

Public Hearing

S128
1999b

before

SENATE TRANSPORTATION COMMITTEE

"Issues related to bus safety in New Jersey"

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: February 11, 1999
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Andrew R. Ciesla, Chairman
Senator Diane B. Allen, Vice-Chairwoman
Senator Henry P. McNamara
Senator Nicholas J. Sacco
Senator Shirley K. Turner



ALSO PRESENT:

Peter R. Manoogian
Office of Legislative Services
Committee Aide

John Strachan
Senate Majority
Committee Aide

Patrick M. Gillespie
Senate Democratic
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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ANDREW R. CIESLA
Chairman

DIANE ALLEN
Vice-Chairwoman

HENRY P. McNAMARA
NICHOLAS J. SACCO
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PUBLIC HEARING NOTICE

The Senate Transportation Committee will hold a public hearing on the following topic:

Issues Related to Bus Safety in New Jersey

This hearing is being held at the request of Senator DiFrancesco that the committee hold a public hearing in response to the recent bus crashes to deal with the matter of bus safety. The hearing will focus on licensing and safety inspections, speed limits, seat belts, requirements relating to qualifications and training of bus drivers and related matters.

The hearing will be held on Thursday, February 11, 1999 at 10:00 AM to 1:00 PM in Committee Room 4 (1st Fl.), State House Annex, Trenton, NJ.

The public may address comments and questions to Peter R. Manoogian, Committee Aide, and persons wishing to testify should contact Kim Johnson, secretary, at (609)984-7381. Because it may be difficult to accommodate all those who wish to speak within the time allotted for this hearing, those who testify may be requested by the chairman to limit the length of their oral presentations.

Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

Issued 2/4/99

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for the hearing impaired (609)777-2744/toll free in NJ (800)257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

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SENATOR ANDREW R. CIESLA (Chairman): Good morning, ladies and gentlemen. I'm happy to welcome each and everyone of you here to the hearing on bus safety that was called as a result of New Jersey experiencing several accidents -- a couple of more in the past two days -- on the highways of New Jersey. The hearing is being held at the request of Senate President Don DiFrancesco, who has asked the Transportation Committee to take testimony from any and all interested parties in order to review the current state of affairs. Today we are hopeful that we will be able to gain some additional insight into the matters that have occurred over the past several months, which seem to indicate that there might be some corrective action which might be able to be taken legislatively in order to continue to promote safe roads in the State of New Jersey.

I want to emphasize that we're not certain that anything may need to be done, but we're here today in order to collect information and to gain testimony in order to better understand the current state of affairs.

So with that, I will call this public hearing to order and ask that our Committee Aide please take the roll.

Peter.

MR. MANOOGIAN (Committee Aide): Senator Turner.

SENATOR TURNER: Here.

MR. MANOOGIAN: Senator Sacco.

SENATOR SACCO: Here.

MR. MANOOGIAN: Senator McNamara.

SENATOR McNAMARA: Here.

MR. MANOOGIAN: Senator Allen. (no response)

Senator Ciesla.

SENATOR CIESLA: Here.

Thank you, Committee members, for taking the time out for this special Committee hearing.

The first individual to testify will actually be a group of individuals. We have the Commissioner of Transportation, Mr. Jim Weinstein; the Director of Motor Vehicles, Mr. Dick Kamin; and the Executive Director of the South Jersey Transportation Authority, Mr. Jim Crawford.

Gentlemen, please.

COMMISSIONER JAMES WEINSTEIN: Good morning, Senator--

SENATOR CIESLA: Good morning.

COMMISSIONER WEINSTEIN: --and members of the Committee. Thank you and Senator DiFrancesco--

Is this on? (referring to PA microphone)

SENATOR CIESLA: Try it, Jim. No.

COMMISSIONER WEINSTEIN: Okay. No. There's no indication lights here at all.

The microphones for the hearing are working, but not the ones for the audio -- for the hearing room.

SENATOR CIESLA: Jim, try it now, please. Nothing?

COMMISSIONER WEINSTEIN: No.

Without aid of technology, is that the-- That's fine.

SENATOR CIESLA: We'll ask someone to come up in order-- But in the interim, since our recording microphones are working, we're just

going to ask the people that are in the back of the room to, please, be as quiet as possible, and we're going to ask that the individuals who are going to testify be as loud as possible.

So thank you.

Commissioner.

COMMISSIONER WEINSTEIN: Thank you, Senator.

It's the first time I've been asked to be loud.

Thank you for the opportunity to come here today. The issue before us is an issue that's of concern to all of us. This gives me the opportunity and our Department to express our concerns, to express our condolences to the families and friends of those people who have lost their lives and been injured over the course of the last couple of weeks. It's been an interesting couple of weeks for me as a new Commissioner.

And we have concerns, and there's been a focus in our Department on reviewing trying to make sure that we're doing everything that we possibly can. I want to make it clear that I think New Jersey has one of the best bus safety programs in the country. In fact, New Jersey stops and checks more buses during random roadside inspections than any other state in the nation. As a heavily traveled corridor state, this program is important, and our efforts show that New Jersey is serious about ensuring safe travel on our highways. These roadside stops are in addition to the regular inspection of almost 6000 commercial buses registered and based in New Jersey.

Today, I want to provide you with detailed information about New Jersey's in-terminal commercial bus inspections, New Jersey's random roadside commercial bus inspections, the recent bus accidents, New Jersey's 65-mph

speed limit and the issue of speed differentials, our newly proposed bus safety regulations, and the issue of seat belts.

An estimated 129 million passenger trips are taken by bus in New Jersey each year. More than a quarter million commuters ride buses each weekday to reach jobs in Newark, New York City, Philadelphia, and other locations within the state. The Atlantic City Expressway, alone, last year handled more than 400,000 buses bringing an estimated 10 million passengers into Atlantic City. New Jersey also has one of the largest private sector bus industries in the country with over 400 bus and van companies in our state. Private companies operate almost 3700 buses and New Jersey Transit almost 2000. In addition, there are about 400 commercial van operations -- commercial vans in operation in our state.

By statute, the Department of Transportation is required to inspect these buses and ensure their safety. New Jersey's buses are inspected twice a year -- once by MVS inspectors at the bus company's garage and once by the company itself -- with the results audited by the MVS staff. If during these inspections or audits we find a bus company with an extremely high failure rate or a general indication of poor maintenance, we take immediate action.

New Jersey also conducts random roadside inspections of buses funded through a Federal program called the Motor Carrier Safety Assistance Program. During the 1997 Federal fiscal year, the last for which we have complete national statistics, New Jersey conducted over 6000 roadside inspections, representing 17 percent of the total bus inspections conducted

nationwide, through the Motor Carrier Safety Assistance Program. Almost 36,000 inspections were conducted nationwide.

The Department will commit the resources necessary to ensure the integrity of this bus inspection program. New this year through this Program, we will give our field inspectors access to computers capable of producing a 30-day report card for any bus stopped for a random roadside inspection. This year we will put three of these systems in use. Ultimately, we hope to have all of our inspectors fitted with this system.

Buses roll day and night; so we also plan to purchase new vehicles with auxiliary lighting that will allow roadside inspections to take place after dark. Currently, we perform roadside inspections during daylight hours on both weekends and weekdays.

At this point, let me address the rash of bus accidents that occurred during the holiday season. Out of the four accidents, three of the four bus drivers were not licensed in New Jersey. Two were licensed by New York state and one by Washington, D.C. Both of the interstate bus carriers have a satisfactory rating according to Federal standards. This is based on a compliance review conducted according to national standards examining accident history, roadside inspection history, and overall compliance. The intrastate bus company had satisfactory inspections and a good safety record.

Mr. Chairman, as you know, there has been some discussion about whether the speed limit should be reduced for buses. New Jersey's 65-mph speed limit was implemented at the behest of the Legislature in 1997. While the original legislation would have required a 65-mile speed limit on all New Jersey interstates and limited access highways, Governor Whitman negotiated

an 18-month test period, which we're about a third of the way through at this point. As a result, 475 miles were designated for the 65-mph speed limit on May 19, 1998. At the end of the test period, I will submit a report to the Legislature recommending additions and deletions to the 65-mph speed zones and reporting on the overall safety and impacts of the 65-mph speed in our state.

Given the suggestions by some to reduce the speed limit for buses, I have looked into the matter and have been advised by both my technical staff and by our attorneys that there are problems. First, it is problematic to declare an emergency based on these accidents and, therefore, to differentiate the legal speed limit for buses. To do so without an emergency would also be problematic legally because State statute only permits a differential speed limit for trucks, not buses, and only by a differential of 5 mph.

More importantly and from a traffic standpoint, traffic flow is safest when traveling at uniform speeds. Posting differential speed limits in the view of the experts in my Department for different kinds of vehicles will tend to increase the speed variance of overall traffic creating more passing movements between vehicles.

