulatory exception for transporting children from home to school and from school to home. This exception even covers transportation across state lines when the students are traveling between home and school.

However, when the for-hire carriers transport students on field trips and extracurricular activities in interstate commerce, the full range of our safety rules apply.

An example of a school bus operation that is subject to FMCSA safety regulations in addition to the CDL and drug and alcohol testing regulations – is a for-hire school bus contractor transporting school children across a state line for a class trip, athletic event, band competition, or other special event. The contractor is not a government entity and the trip is in interstate commerce, so the contractor must comply fully with our regulations. These include rules on driver hours of service, vehicle maintenance and repair, insurance and registration and vehicle operation.

FMCSA Safety First Mission

Our mission at the Federal Motor Carrier **Safety** Administration is just that; the safety of trucks, many types of buses including school buses and motorcoaches, the safety of those who are behind the wheel and those who share the road with them.

FMCSA has a challenging safety mission. To help us succeed, we have three principles to guide our efforts. The **first** is to raise the safety bar to enter the motor carrier industry. The **second** is to require high safety standards to remain in the industry; and our **third** principle is to remove high-risk carriers, drivers and vehicles from operating.

According to the National Highway Traffic Safety Administration, more than 25 million children across the country ride the school bus each day.

It may not surprise many of you that school buses are among the safest vehicles on our nation's highways. Children are safer in the big yellow bus than they are walking, biking or riding in a passenger car to school.

I commend you for school bus safety's high marks. But there is more we must do to protect our children and meet the challenges of our shared safety vision.

Gaps in Oversight – Vehicle Condition

Federal regulations require States to include in their Commercial Vehicle Safety Plans a bus inspection program for all passenger carriers that operate interstate.

However, this doesn't apply to vehicles owned by government agencies such as school districts. School districts can adopt a state bus inspection program as their own. This should reduce the chances of children being on unsafe buses or buses that breakdown.

School districts can begin with FMCSA's regulations as the minimum standard for a good maintenance program. To go beyond our regulations, school districts can look at school bus manufacturer's guidelines on maintenance.

I understand that bus overcrowding is a growing issue in school districts across the country. At times, children are asked to get off the bus and wait for another bus because there is no more room.

That is unacceptable. Unfortunately, there is no federal safety rule on bus overcrowding. I can only recommend that school districts exercise an abundance of common sense when scheduling buses so that children aren't left waiting at their stop or worse - getting thrown or hurt while standing in a crowded aisle.

I also want to encourage school districts to adopt safety technologies that are known to improve safety. FMCSA has shown that driver monitoring can significantly reduce safety critical events which in turn reduce crashes. FMCSA has pilot-tested a low cost behavior monitor system in trucks.

These systems were able to reduce bad driving behaviors that often lead to crashes by more than 50 percent. In 2010, the San Francisco Municipal Transportation Agency reported that while using these systems MUNI bus crashes dropped by 50 percent below the previous year. These and many other safety technologies can have a significant positive impact on traffic safety.

Driver Health

We all agree that drivers are critical safety partners. In fact, most of us would say, it's all about the driver.

Ensuring that drivers are physically fit, healthy and well rested is important to your communities and a priority for FMCSA.

Fatigue has been a topic of much study, debate, litigation and regulation for truck drivers. We've begun studying fatigue among bus drivers as a distinct population only recently, however. A recent first-of-its-kind study focused on commercial motorcoach drivers to determine driver duty hours, sleep time, fatigue and performance while operating under the limits of FMCSA's motorcoach hours of service rules.

School bus drivers were not part of the study nor have we studied them before. Studying fatigue in school bus drivers can be an area of opportunity for us all.

Additionally, we asked our two federal advisory committees, both mandated by Congress, to look at the research and provide us with recommendations on motorcoach driver hours-of-service. Coupled with listening sessions on this issue last year, we believe that the work of the Motor Carrier Safety Advisory Committee or MCSAC and the Medical Review Board or MRB will help us to make strides to keep all passenger drivers and their precious cargo safe.

Sleep Apnea

Sleep apnea is a driver qualification issue that comes up often in my meetings with industry. In response to the recent bill passed by Congress and recommendations from our MRB and MCSAC, we will address obstructive sleep apnea through the formal rulemaking process after collecting and analyzing the necessary data and research.

You will hear more specifics about our approach to addressing sleep apnea when Larry Minor, FMCSA's Associate Administrator for Policy speaks after lunch.

As I mentioned, we require school bus drivers who hold a CDL to be tested for controlled substance and alcohol. A new Drug and Alcohol Database

would require truck and bus companies to report verified positive drug and alcohol test results, test refusals, negative return-to-duty test results, and follow-up testing. Operators would be required to check this list before hiring a new driver.

The rulemaking for this National Clearinghouse — required by MAP-21, our most recent authorization – will help ensure that only qualified CDL holders are operating commercial motor vehicles.

We expect to publish the proposal by the end of this year.

North American Fatigue Management Program

Finally, to increase safety and reduce driver fatigue I urge you to become experts in fatigue management because what makes the job better, often makes the job safer. FMCSA has been working actively in this area.

Known as the North American Fatigue Management Program, this comprehensive program stems from years of research on fatigue.

Developed with our partners in Canada, it is a free online education and training program for CMV drivers and carriers and features a series of 10 instructional modules to inform drivers, their families, and carrier safety officials on effective ways to prevent driver fatigue.

The modules range from safety management practices to sleep disorder management to driver scheduling.

It also includes a return-on-investment calculator to assist company executives in determining the costs versus benefits of using a fatigue management program.

This is a great new tool, and again it's free. I encourage you and your driver members to learn more about the North American Fatigue Management Program by visiting the website: www.nafmp.org.

Conclusion

Thank you for the opportunity to talk to you about FMCSA's safety laws and what they mean to you. Our safety laws draw a clear line on what can and must be done to save lives by reducing fatalities and injuries. Our common safety issues go across those lines.

The bottom line is: where our regulations don't directly apply to home to school transportation, using our regulations as a minimum standard will keep your drivers safe, so our children are safe!

By partnering and collaborating where we can, we can have a productive dialogue and benefit our nation's 26 million school children who rely on your driver members.

I encourage us to maintain a strong dialogue. My expectation is that strong safety programs can grow as a result.

There is no greater mission than saving lives by keeping our children safe and their families intact through improved safety on our nation's roadways.

I'm happy to answer your questions. Thank you all.

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