

**Remarks for Scott Darling
FMCSA Chief Counsel
ABA Board of Directors
Washington, D.C.
April 29, 2015**

Introduction

Thank you for the kind introduction and for inviting me to speak with you today.

I appreciate every opportunity to share ideas about how to make the motorcoach industry is as safe as possible.

I brought with me, Loretta Bitner, one of our experts on motorcoach enforcement and a familiar face to most of you and Kurt Larson, our public affairs team lead.

I am going to touch on six key issues:

- Update on our Motorcoach Safety Initiative and Enhanced Investigative Techniques training,
- Update on State bus inspection programs,
- National Registry 2 Final Rule,
- Recent changes to handling Adjudicated Violations,
- ADA regulations,
- Update on Bus leasing,
- And finally our five priorities for 2015 – or “*Five for 15.*”

Important Role of Bus Travel

Bus travel is a key part of this nation’s vibrant transportation system.

- Every year, U.S. motorcoaches carry almost as many passengers as the airlines.

- Bus travel is one of the safest modes of transportation. The overwhelming majority of motorcoach carriers and drivers follow the rules and operate safely.

But we need to do better. As you know, FMCSA's mission is to reduce crashes involving large trucks and buses. We work hard every day to make sure every bus trip, every day, is safe.

Our work is guided by three core principles. And for the motorcoach industry in particular, I think you have seen us take a series of steps that clearly illustrate how our principles translate into action:

- First, we have used our vetting program to raise the safety bar to enter the motor carrier industry;
- Second, through the use of compliance data and interventions, we require carriers and drivers to maintain our high safety standards; and
- And, third, our enhanced investigations have resulted in the removal from the road of high-risk carriers, unsafe companies, drivers and vehicles.

Partnerships with Stakeholders

Of course, we cannot carry out our mission alone.

During my time leading FMCSA, I have been a strong advocate of partnerships because we know that the success of our safety mission depends on us working together.

- I have been a major proponent of continuing to strengthen and improve our relationships with stakeholders, safety advocates, and our State partners.

- And I prefer open and candid discussions about topics that concern all of us so that we can better understand each other and work together.
- We appreciate your input and engagement with us on a range of motorcoach issues.

So I'll take just a few minutes to update you on several enforcement-related topics and then lay out our priorities in the current year. Then we can have a fuller discussion of what is most important to you and your industry.

Update on Motorcoach Safety Initiative

First, as you are probably aware, the Motorcoach Safety Initiative and Operation Quick Strike marked a watershed for us. We are now proceeding with Phase III of that effort, which involves several additional steps:

- We finished training all of our federal investigators last year in Enhanced Investigative Techniques.
- This year we are offering our EIT training to our State enforcement partners.
- You may have noticed that our investigators are digging deeper and looking at more factors.

The bottom line is: We are working to ensure the safety of the industry and level the playing field so that new entrant audits and comprehensive investigations are consistent and done for everybody on a regular basis.

State Bus Inspection Programs

We have been holding a series of listening sessions in recent months on mandatory State bus inspection programs required by MAP-21. We appreciate your cooperation and input on this issue.

We found the listening sessions to very productive. Our experts will be analyzing the public comments before determining whether to move forward with a rulemaking.

That decision will be coming soon and we will keep you up to date.

Medical Cards

We are also working with the State Driver License Agencies to ensure that driver medical certificates are entered in to the system as soon as possible.

- We also published this week our National Registry 2 final rule that will enable medical examiners to file their reports with FMCSA on a daily basis, and allow us to pass the information along to the DMVs.

Adjudicated Violations

We all have a common interest in ensuring the data in our systems is accurate and up to date.

- We recently put in place new procedures on ***adjudicated violations*** that give carriers and drivers the ability to submit documentation to the DataQs system if a violation recorded in a roadside inspection since last August 23 has been dismissed or changed in a due process proceeding before a State, local, or administrative tribunal.
- The change will be noted in the Safety Measurement System and the Pre-Employment Screening Program (PSP).

ADA regulations

Finally on the enforcement front, you should also know that ADA regulations apply to all of you who operate a motorcoach—not just the largest carriers.

FMCSA's ADA enforcement jurisdiction is limited to over-the-road buses with an elevated passenger deck over a baggage compartment.

- Even if your company operates a single over-the-road bus for hire, it is subject to the ADA regulations.
- We are conducting ADA reviews in addition to our safety reviews.

It is up to you to be knowledgeable of the regulations and responsible for your own compliance.

Bus Leasing

I also wanted to remind you that we will soon publish the Final Rule on the Lease and Interchange of Commercial Buses and Motorcoaches.

- Passenger-carrying CMVs and drivers are frequently rented, loaned, leased, and assigned with few records and little formality, thus obscuring the operational safety responsibility.
- Lease and interchange regulations for property-carrying vehicles have existed since 1950. We want buses to be regulated in a similar manner.
- This rule will prevent unsafe passenger carriers from evading FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations.
- We appreciate your input on this NPRM. We took seriously all of your comments and concerns when developing the Final Rule. It should be published in the next few months.

Five in 2015

Let me finish up by reiterating for you FMCSA's five safety priorities for 2015

- We are working to publish an **Electronic Logging Device** final rule this year. We want to improve compliance with hours of service regulations and help businesses cut paperwork and increase efficiency in reviewing driver logbooks.
- We are working toward rolling out **CSA Phase 3** which will include nationwide implementation of off-site reviews and expanded use of cooperative safety plans.
- We are working towards publishing the **Safety Fitness Determination** Notice of Proposed Rulemaking. We will consider expanding the use of roadside inspection data – in addition to findings from investigations – to determine a carrier’s safety rating.
- We will complete implementation of the **Unified Registration System** to streamline the existing registration process.
 - To be clear: applications for operating authority for passenger carriers will continue to be vetted even after URS goes into effect.
- Our fifth priority is **inspection modernization** and is designed to address the needs of roadside safety inspectors. The changes will help us improve the uniformity of roadside inspections, an issue I know you are interested in.

Driver Recognition

We at FMCSA have been looking for ways to give safe commercial motor vehicle (CMV) drivers the recognition they deserve. We want to give credit to drivers doing their part for highway safety.

- We have held a number of meetings with industry representatives to discuss ways to do this. A prototype poster is almost ready to be put on display at DOT headquarters.
- I am confident the final product will be something we can all be proud of.

Wrap-Up

Thank you again for the opportunity to speak with you today.

Improving safety and saving lives is the heart of our mission. And it takes all of us working together to ensure that the motorcoach industry is the safest it can be.

I know I talked about some key issues that are important to you. With the time remaining, I am happy to take questions about any other issues you wish to discuss.

Thank you all.

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