Also note that reports on states that have different speed limits for different types of vehicles offer no conclusions that they are beneficial. Of the four high-profile bus accidents experienced over the holiday period, only two occurred in 65-mph speed zones. From the data we've gathered in our monitoring of the 65-mph speed limit so far, there appears to be very little difference in the before and after travel speeds indicating that motorists are traveling about the same actual speeds they were when it was a 55-mph speed.

Therefore, it is difficult to conclude that the 65-mph zone makes bus drivers travel faster. In fact, field operations from the State Police to date indicate that the traffic is traveling more uniformly in the 65-mph speed zones.

The available evidence seems to support the following general conclusions. Accidents rates tend to increase with increasing speed variance, but they do not necessarily increase with an increase in the average speed. We believe both of these are true on roadways designed to handle higher-speed vehicles. Secondly, the differential speed between 65 and 55 has no significant effect in reducing nontruck/truck accident rates and two-vehicles accident rates compared with those for the uniform speed limit. In fact, there is some indication that the differential speed limit may increase the rates of some types of accidents such as two-vehicle accidents.

The issue of bus safety regulations, which I know has been a concern to members of the Legislature, to the Governor, and frankly, to me, DOT has proposed new rules to establish a schedule of bus safety out-of-service violations and civil penalties for buses operating with bus safety out-of-service violations. These are generally consistent with national safety standards, certain Federal rules, and in particular, the out-of-service criteria of the Commercial Vehicle Safety Alliance. These rules will apply to interstate and intrastate autobuses operating on our roads and highways.

The Bus Safety Compliance Act provided for us to establish a schedule of bus safety out-of-service violations as either Category 1 or Category 2 violations depending largely on the nature and severity of the violations and the discoverability of the defect prior to a bus trip. The civil penalty for each

Category 1 violation ranges from \$300 to \$5000, while each Category 2 violation is up to \$500.

With regard to imposition of sanctions, buses will be placed out-of-service if found to have out-of-service safety violations and will remain out-of-service until the operator makes all necessary repairs. Accordingly, the duration of the sanction is exclusively within the control of the operator. In addition, DOT inspectors may issue a summons and complaint for each out-of-service violation for the most part returnable in municipal court. Presently, neither the Federal government nor any state imposes any direct monetary civil penalties on operators for operation of a bus with bus safety out-of-service violations, which are basically mechanical safety defect, that are consistent with these violations.

New Jersey's Bus Safety Compliance Act and the proposed rules are the first in the United States to impose specific monetary civil penalties for operating buses with bus safety out-of-service violations directly on bus operators. Four substantive provisions in these rules actually exceed Federal Commercial Vehicle Safety Alliance standards, and they are outlined in the testimony, which I've submitted in writing to the Committee.

Because of the thoroughness of our inspection program, we infrequently see these defects, but when we do, we feel that the substantial penalties are fully justified. In fact, the Department feels so strongly about the safety provisions and the fine schedule we are proposing that we will contact the Federal government and state officials around the country to encourage other states to follow our lead in adopting such bus safety rules and fine schedules.

As we look to the future, I think what our efforts are going to be focused on is a renewed emphasis on inspections, safety training, and aggressive enforcement, and that is exactly what we're doing. Some beneficial changes will be occurring to our bus inspection program this year. MVS is in the process of hiring additional bus inspectors to beef up the program. We are doing this in preparation for writing summonses and issuing fines to unsafe bus operators. We are anticipating staff will be called into court when testimony is required. We do not want court appearance requirements to lower the number of bus inspections we perform.

I expect New Jersey to remain first in the nation in performing roadside bus inspections. I expect more underside inspections of buses during roadside inspections through greater use of portable ramps. I expect the roadside program to expand into nighttime operations so we can check operators no matter when they are traveling our highways. I expect all these things because the public rightly expects government to ensure their safety.

Senators, I want to thank you again for conducting this hearing. I along with my colleagues from the State Police, the South Jersey Transportation Authority, the New Jersey Turnpike, and the New Jersey Highway Authority -- all of whom have representatives here today -- want to assure you that New Jersey is one of the safest states to travel in whether by bus, car, truck, plane, or train. I also want to assure you that we have a sound industry in this state that is as concerned about these issues as I've found over the course of the last six weeks or so as government is concerned. They've worked with us. I think Executive Director Crawford will highlight some of this as he talks about some of the efforts we've taken in Atlantic City.

I want to assure you that I will personally continue to make improvements and devote resources to bus safety measures. Statistically, New Jersey and the bus industry come up as a fairly safe way to travel when compared to autos, but if there's something we're missing -- and that's one of the real benefits of this kind of effort today -- and there's something we can do better, we should do it.

Myself along with my colleagues are willing to answer any questions you may have.

Now I'd like to ask Jim Crawford whose agency--

SENATOR CIESLA: Before we start, Commissioner, I think we have somebody here to fix the microphones, so we're just going to take a quick break and see if we can get those wired together so everyone can hear. Bear with us for a second, please. (pause for microphone repairs)

COMMISSIONER WEINSTEIN: One of the first rules of technology is to make sure it's plugged in. It wasn't. (laughter)

SENATOR CIESLA: Much better.

Okay. Thank you for your patience, Director Kamin, Director Crawford. The shuttle is fixed, so we can continue.

COMMISSIONER WEINSTEIN: Thank you, Mr. Chairman.

Mr. Crawford will now offer some testimony for your consideration.

SENATOR CIESLA: Thank you.

JAMES A. CRAWFORD: Mr. Chairman and Senators, first let me thank you for calling this hearing. Before us are matters affecting the livelihoods and, in fact, the very lives of New Jersey citizens. And so as you

have quickly and clearly recognized, we do no more than exercise our duty today in considering these matters with great care.

Bus travel is the cornerstone of the foundation supporting New Jersey's transportation system and, thus, the health of both its people and its economy. In South Jersey, buses cradle more than a million individual human lives each year. As the Commissioner has said, more than 400,000 bus trips were made on the Atlantic City Expressway alone, accounting for some 10 million visit/trips to Atlantic City. This is almost one-third of all of the visitors that now fuel the economic engine that is Atlantic City. And these numbers are recently on the rise.

While ultimately impossible to achieve, the goal of ensuring that we end all bus accidents is still a goal that we must strive. Every time we prevent a serious accident, we add to the physical and material health of our citizens. The good news in this effort is that bus accidents are already relatively infrequent, and New Jersey's enforcement practices are strong. Indeed, New Jersey may well have the toughest and most effective bus inspection and enforcement program in the nation even today without the new regulations.

The bad news is that the bus inspections are -- too often reveal troubling violations of existing regulations. And current penalties, while already consistent with or tougher than the Federal standards, may sometimes be too light to change egregious bus company behaviors in those infrequent cases in which such behaviors appear to occur.

This is why the South Jersey Transportation Authority firmly supports the bus safety regulations proposed by Transportation Commissioner

Weinstein. We believe these regulations will substantially enhance what is already an excellent system of inspections and enforcement. But it is important also because as we have seen from recent accidents, neither the bus's physical condition nor the road's speed limit nor other similar factors can be assumed responsible for the tragedies that ensue.

Human beings operate these buses, and no matter how experienced or how well trained, they are subject to the same human frailties that test us all. Sometimes the drivers are tense, tired, or distracted. Sometimes, despite the great responsibility they hold, they are simply not up to the game at which they're engaged.

Tackling this problem is of central importance to any program addressing bus safety. Recognizing this truth and in cooperation with the Department of Transportation, the other toll agencies, our partners at the State Police, the Federal government, and the Division of Motor Vehicles, my agency recently confronted these issues head-on in a series of Bus Safety Refresher Courses in Atlantic City. Attendance at such sessions reached approximately 1000 persons and more than 800 individual bus drivers completed the course.

In these sessions, experts from regulatory agencies and the bus industry itself reminded drivers about their responsibility under State and Federal regulations, but the experts also provided drivers with strategies to enhance their job performance. It may sound strange, but matters as simple as the food that the drivers eat during their breaks can have a profound affect on their level of alertness. I believe that education on matters like these is vital if we are to reach the next level of safety on our roadways.

Also important, the refresher courses reawakened in drivers the knowledge of their immense obligation to the souls who sit behind them. Achieving such awareness is alone a major step forward. The attitude of the driver as the single most important safety component on the bus is critical. Likewise, bus company owners and managers have a duty to assist in the continuing education of their drivers and to give them the tools needed to perform at their best. We're pleased to see the bus company owners and managers at the recent courses, and we encourage them to enhance the level of participation in the future and to take on such activities themselves more frequently.

SJTA and its partners are helping to make this possible by continuing the Refresher Course Program. We are currently scheduling additional courses on a quarterly basis with some to be held at night and on weekends in order to reach even more drivers and managers than we have already. It is our hope that one day every bus driver who heads to Atlantic City will have taken advantage of this Program at least once and learned from that the importance that they contribute to the safety of those entrusted to their care.

