

In the United States House of Representatives  
Committee on Transportation and Infrastructure  
Subcommittee on Highways and Transit

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Role of Federal Regulation

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Chairman Graves, Ranking Member Norton and members of the Subcommittee, the American Bus Association appreciates the opportunity to submit testimony on the very critical issue of reforming the Federal Motor Carrier Safety Administration (FMCSA). This issue is of some importance to the American Bus Association (ABA) and its 3500 member organizations, convention and visitors' bureaus, bus operators and destinations. Simply put, the FMCSA is charged with, among other things, creating the safety net which the traveling public can depend on to ensure safe carriers and drivers.

Every day thousands of companies and hundreds of thousands of employees work in concert to provide nearly 2 million passenger trips by motorcoach<sup>1</sup>. While our industry has one of the best safety records of any surface transportation mode the lack of consistent national, federal inspection practices and targeted enforcement actions means not all bus operators are compliant with basic federal safety regulations. The failure of federal and state agencies to enact a comprehensive national and uniform inspection structure in all 50 states is not a failure of regulation but a failure of prioritization and enforcement.

Motor carrier inspections and enforcement are primarily achieved through a partnership between the federal government and a mixture of state and local enforcement personnel (such as specially trained commercial vehicle enforcement units, highway patrol units, county sheriff's offices, city police, etc.). The federal funding is part of the Motor Carrier Safety Assistance Program (MCSAP). The goal of the MCSAP is to reduce Commercial Motor Vehicle (CMV) involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The U.S Department of Transportation (DOT) invested nearly \$180 million (FY 2015) to ensure uniform enforcement of the safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs).

According to an analysis done of fatal motorcoach accidents by ABA, the data show that nearly 60% of all onboard motorcoach related fatalities resulted from carries determined to be either illegal or unsafe, after more thorough investigation. Additionally, motorcoach inspections are not uniformly conducted among the states (some states do them, so some states do not; and some states with large numbers of motorcoach companies or motorcoach visited destinations, have a low number of motorcoach

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<sup>1</sup> ABA Foundation Motorcoach Census at <http://www.buses.org/research>

inspections), which allows for the creation of “safe harbors” for motorcoach operators wishing to escape inspections. The FMCSA shifted some attention to “high-risk” carriers in 2013 when the National Transportation Safety Board called into question the effectiveness of the FMCSA’s inspection program. However, actions by FMCSA, including Operation Quick Strike and other periodic enforcement efforts, are not sustained processes. In fact the success of Quick Strike, which shut down 52 carriers, shows the systemic weakness in the current enforcement program<sup>2</sup>.

ABA believes only a national, ongoing uniform inspection and targeted enforcement structure can ensure passenger safety and create a level playing field for bus operators. Furthermore, while ABA supports a strong partnership between state inspectors and federal regulators, we find the current relationship is broken. Creating long term solutions to ensure the safety of the traveling public requires federal regulators to enforce granting provisions requiring states to have a bus inspection program along with trained bus inspectors. Granting provisions should also shift resources towards targeted action as opposed to misapplying resources toward repeated inspections of easily identified low risk carriers. In many cases, well-known local and national carriers are being subjected to repeated inspections in an effort to increase vehicle and company inspection totals. This practice not only creates disruptions for the carriers involved but enables unsafe and illegal operators to avoid detection.

Finally motorcoach passengers are entitled to the same protections as other modes of transportation including a compliant operator with inspected vehicles. Roadside inspections, including weight stations, put passengers in danger, establish unforeseen and unpredictable delays, and set up a discriminatory process which classifies motorcoach transportation as a second tier system. Simply put, we do not land planes mid-flight or stop trains for inspections, so why should we stop buses mid-trip? Passengers are entitled to the same safety net for motorcoaches as is present in other forms of commercial public transportation.

### **Key Recommendations**

- Funding set aside for bus inspections and inspector training to ensure that we close safe harbor states.
- The establishment of a bus inspection program in every state that includes training for and testing of inspectors specifically for motorcoaches. Including a provision in funding guidance that requires the Secretary of Transportation to rescind a portion of funding, for a given State that fails to enact a creditable bus inspection program, and authorizes the contracting of third party inspectors.
- Granting guidance that favors targeted inspections of carriers with a history of poor safety standards over repeated inspections of the same carriers.
- ABA supports the implementation MAP-21 provisions requiring a review of the effectiveness of the commercial motor vehicle inspection program as it relates to passenger carriers.
- End the practice of illegal weigh station inspections and ensure that operators are safe and compliant before passengers board vehicles.

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<sup>2</sup> Operation Quick Strike information available at <http://www.dot.gov/briefing-room/fmcsa-operation-quick-strike-removed-52-unsafe-bus-companies-road>