I would be remiss, also, if I did not point out that SJTA has another important obligation in the role of oversight of the bus industry. The South Jersey Transportation Act charges us with the regulation of the tour bus traffic in Atlantic County, which may well attract more bus traffic than any other county in the nation. We prescribe the routes which buses must travel, and we set the standards for the bus parking facilities they use. We now require that every bus parking facility provide a place for the drivers to rest as

well as a place for them to eat and to relax. Notwithstanding this, though, there is nothing that can be put into regulations that require the drivers themselves to make use of these facilities.

While primarily aimed at addressing the quality-of-life issues related to bus traffic, our regulations also allow us to assist in the successful enforcement efforts of DOT and the State Police. For example, we require that all approved bus parking lots provide facilities for safety inspections. We encourage those facilities to be used and, in fact, have written into our recent regulations a requirement that if directed by one of motor carrier inspectors to report to a Department of Transportation inspection location, a bus must do that or the driver will be subject to a direct fine for failure to show up. We also require that these lots set aside areas for drivers to rest and refresh themselves before embarking on their important charge.

Mr. Chairman, thank you again for calling the hearing. I'll be happy to answer any questions that you or the Senators may have on this issue.

SENATOR CIESLA: Thank you, Director.

We're going to hear from Director Kamin prior to opening up for questions.

Director.

RICHARD KAMIN: Thank you, Mr. Chairman. I only have a couple of points to make in support of the testimony by the Commissioner and the Director, and that is whether it's through licensing or whether it's through the inspection programs or whether it's through training, through education,

it's a reminder, quite frankly, that all of us when we take our positions behind the wheel how important it is to drive friendly.

SENATOR CIESLA: Thank you very much, Director.

Thank you collectively for your testimony.

But what I didn't hear and I'm wondering statistically the number of accidents, even though we've had six or so in the past -- very close period of time-- How does New Jersey rank statistically with respect to the number of accidents per mile traveled for buses relative to other geographical areas of the United States, if you know?

COMMISSIONER WEINSTEIN: We rank the best. What the actual number is-- I've brought with me today the folks in the Department who may have the actual numbers for you on that, Senator. If you'll give me a moment, I'll try and get them.

SENATOR CIESLA: At this point, I don't need to know the actual numbers; although, I would like to have them at some point in the future. What I'm trying to do is to put this in perspective in order to better understand so that the level of action that will be taken as a result of this is appropriate to the observed difficulty. So at some point, you can share that with us, but it was my suspicion that we were among the best in terms of total experience. At some point, it would be nice so that the Committee could have that.

COMMISSIONER WEINSTEIN: We'll get that to you, Senator.
Thank you.

SENATOR CIESLA: That would be great.

Does the Committee have any questions of any of the individuals?

Senator Sacco.

SENATOR SACCO: First, I'm very happy with the fact that this is being taken as seriously as it is and that there is a May deadline, I believe, for placing the regulation into effect. In 1995, the Senate and the Assembly and the Governor signed the Bus Safety Act. I can't hold you accountable because there are all new people here today, but we've wasted almost four years. We knew there was a problem back then. We wanted to free up the State Police so that the DOT could do the inspections. We wanted to increase the fines, but for the most part, the Legislature was ignored. I am happy now that you're taking this to the next step and that you're going to be doing it. So I thank you for that on behalf of all of us because we did work hard on that legislation back then. And let's hope that we make New Jersey even if we are the best -- make it better.

Thank you.

SENATOR CIESLA: Thank you, Senator.

COMMISSIONER WEINSTEIN: Thank you, Senator.

Can I just comment on that?

SENATOR CIESLA: Sure.

COMMISSIONER WEINSTEIN: There are no good excuses for the time that it took to implement those regulations. There were some issues that we had to deal with in going through that. We are the first state in the nation, and that's created some special challenges of its own. There is no good excuse. That will not happen again. They will be in place in the time frame they were published, and that will not happen again on my watch, Senator.

SENATOR CIESLA: Thank you, Commissioner.

Senator Allen.

SENATOR ALLEN: Executive Director Crawford, I'd like to ask what the experience was with the bus drivers who took the certification course. Were they eager to take it? Did they indicate that they found it helpful? And of the number who didn't take it, what do you suppose their reasons might have been?

MR. CRAWFORD: Well, I think, Senator, our experience was that we found a great deal of interest among the drivers, especially among those that I consider professional drivers, those who do this as their full-time career. They brought a lot to the sessions. They actually participated very actively in those sessions.

I think that the problems we ran into in terms of those who didn't come fall into three categories. The first were that there are bus companies that the drivers just weren't there for the middle of the day activity -- the people who come in late in the afternoon. That's why we need to run evening and weekend sessions. The second group that don't come are the-- Most of the companies represented in large numbers were the major companies coming in and out of Atlantic City. The companies that already have training programs for their drivers and where the drivers are professional.

What we didn't see were a lot of the very small companies in attendance. Now whether that's because of the timing of it -- January is not one of the biggest months in terms of visits by buses -- I can't say for certain, but it is one of the reasons we want to make sure we reach out to those companies in particular for the next go-around. And the third issue that comes up in this is simply that there are some drivers who may not qualify as drivers,

know they don't qualify, and they have chosen not to show up because we were keeping records on everyone who did come through that Program. So we want to be conscious of that, and for that reason, we've given to each of the bus companies a complete list of all of their drivers who have attended so that they can begin to work with those who did not attend to find out why they didn't attend.

SENATOR ALLEN: Is there anyway to find out who the drivers are that don't qualify, while they are there and waiting for their passengers?

MR. CRAWFORD: Probably not during that immediate time. I would suggest that what we could do is to send back to the bus companies, as we have, of all the drivers who attended and ask them to confirm that each of those drivers is a fully qualified driver.

SENATOR ALLEN: Thank you.

MR. CRAWFORD: That still isn't going to get those who don't show up because they know that they themselves are not quality drivers.

SENATOR ALLEN: How do you determine who a fully qualified driver is? Is that something that is apparent with a document that they carry or that can be found out through a computer?

MR. CRAWFORD: It can be found out through a computer. All the bus drivers are required to be CDL licensed, so that they would have to have that. If they're a New Jersey driver, they would have to have a bus endorsement on their driver's license.

SENATOR ALLEN: So it would be possible in the future to perhaps use a computer and have somebody -- that you do spot checks or

something. You could find somebody, use your computer and find out that they're not qualified and immediately take action.

MR. CRAWFORD: The one problem is that probably half of all the drivers who went through that training are not licensed by the State of New Jersey. We have, as you would expect, a very large number of the buses that come in are coming in from New York, Pennsylvania, Delaware, Maryland; and those drivers are licensed in their home states. I'm not sure that we could do that that quickly; although, I'm certainly prepared to work with Director Kamin to see what we can come up with for the future sessions.

MR. KAMIN: There are many programs, Senator, that work beyond the state borders. There's a commercial driver's license information system, known as CDLIS, that we work with, and that information is shared. Even though there are the Federal requirements, we in New Jersey watch very carefully those who are registered as drivers here in New Jersey. And if there's a very, very strong support for sharing of that information between states, so that there aren't, for example, someone with a home state of Pennsylvania having multiple driver's licenses, or their privileges might be suspended in one state and they would have what would appear to be a valid, commercial driver's license in another. Those opportunities virtually are nonexistent because of the shared information, ultimately, of the same kind of benefit for the motoring public with just normal drivers by sharing that information.

SENATOR ALLEN: Just one final question. Do you think it is to the benefit of the State of New Jersey to do any kind of spot inspections on these kinds of documents and whether through the computer, or whatever, to make sure that all of the drivers are, in fact, up to where they need to be?

MR. KAMIN: Absolutely. The regulations adjust for the fines and penalties for there to have proper record keeping. There's no better way to check the authority of a company than an on-site inspection. As you know, much of that was the thinking behind the implementation of our school bus program, as well, to be able go into the terminals not only check on the drivers, but to also check the vehicle maintenance history for the vehicles registered at that location.

SENATOR ALLEN: Thank you.

SENATOR CIESLA: Senator, they actually said you could check their smart card to find that information out. (laughter)

Senator McNamara.

SENATOR McNAMARA: Commissioner, in reviewing your testimony, I-- We seem to have a tremendous amount of bus and van companies in the state -- over 400. Correct?

COMMISSIONER WEINSTEIN: Yes, Senator.

SENATOR McNAMARA: You go through the process that when-- How many inspectors do we have?

COMMISSIONER WEINSTEIN: We have -- active inspectors at this moment -- 17, Senator, and we're in the process of hiring 5 more. We have a supervisory staff of 4 above that.

SENATOR McNAMARA: Now, if I understand reading through this, the process is that once a year they get inspected by an inspector, and the second time the company itself inspects their vehicles.

COMMISSIONER WEINSTEIN: That's correct, Senator, unless they in the normal inspection or in the audit they have found violations, then

it's possible that they could be put on semiannual or a quarterly basis. And, in fact, we have approximately 60 bus companies in this state that tend to be smaller van and minibus operators who actually have inspections conducted by our inspectors on a quarterly basis.

SENATOR McNAMARA: I guess, that's what I was interested in. How does the public find out -- maybe a way of raising awareness? If there's some way that the public can find out, those companies that are on that quarterly inspection because they only get on there if they've failed and were there poor maintenance, right? It's either safety or maintenance.

COMMISSIONER WEINSTEIN: Yes. If there's a breakdown in maintenance and all that -- Director Kamin can speak to this-- If there's a breakdown in maintenance, I mean, those buses are red-tagged, and they are not allowed to enter service until they meet the maintenance threshold for a safe vehicle.

SENATOR McNAMARA: But the companies themselves, you're saying there are some 60 companies in the state -- right? -- which is more than 15 percent of those that are operating that are, in fact, on this compulsory Program because they have not met the criteria that the other companies made. What I'm saying, if the public was aware, I would think they would not choose to use those companies, and that would be a great incentive for them to spend the money in the normal course of doing business to maintain their fleets so that they get off the list.

COMMISSIONER WEINSTEIN: I think, Senator, that perhaps there's merit in that. I just want to -- in characterizing it as 15 percent, while that is, in fact, 15 percent of the bus companies that are registered, it is not 15

percent of the service. There are companies in this state -- we all know the names of them -- that have remarkably good safety records. They take great pride in the maintenance of their vehicles.

SENATOR McNAMARA: Wouldn't the public be better served, then, if they knew the ones that don't? Those companies that may be doing 70 percent of the business may end up doing 90 percent. And if they're the ones that do, in fact, maintain their fleet, do everything 100 percent correct, we're all better off.

COMMISSIONER WEINSTEIN: Yes. I mean, it would be difficult to argue against what you're positing here, Senator.

Maybe Director Kamin could add something to this.

MR. KAMIN: Just to add, Senator, that our mission is, that any time a passenger -- someone from the public -- steps onto a bus, they should have 100 percent assurance that the driver's properly licensed and trained, that the vehicle is a safe vehicle for transportation. It will be operated and deliver the passenger to where they want to go. That's our mission 100 percent of the time. The fact that some vehicles or some companies have some failure rates and have become on our watch list does not mean that those vehicles when they're out operating aren't, in fact, safe vehicles. We're holding their feet to the fire, so to speak, so they might not let things slide where -- and see if it would pass inspection. If there's a chance of whether or not the tires might, say, be 30 percent left wear on, and they say, "Gee, maybe it will pass inspection," and then they let it happen. Well, the incentive now will be for the companies to make those preventive maintenance decisions so that the vehicles will pass. And the fact that we can keep track of that, I think, leads

to your point. When a bus company is on our watch list, that's not a pleasant thing for them to have to do. It's in their best interest to follow the rules, and it's best for the motoring public as well.

SENATOR McNAMARA: That's good news. When they're on the watch list, do you take the time then, also, to check the drivers in those particular ones? Because I would think if a company is well operated and conforms and stays on the self-inspection program because they do it well, they would also take the care to make sure that their drivers are the best. Those companies that are on your watch list, the 60 of them, I'd just be curious if you could get that information back to the Committee, through the Chair, as to when you check those drivers that drive for them, whether their license and credentials are all in order. It may be a place to start.

COMMISSIONER WEINSTEIN: I believe that's part of the audit process that they--

SENATOR McNAMARA: Oh, good.

COMMISSIONER WEINSTEIN: --go through, Senator, but I'll get a detailed response to that exactly how it takes place to you shortly.

SENATOR McNAMARA: Thank you.

SENATOR CIESLA: Thank you, Senator.

And again I apologize for the sound system. We did ask for Maintenance to come and check it, and I assume they're on their way, so please bear with us.

Senator Turner.

SENATOR TURNER: Yes. Thank you, Mr. Chairman.

I'd like to ask the Commissioner, what are the requirements for an individual to receive a commercial driver's license here in the State of New Jersey?

COMMISSIONER WEINSTEIN: There is a-- It's actually both an experience and written test that they have to go through. For a bus driver, there has to be a passenger attachment to that, and it's a fairly extensive process, Senator.

Maybe Director Kamin can give you more details on that.

MR. KAMIN: I can add as well, Senator, that there's the requirement of physicals. There's the requirement that the companies for which they drive to check with us and make sure that the license is valid, and that there's extra training. That's the passenger endorsement that the Commissioner referenced. It's a Federal test, and then there's the behind-the-wheel test as well.

SENATOR TURNER: Are there--

MR. KAMIN: And also -- good point, Jim reminded me -- that also there's drug testing involved as well, and drivers can be subject to random testing.

SENATOR TURNER: Are we in compliance with the Federal regulations regarding CDL?

MR. KAMIN: Indeed we are. In fact, our laws and regulations exceed the Federal minimums. And that's why through national associations, like the American Association of Motor Vehicle Administrators, of which I represent the State of New Jersey, and others that the Commissioner represents the State of New Jersey as well, our Program is looked at as a model.

SENATOR TURNER: I know that the driver in one of the accidents was licensed in New York. However, it was indicated in the press that he was unable to communicate with investigating officers. They had to find a Russian interpreter. And as I read the Federal regulations, it indicated and reads that one must be able to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records. So clearly, this particular driver did not meet those standards. And then I read the 1998 edition of the New Jersey Commercial Driver's Manual, and it makes no mention of English proficiency requirements. Now, do we in New Jersey have that requirement?

MR. KAMIN: We do. And also the importance of being able to communicate to the passengers or the public in an emergency situation. So it's not just being able to read. There has to be the ability to communicate is required as well.

SENATOR TURNER: In English?

MR. KAMIN: Yes.

SENATOR TURNER: But you do administer these tests in foreign languages?

MR. KAMIN: We do, but in so doing, there is the requirement that the driver at least recognize international signs and what's written in English, but the tests could be given in a different language. I know that our driver's test is given in 17 languages. I believe the CDL test, I think we give in 4.

SENATOR TURNER: In four languages?

MR. KAMIN: Right.

SENATOR TURNER: They are Spanish and--

MR. KAMIN: There may be two.

SENATOR TURNER: Two.

MR. KAMIN: English and Spanish. I think it's only the two.

SENATOR TURNER: I think I saw two in the manual.

In view of these standards and the accidents that we've seen, do you believe that we have a sufficient standard of requirements for a CDL here in the State of New Jersey? Do you think there is a need to update it?

MR. KAMIN: Well, as the Commissioner mentioned, that's why there's the benefit for this type of a hearing. If there's anything more that we can do and we can reasonably apply to our Program, we will. So it's under constant review, the fact that we share information not only from the driving and learning experience here in New Jersey, but with the several states, in fact, all of North America.

SENATOR TURNER: I also recall, I think, at least one or more of the drivers had some violations on their licenses. Is that correct?

MR. KAMIN: We can get-- Those drivers' records are public information. That would, perhaps, be-- Since those accidents are still under investigation, I might defer to Colonel Williams for those details at the appropriate time.

COMMISSIONER WEINSTEIN: That is, Senator, one of the issues, frankly, that we've had some discussions with the motor bus operators on how violations -- while drivers are required to report violations under the operating procedures of the companies, making sure that the operators, the

company officials, management, know is an issue that we're trying to figure out a very effective and maybe more effective way of making sure that the management of the company understands that there are issues. If there's a violation issued, that the management knows on a timely basis.

SENATOR TURNER: I think, we, too, in the State of New Jersey in Motor Vehicles should be aware of those violations and make sure that people are not driving if they, in fact, have accumulated a number of violations, particularly driving buses where so many passengers' safety is at stake.

COMMISSIONER WEINSTEIN: I agree with that Senator.

MR. KAMIN: We do, and I might add that South Jersey Transportation Authority, Executive Director Crawford, in fact, when tickets are issued, they have a way to communicating that to the company so that the company learns directly from the Authority that the tickets have been issued. There's also the ability that exists now for bus companies, if they so choose, to hire a private contractor who is under an arrangement with the Division of Motor Vehicles to check on whether or not a licensed driver is in good standing. For example, if you were to go in to rent a car at Newark Airport or in the tristate region, through some vendors who are authorized to get a yes or no, the driver's in good standing information from us, can very quickly on line check that for a small fee. So that technology is there.

Most bus companies utilize fairly regularly, check quarterly, semiannually of making sure their drivers are in good standing. There's nothing more important to that carrier than their reputation and the people behind them. This is a service business. It's a competitive business, so they care about their drivers.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Thank you, Senator.

Senator Allen, one last question.

SENATOR ALLEN: Once they pass the test initially and become a certified driver, other than the refresher course that you're offering which they do not have to take, are they ever asked to pass anything again? Are they ever looked at again to see whether they continue to meet the standards?

MR. KAMIN: There's the annual physicals, the drug requirements, and then, of course, the renewal process that we are responsible for, for the 300,000 commercial driver's licenses here in New Jersey.

SENATOR ALLEN: What do they have to do for that renewal process?

MR. KAMIN: Pass the physical and the drug testing.

SENATOR ALLEN: So there's none of the driving pieces are a part of it at all?

MR. KAMIN: No.

COMMISSIONER WEINSTEIN: No. I think the major operators have ongoing programs, quality assurance programs, that go to training, that go to review of their driver's records, those things that help assure in a management structure that they're running a safe service and that their drivers are well qualified.

MR. KAMIN: And as the Federal regulations change or state laws change, the driver's responsible for having a full understanding of that. Those documents remain available to the bus companies so that the drivers, by virtue

of holding that license, there are certain responsibilities and obligations that they must adhere to.

SENATOR ALLEN: But we don't know if they do actually. You talk about the major operators, what about the minor operators? Seem to be those are the ones whose drivers, perhaps, didn't take advantage of the refresher course, and do they, in fact, have the same kind of programs within their companies to make sure that their drivers tow the line?

MR. CRAWFORD: Senator, the answer to that would vary depending on the companies. I don't want it to appear that just because a company is small that it doesn't have an extensive training program because, in fact, some of the smallest companies have some of the best programs. But, yes, there are companies that do not have such programs, and the only thing they check is that, yes, this person has a CDL, that it's a current CDL, they've passed their physical, and they know how to drive a bus.

SENATOR ALLEN: If you're a bus driver and you take another job for a few years and then you decide to go back, do you have to go through the whole test, or do you just--

MR. KAMIN: If the license were to lapse, I believe, for longer than a period of three years, then there would be the requirement of the whole new test again. But as long as you keep it in good standing--

SENATOR ALLEN: Have the physical and pay the check.

MR. KAMIN: --even between states-- Yes.

MR. CRAWFORD: Senator, it should be pointed out, you don't actually have to be actively employed as a bus driver to maintain that bus license.

SENATOR ALLEN: All right, thank you.

SENATOR CIESLA: Thank you very much, gentlemen. We appreciate the information.

MR. KAMIN: Thank you, Senator.

SENATOR CIESLA: The next individual to testify, I believe, has arrived. It's Senate President Don DiFrancesco.

Did you come by bus?

SENATE PRESIDENT DONALD T. DiFRANCESCO: Ciesla, from Ocean County, yes.

SENATOR CIESLA: Welcome.

SENATE PRESIDENT DiFRANCESCO: I was there last night--

SENATOR CIESLA: I know.

SENATE PRESIDENT DiFRANCESCO: --looking for you.

SENATOR CIESLA: I was in the back of the room.

SENATE PRESIDENT DiFRANCESCO: I told them you were there.

SENATOR CIESLA: Welcome, Don.

SENATE PRESIDENT DiFRANCESCO: Good morning.

Is it on? (referring to PA microphone)

SENATOR CIESLA: Yes. Red means on.

SENATE PRESIDENT DiFRANCESCO: Thanks for waiting for me. I had a meeting at 10:00 with the Governor, and she's restricted in how often she can meet, so I didn't want to adjust that. I want to thank you for being here and undertaking what I think is a very important task and a very-- And I think it's going to be difficult because I'm asking this Committee to look

at the laws, the regulations, and the standards that we have, and perhaps, that other jurisdictions have in order to see how those standards relate to bus safety in New Jersey on our roadways. So the impetus for this, you all know, goes back to December when there were three serious bus accidents leaving eight people dead, dozens injured, and a countless number of bus riders very fearful, very fearful to board buses. And, of course, wouldn't you know it, sadly enough, two incidences occurred just two days ago, again, so that there has seemed to be an ongoing number of bus accidents.

I think we're all in agreement that New Jersey's road safety records are very respectable. In fact, I believe we've been a leader and at the forefront of transportation safety in a number of areas, but that isn't to say, however, that we are above review and beyond calling for a comprehensive look at what, if anything, can be done to make the roads safe for buses, for its drivers, and literally, for the thousands that use the buses in New Jersey. So it's my hope that this Committee will take this opportunity to examine what's already in place from inspections to enforcement with an eye toward its effectiveness in keeping our roads safe.

Equally important, however, I believe, are-- I would hope that any flaws or gaps in our laws and regulations will be uncovered, and as an end result of this hearing, recommendations for change and improvement will be provided to the Legislature and to the Governor. And you all know that as time passes, there's always room for improvement, there's always recognition of changing times, things that, perhaps, can be done to improve in all areas, but particularly, where we're talking about road safety.

Now, as a corridor state, of course, there are a tremendous number of vehicles that pass through our state but don't necessarily have to meet our standards.

And, of course, Hank, you being from Bergen County, you know that better than anybody.

As such, I recognize there are limitations on how we oversee operators and others who are beyond our borders. So it would be most useful, I think, and responsible if the legislators and the regulators in our neighboring states would undertake their own safety reviews so that our roads that we share can be improved at large.

So, again, I know that you can only do what jurisdiction you have to do, and I thank you for taking the time and the effort to bring a coherent, I think, and a comprehensive focus to an issue that was suddenly and tragically brought to our attention just a few short weeks ago.

That's all I have to say. I want to thank you all once again for doing this and for listening to the people that will come here. Hopefully, you will get a good feel for at least today for what we have and, perhaps, where we have to go.

Mr. Chairman.

SENATOR CIESLA: Thank you. Thank you, Don. Thank you for your comments and thank you for the opportunity to look at the situation in New Jersey, which obviously, as you correctly state, continues to change and probably can be improved in some way. Hopefully, as a result of this hearing, and perhaps others that are going to come, we'll be able to make some

recommendations to you, put it in legislation, and make New Jersey even better than it is today.

SENATE PRESIDENT DiFRANCESCO: Now, it was my understanding back then, Senator, that the Federal authorities were going to do a lengthy investigation, but that it would take six months, not unlike their other investigations that have a high profile like airplane accidents, before they would actually put into writing recommendations. Now, I don't know if that is accurate, but that's what I was told. So, again, I'm hoping that these same Federal authorities will cooperate with you in giving you information that they have gathered so that you can utilize their expertise in drawing these conclusions, too.

I'm not sure -- perhaps, the Commissioner knows more about that part of it than I do -- but they have not had contact with me since that time in December. So, hopefully, they will be helpful to us. I know they have people in New Jersey, as they do all over the country, and that they'll be a very useful resource to this Committee.

Thank you.

SENATOR CIESLA: Thank you. Thank you, Senate President.

I know from third parties that they are here in New Jersey. They haven't shared any direct information with me as the Chairman of the Committee. I am, also, looking forward to whatever their findings are. Hopefully, we can incorporate it into whatever we're going to recommend to the Legislature. Again, I'm certain that whatever we do, it's going to make it a little bit better than what we currently experience.

SENATE PRESIDENT DiFRANCESCO: Thank you. Thanks.

SENATOR CIESLA: Any Committee comments? (no response)
Seeing none, thank you very much.

SENATE PRESIDENT DiFRANCESCO: Thank you.

SENATOR CIESLA: I appreciate your taking the time to come
and share your thoughts with us.

SENATE PRESIDENT DiFRANCESCO: Thanks.

SENATOR CIESLA: Our next witness will be Colonel Carl
Williams with the New Jersey State Police.

Colonel.

Good morning.

COLONEL CARL A. WILLIAMS JR.: Good morning, sir
and Senators. Before I begin my testimony, I'd like to introduce the two
troopers that are with me today. To my left is Lieutenant Ron Small, who is
the Unit Supervisor of our Commercial Vehicle/Bus Inspection Units, and to
my right is Sergeant John Herman, who is the NCO in charge of the Carney
Point CVI Inspection Station, down off of 295 in South Jersey, and he is also
a renown commercial vehicle/bus inspector, who has gone throughout the
United States offering testimony and also teaching other CVI inspectors how
to do their job. They will be available to answer any of the technical questions
that you might have at the end of my testimony.

SENATOR CIESLA: Thank you.

COLONEL WILLIAMS: Our purpose this morning is to address
not only the December 24, 1998, fatal bus crash involving a New
York-registered motor coach on the Garden State Parkway, but also the
subsequent motor coach crashes, including two which occurred on Tuesday

night of this week. While only one fatality occurred as a result of the later crashes, a significant number of people sustained various levels of injury. These events concern me greatly and remain the focus of enhanced enforcement and investigative attention by the New Jersey State Police.

From an enforcement point of view, I can assure you that safety is our primary goal. The New Jersey State Police, along with the Division of Highway and Traffic Safety, has several crash reduction programs in place. They are the Aggressive Driver Enforcement Program, which is designed to detect anyone who operates their vehicle in a manner which creates an unsafe driving environment, and the 65-mph Speed Enforcement Program with the overall objective to ensure compliance with the new 65-mph speed limit.

The State Police have also initiated numerous other programs which are more traditional in nature such as patrols, our tactical patrols, our use of unmarked vehicles and stealth vehicles, our saturation and increased holiday enforcement activities, and weight enforcement and safety inspection details directed at commercial vehicles and motor coaches. Additionally, the State Police Traffic Bureau has put in place various programs which specifically target commercial vehicles and motor coach enforcement.

As the New Jersey Department of Transportation has already indicated in their presentation, New Jersey has one of the best bus safety programs in the United States. In fact, New Jersey always has been in the forefront of commercial vehicle enforcement. As early as 1992, we realized the need for an increased commitment to motor coach safety. Indeed, New Jersey was one of the five pioneer states to use Motor Carrier Safety Assistance Program funds for the purchase of portable inspection ramps to conduct

full-scale Level I roadside inspections of motor coaches. The other states being California, Idaho, Nebraska, and Pennsylvania.

The result of this initial inspection program was a 30 percent increase in the out-of-service rate for roadside inspections. When I refer to out-of-service, I mean a mechanical condition which likely cause a commercial vehicle to crash or to breakdown.

The New Jersey State Police and the New Jersey Department of Transportation conduct enroute inspections on motor coaches year-round on the Garden State Parkway and the Atlantic City Expressway, the main traffic corridors to Atlantic City. Additionally, the Great Adventure Amusement Park and the Meadowland Sport Complex provide additional sites for inspections, due to the fact that they are primary motor coach destinations. Both the State Police and the DOT conduct inspections at these locations when they are in operation.

One of our more intense operations takes place in Atlantic City, where destination inspections are performed at two locations along Route 322. Many motor coach owners and operators confuse these inspections with the Herbertsville enroute inspection operation on the Garden State Parkway. Because New Jersey conducts more motor coach inspections than any other state, we are the recipient of many complaints from the industry. Some members of the industry feel that we are interfering with their commercial ventures in and out of Atlantic City. This could not be further from the truth, since passenger safety and crash avoidance are our primary goals.

During a destination inspection, the passengers have already been delivered to their destination. In June of 1999 (*sic*), during an operation in

Atlantic City, inspection teams developed information that some motor coach drivers were remaining in the city after dropping off passengers to avoid being inspected. Generally, drivers proceed to locations other than the downtown area and park until it is time to pickup their passengers. Members of the Commercial Carrier Safety Inspection Unit went into the Atlantic City area and escorted those vehicles to the location where the inspections were being conducted.

I might add, this behavior is not typical of carriers as a whole, but it is indicative of those companies with less than satisfactory compliance histories. I would like, also, to point out that just as these operators network to avoid inspection, other carriers have a network of communication through CB radios designed to thwart speed enforcement efforts of the New Jersey State Police and other enforcement agencies. We will endeavor to find new methods of combating these and enhance our enforcement results.

Even before this recent unfortunate series of crashes, the State Police was reviewing a plan to create a dedicated motor coach inspection squad. Presently, members of the State Police Commercial Carrier Safety Inspection Unit perform in dual capacities conducting commercial vehicle inspections and weight enforcement for trucks and motor coaches. The proposed new squad would channel its efforts toward motor coach activity and compliance review. Our Carneys Point Weigh Station in South Jersey, which opened in September of 1999 (*sic*), provides us with the capability for inspecting motor coaches, as well as weighing and inspecting trucks.

Finally, as in any area of law enforcement, our job is made easier when we have cooperation, and I underline that word, cooperation. In this

case, we need cooperation from industry and the public, namely, motor carriers and the passengers who ride those motor coaches. It has been alleged that passengers tip drivers in order to entice them to drive faster so they will arrive at their destination more quickly. If this is true, this practice should be stopped at once in that it may enhance the violation of motor vehicles laws and compromise safety.

The New Jersey State Police will continue to work with both Federal, State, and local agencies to further enhance our commitment to safety. We will continue to review our existing enforcement strategies and will develop new programs, as necessary, to enhance and remain proactive.

Thank you very much, sir, and we're open for any questions.

SENATOR CIESLA: Thank you, Colonel.

Senator Turner.

SENATOR TURNER: Yes, thank you, Mr. Chair.

I'd like to ask, in view of the fact that most of the buses it seems have Atlantic City as the destination point, would it make sense to have a facility located in Atlantic City rather than having it located in Brick, which is off the beaten path, so to speak, and you have all of these passengers on that bus, and the drivers have a lot of downtime waiting in Atlantic City? Would it not make sense to open a facility there to accommodate these inspections?

COLONEL WILLIAMS: Senator, we do have two facilities in Atlantic City off of Route 322 where we actually do the buses. Those are when we do the destination-type inspections, when the bus has already arrived at Atlantic City. We do it right there at that point. So we do have two locations in Atlantic City where the DOT and our troopers do inspect the buses.

The one on the Parkway is more or less a ride-through type of inspection where the bus is brought over and a quick visual and a check of the credentials is made, but the bus is not tied up so it allows the passengers to reach their destination. But like I say, once they do get to Atlantic City, we do have those two facilities where we bring them back out.

SENATOR TURNER: In your inspections, how often is it that you find that the buses have some mechanical problems or some violations?

COLONEL WILLIAMS: How about if I let Sergeant Herman answer that.

SERGEANT JOHN HERMAN: Senator, when we do Level II inspections, which are a complete inspection, other than the undercarriage of the vehicle, a driver check, and a walk-around inspection of the vehicle, the out-of-service rate is between 8 percent and 10 percent. When we inspect the vehicles using the portable ramps where we elevate the bus and inspect the frame and the undercarriage of the bus including the entire braking system, it rises to between 30 percent and 35 percent out-of-service rate.

SENATOR TURNER: Thirty-five percent out of service?

SERGEANT HERMAN: That's correct.

SENATOR TURNER: And what do you do in those cases?

SERGEANT HERMAN: When those vehicles are placed-- In Atlantic City area where we have the destination inspections, Senators, the driver is allowed to make a phone call. Usually they have a cellular phone, or we make arrangements to escort the driver to an area where he can contact his company, and they are provided that window of four to six hours to either

provide another motor coach for the transportation of their passengers or to take necessary corrective actions.

SENATOR TURNER: On that level, 35 percent, is that more the exception than the rule in terms of buses being that deficient?

SERGEANT HERMAN: I would think, Senator, if you looked at the statistics over the last six months, which we don't have yet, you'd find that that's probably gone down. The inspections that we're performing have had a result in Atlantic City, and we're finding a little bit less. When we do use the ramps, I would say that you're going to find that that would be the exception. About 30 percent is a good figure of the bus being placed out of service.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Are there any other questions? (no response)

Colonel, I have one question, and it has to do with the rate of speed because I know that that will be a topic today. Just giving my casual observations from driving on the Parkway -- everybody, obviously, has them -- it seems that when the speed limits were raised to 65, there actually was a net decrease in the speed on the Parkway because of, I would imagine, your directive to enforce close to a zero tolerance rule. Since that time, it seemed to have crept up again, and I'm wondering if there is any recommendation from your office as to whether or not speed is something that needs to be addressed by this particular body as it relates to differential between buses and vehicles that use the roadways?

COLONEL WILLIAMS: Well, Senator, in conversation with our traffic people, we-- At this time, we are not in favor of a differential between

different sizes of vehicles, different types of vehicles. We feel that we're in the middle of our test period for the 65-mph speed limit statewide, and that we need some more statistics to look at. It's a program that we think is working in New Jersey, and we'd like a little more time for it to go its roots, so to speak, and have some more statistics available before we make a decision. But as I said, amongst ourselves--

Lieutenant Small can chime in here with regards to the differentiation in speed. When you put several different vehicles out on the road and you have one moving at one speed and another at another, I think you're, in my personal opinion, asking for a little more havoc on the highway.

Ron.

LIEUTENANT RONALD SMALL: As far as the differential with speed, it also has to do with driver attitude. A lot of times since we've seen the 65-mph program instituted, the drivers are able to move along sort of, like, with the speed limit, cutting down on the frustration. The other thing has to do with the signage on the road. It seems like when they get into an area where the signs indicate a difference in fines, they seem to obey the limits a little more closely.

SENATOR CIESLA: One last question. There was some reference in your testimony to caravanning, using CBs in order to avoid enforcement for speeding. With the introduction of cellular phones and other technology, has that been -- do you experience that as being an impediment as well? In other words, one driver leading a convoy, in effect, notifying the balance of your location.

COLONEL WILLIAMS: You're correct, Senator.

Sergeant Herman can speak to that directly.

SERGEANT HERMAN: Senator, as the Colonel addressed, during the summer of 1998 in June, we were set up on U.S. 322, and as a result of information from drivers that we were inspecting of other drivers loitering in the Atlantic City area when we were set up, we came back within a day or two and went into the city, and we actually pulled out some of these buses that were parked on the side of the road that appeared to be in need of inspection. We did find that there were avoiding us.

We also found out that when we run the commercial vehicle aggressive driving details, which we run on random times through the year out of the Commercial Carrier Safety Inspection Unit, that the troopers in the Commercial Carrier Unit equipped with CBs do hear a networking of their setup, as has always been the case. That's not something that's new, but it becomes more prevalent that there's a certain group of drivers that are more than willing to comply with the speed limit, and then there's the attitude group that Lieutenant Small was talking about that want to get there quickly and regardless of their cargo, which is in this case human lives, are willing to compromise by use of cellular phone, by use of the CB, by use of the radar detectors.

SENATOR CIESLA: Thank you very much.

Senator.

SENATOR TURNER: Yes. In view of these recent accidents there has been considerable discussion regarding seat belts, whether or not commercial buses should be required to have seat belts. What research or what is your opinion regarding mandatory seat belts on commercial buses?

COLONEL WILLIAMS: Lieutenant Small will answer that.

LIEUTENANT SMALL: There's always an issue of requiring seat belts of enforcement. I'll defer to Sergeant Herman. He'll tell you some of his experiences with the seat belts and the requirements of seat belts on motor coaches, as well as possibly even school buses.

SERGEANT HERMAN: Senator, in September of 1994, New Jersey instituted one of the toughest seat belt policies for their school buses. Any new buses that came out of a manufacturer, the children are required to be equipped with seat belts. A discussion came up of concern among the drivers -- I spoke at several school districts -- and the concern for the drivers was, who's responsible if there's an accident and children aren't wearing their seat belts? Not all of our districts can afford the student aides. It also becomes a question in motor coach as -- that would have to be addressed by the Legislature if they wanted to enforce mandatory seat belts that -- where would the enforcement lie? Would it be an obligation on the carrier to make sure before he proceeded that all of the passengers had their seat belt? If they belted them up before the enforcement agent got on the motor coach, it's obviously a very good idea if we have everybody restrained in their seat. That would be ideal, but the enforceability of it comes into question as to who is responsible and then the legal liability if they're not wearing them. So it's something that would have to be looked at and studied in extent.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Thank you, Senator Turner.

Thank you, gentlemen. We appreciate your testimony.

COLONEL WILLIAMS: Thank you, sir.

SENATOR CIESLA: Senator Joseph Vitale.

Good morning, Senator.

SENATOR JOSEPH F. VITALE: Good morning. How are you?

SENATOR CIESLA: Good. Thank you.

SENATOR VITALE: Good to be here and to see all of you.

I just want to, first, thank obviously the Chair and Senator DiFrancesco and all the members for being here today and addressing what is in response to a series of crashes involving passenger buses and, in general, discuss the process by which the State ensures overall passenger and driver safety. In addition to other steps the State must take to ensure safer roads, I urge you to consider the possibility of lowering the speed limit for school buses, other passenger buses, and the large trucks that travel upon our limited-access highways and interstates.

So on the outset, I would like to recognize one main concern that some transportation advocates, including the Commissioner and Superintendent of State Police, express regarding split speed limits. That is that variances in speed, for example, cars limited to 65 mph and trucks limited to 55 mph, interact at dangerous levels. I believe that in part my testimony and documented information that I have provided to you this morning will begin to address that very important concern.

When the Legislature raised the speed limit from 55 to 65, the State not only raised the limits for competent drivers with safe cars, it also raised it for poor drivers, chronic offenders, and the most inexperienced drivers, teenagers. Similarly, we raised the speed limit for trucks and buses. Now, all

types of drivers with varying degrees of ability in automobiles, in trucks, and buses with random degrees of performance are thrown together on the highways of our state.

I recognize that there is very little sentiment at this time to revert to the maximum 55 mph for all vehicles, but I believe it is reasonable and responsible to consider doing so for buses and large trucks. I believe that all of us have a large degree of common sense when it comes to the physics of size and speed. As New Jerseyans, we spend a great deal of our time in our automobiles observing the driving habits and speeds of all vehicles, and so our opinions are more than just anecdotal. They are based on real experience as well as technical data. Therefore, I don't believe that I'm going out on a limb when I say that we can all agree that buses and trucks cannot stop as quickly, avoid other vehicles in emergency situations as competently, or perform in inclement weather as capably as passenger cars. And, unfortunately, when they do crash, it seems that the price is higher in injury and death.

To support my position on split speed limits, I have provided to you a technical summary by the U.S. Department of Transportation, Federal Highway Administration, and a listing of states with split speed limits and with same speed limits. Those states with split speed limits -- it's a tongue twister -- are Arkansas, California, Texas, Oregon, Washington State, Michigan, Indiana, Florida, Ohio, and Connecticut. Montana, which does not have a speed limit for passenger cars, at least has the common sense to have a limit for buses and trucks.

The primary purpose of the research by the Department of Transportation was to determine whether differential speeds are more

beneficial to transportation safety and traffic operations on interstate highways. The summary was issued in May of 1994 and is the most recent Federal study available. Within the study's summary, four important conclusions stand out.

For states with different speed limits for cars and trucks, the percentage of car into truck rear-end accidents was 26 percent greater when compared to uniform speed limit states. However -- and I think this is an interesting statistic -- in states with similar speed limits, truck into car accidents were greater for rear-end collisions by 57 percent, sideswipes by 41 percent, and other collision types by 103 percent. The analysis of accident severity showed that uniform and differential speed limit states have the same fatal accident proportion; however, the injury accident proportion was 18 percent greater in uniform speed limit states. And lastly, the 65-55 speed limit does result in fewer trucks exceeding 70 mph. And I would just add that that may very well apply to buses.

I have provided a draft of legislation that provides the specific details that will lower the speed limit for passenger buses and other commercial vehicles. Briefly, the proposed legislation breaks down this way: "Commercial motor vehicle means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway and includes a motor vehicle: having a gross vehicle weight rating, GVWR, of 10,001 or more pounds or displaying a GVW rating of 10,001 or more pounds; having a gross combination weight rating of 10,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,001 or more pounds; designed to transport 16 or more passengers including the driver; designed to transport 8

or more, but less than 16 persons, including the driver and used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment; or transporting or used in the transportation of hazardous materials and required to be placarded in accordance with the rules of the Department of Transportation or displaying a hazardous material placard.”

This legislation does not include recreational vehicles or other vehicles exempted by rule or regulation.

In closing, I would like to add that any reduction in speed limits for buses and trucks is not a reflection on the abilities of those who operate them, the vast majority of whom are extremely competent individuals who will go about their trade safely and professionally. It is, though, as I stated earlier, a matter of passenger, bus, and large trucks’ ability to perform at higher speeds in all situations.

Just an addition. I had earlier comments and had some conversations with some of the professionals, and some had indicated that their states were considering rolling back their split speed limit to a uniform speed limit. The states that I’ve contacted, including Michigan and Ohio and Connecticut, their departments of transportation, they’re pleased with the way that their process works just in terms of passenger and driver safety. So I just thought I would throw that in as an add on, as I’ve heard the testimony earlier.

SENATOR CIESLA: Thank you, Senator.

Certainly some interesting information, and I know information that will be considered as we continue to move forward. Thank you for presenting it.

SENATOR VITALE: I just want to say that -- I appreciate just another second -- I understand that the Superintendent and the Commissioner and others honestly -- they believe that varying speed limits are not helpful. And I just think that this at some level starts to engage the dialogue because, if the Federal government is saying that it works, let's look at the information honestly, and I think they're honest men. Clearly, members of this Committee work hard, and we'll sort of sum it all up and see if we can come up with a real solution to this issue and others that you've talked about today.

SENATOR CIESLA: We agree with you, Senator.

Senator Allen.

SENATOR ALLEN: The Commissioner cited a number of studies that indicated that differential speed limits might increase a number of different types of accidents. I note that two that he cited were prior in date to the one that you cited. My guess is that there are others. Are you intending to gather every study that's been done? And if you have done that, or are doing that, could you provide them all to the Committee?

SENATOR VITALE: Sure. My conversation with the Department in Washington, yesterday, they indicated they're just about to undertake a new study using Michigan as the model. They're another state with split speed limits. We're happy with their speed limits, but they are part of that government study -- the Federal government study -- that's about to be undertaken shortly.

SENATOR ALLEN: Thank you.

SENATOR VITALE: Sure.

SENATOR CIESLA: Did you ever drive in Montana?

SENATOR VITALE: No.

SENATOR CIESLA: It's an interesting experience.

SENATOR VITALE: I'm sure. Well, if you have a tank in Montana, you can drive at any speed you like -- carte blanche. (laughter)

SENATOR CIESLA: Thank you, Senator.

SENATOR VITALE: Thank you.

SENATOR CIESLA: Carol Katz from the New Jersey Motor Bus Association.

C A R O L K A T Z: Good morning, Mr. Chairman, members of the Committee.

SENATOR CIESLA: Good morning.

MS. KATZ: Thank you very much for this opportunity. I'm Carol Katz from Public Strategies Impact. I'm here on behalf of the New Jersey Motor Bus Association. With me is John Solomita, Independent Bus Company, and Gary Mariano, President of Suburban Transit, which is a Coach U.S.A. Company. I will deliver a brief statement, and John will make some brief comments, and we'll all be available for your questions.

SENATOR CIESLA: Very good.

MS. KATZ: The New Jersey Motor Bus Association, which represents the private motor bus operators, believes that good safety practices and the vigilant practice of bus maintenance are vitally important. That's why we've always supported and we continue to support active and aggressive enforcement of bus safety regulations. Thousands of New Jerseyans ride our buses every day to work and play. Buses are key to a thriving tourism industry, and they bring thousands of people to Atlantic City who might not otherwise

come. Once more, they help the State to meet increasingly strict clean air requirements by encouraging people to leave their cars at home.

We are proud of our members' excellent safety records. In fact, in terms of passenger miles traveled, buses are the safest vehicles on the road, and I will-- Attached to our statement, we have included some statistics from the U.S. DOT, which show that the occupant fatality rate for all buses in 1996, which is the latest year on this DOT chart, was 0.9 fatalities per 100 million vehicle miles. This is nationwide.

We did a rough, back-of-the-envelope calculation this morning and if you figure there are about 40 passengers per bus, which I'm told is a pretty good estimate, that's 0.9 fatalities, our estimate, per 4 billion passenger miles in 1996. Every fatality is a tragedy, and we're always eager to identify opportunities to enhance our safety practices, but those statistics are pretty remarkable.

You've already heard from the State DOT about our inspection and maintenance requirements. Buses are subject to twice yearly inspection by the DOT. For operators with a good safety history, that usually entails one inspection by the DOT and one self-inspection. Some companies are inspected twice yearly by the DOT. Our members, who also incur the cost of aggressive maintenance programs, supported a significant increase in bus inspection fees in 1993 when the inspection program was threatened in order to keep that program going. In spite of the fact that such fees place an added burden on private operators, we supported them because we do believe in frequent and thorough inspections by the DOT.

It's important for the State to ensure that all buses are held to the State's stringent maintenance standards, and they are stringent, and that those standards are enforced actively and evenhandedly for all operators, whether they're public or private, regulated or unregulated, and whenever they run and wherever they go.

In addition to garage inspections, buses are subject to random roadside inspections. Since passage of the Bus Safety Compliance Act, the DOT has stepped up both the frequency and the randomness of the roadside inspections. The DOT is aggressively inspecting Atlantic City-bound buses at the inspection stations set up at Exit 94 of the Parkway, and the station is opened, I think, three or four times per week; and all buses must stop there when it's open.

We're especially pleased about the more random nature of the inspections, as that's something we had specifically suggested when the Legislature was considering the Bus Safety Compliance Act. Prior to the Bus Safety Compliance Act, the DOT inspected buses on the Parkway only on weekday mornings, but the current system allows for inspection of most of the unregulated operators who go to Atlantic City on Friday and Saturday nights. It's actually more urgent for those buses, which in many cases are not subject to the State's inspections, face random inspections.

We've maintained our support for the roadside inspections in spite of the fact that we would have preferred to see more inspections take place in Atlantic City after passengers are dropped off, rather than on the Parkway or the Atlantic City Expressway, where our passengers do have to wait for the

completion of the inspection; and when a bus is taken out of service, where they have to wait for a new bus to be sent for.

We believe that it makes eminent sense to flag down buses not at a DOT facility fixed at one location on the Parkway, but as they enter Atlantic City itself. State Troopers could hand out summonses to buses on a random basis as they enter the city requiring them to report for inspection after discharging their passengers at the destination. If the bus fails inspection, the company would have time to send a replacement without delaying the passengers, and buses that don't report for inspection should be penalized appropriately.

Conducting these inspections in Atlantic City after the passengers are dropped off wouldn't just minimize the inconvenience to our passengers but it would also ensure that buses that travel on roads other than the two major arteries to Atlantic City are also inspected. In addition, and this is really important from a safety perspective, the State would be able to conduct more inspections and more thorough inspections if they did more in Atlantic City.

We'd also like to point out that all of our members ensure that their drivers are in compliance with all applicable Federal and State safety regulations, and that they receive proper training prior to starting employment. This process includes a road test, a written examination, a physical examination, a drug and alcohol test, previous employment reference checks, Motor Vehicle driver abstract reviews, and classroom and road training.

According to Federal law, companies must require and drivers must complete prior on-duty statements to monitor their working hours. Unfortunately, the U.S. DOT compliance inspections are extremely rare. We

believe that the State would benefit greatly from the establishment of a regulatory group to audit driver safety compliance, such as logs, hours of service violations, medical exams, etc., at individual bus companies. At present, there is no manpower for this function.

We think there may be opportunities for other improvements to bus safety through technological innovations that would allow the DOT or State Police to flag down buses that are more likely to have violations than others with a clean record. We have been told that this may be possible using scanning equipment. I'm not terribly familiar with this technology, but we have heard about it, and it may be something that the Committee might find valuable to look into.

In addition, new technological developments of the DOT may allow it to provide bus companies with lists of drivers whose licenses are suspended. Currently, we run a driver's history periodically, most of us do it quarterly. But if a driver's license is suspended in the interim and he doesn't tell us about it, we're not currently notified. The DMV has welcomed our suggestions on this front and is working with us to try to accomplish it.

We would like to comment briefly on two other possible measures that have been discussed. We would not object to requiring seat belts in new buses if the independent agencies studying them conclude that they are necessary and can be properly engineered to be effective. We do understand that some serious questions about their necessity or effectiveness have been raised, and that other safety features such as a bus's size and seat engineering may matter more. We would also not like to have the driver be required to see to it that passengers are wearing their seat belts, as he should be concentrating

on the road, not on passengers' behavior. And we don't think that they would work on local transit buses, which -- where buses travel slowly anyway and where people sometimes have to stand.

Nor would we object to a 55-mph speed limit if you should determine that it would, in fact, make the road safer. We are somewhat concerned that an uneven flow of traffic with buses traveling at 55 and others traveling at 65 might cause more accidents than it would prevent. And we would also ask you to keep in mind that if buses are considered by the commuting public to be a slower alternative than cars, they may opt to use their cars more frequently. That could work against the State's goals not only for cleaner air, but for safe roads if our highways become even more congested but if your analysis proves otherwise, we wouldn't oppose this lower speed limit.

The overwhelming number of buses operate responsibly ferrying thousands of passengers in safety and comfort to go to work or to enjoy Atlantic City and other parts of our state every day.

We thank you very much for the invitation to speak today, and we would be happy to answer any questions.

And I'll let John just briefly talk about the DOT inspections and some statistics.

JOHN SOLOMITA: Good afternoon.

Carol spoke about our concerns, and obviously, it's no comfort to anybody to have a tragedy in their family to point to statistics. Certainly things that are happening out there are tragedies when they do occur. From a statistical point of view, buses appear to be one of the safer modes o

transportation in the country. Of the fatalities recorded in 1997, less than one quarter of 1 percent of buses; certainly 0.9 for every 4 billion passenger miles is obviously something very specific and significant. With other modes of transportation, their numbers, according to the United States Department of Transportation, are much higher. We have trucks having over 5000; passengers cars over 32,000 fatalities.

Certainly, we would like to talk about briefly the idea of the vehicle versus the driver. Certainly, I think anybody who is familiar with the DOT in the State of New Jersey could really have a lot respect for this organization, as a company that operates buses. We have every transit-type bus in the north part of the state. The DOT does an remarkable job. They are extremely thorough. They're fantastic in what they're doing to protect the people of this state. There are times sometimes when you might be putting on a new brake lining, something's that brand-new going on the bus, and they will come out and sometimes see a manufacturing problem that you would be totally unaware of. I think from a hardware point of view, if I could use that word, the New Jersey Department of Transportation does really a remarkable job.

From our point of view, as providers of public transportation, I'd just like to make a point that besides providing a service, you know, with ourselves, we're also consumers of the service. I live up the block from Senator McNamara. My sons are out at Eisenhower School. They're going on field trips all the time. One time when they had to go on one of those a few days, I dropped my son off, and I was looking to see what buses were there. And to be perfectly honest, if they had an out-of-state license plate, I may have been

reluctant to let my son get on it, but they had top-of-the-line buses, and from that point of view, I felt very secure to let my son on it. Of course, as parents, you're not going to be that comfortable anyway when they're away for three days. But we do use the service going to sporting events with our kids. So from that point of view, it's not like we're just putting a bus out, we're trying to ignore it, and just make money off the system. We use the service as well. We have to be concerned from the point of view of ourselves and our families.

Well, it seems that a lot of problems on these particular accidents that are the subject of these meetings are, it seems to me, as driver related. Now, I don't have any more information about these than you would have just from reading the reports in the paper, but I happen to be sitting in the car waiting for my son yesterday and I was reading the *Bergen Record*. It's almost amusing when the *Record* is reporting accidents. I think they're doing a good job of the reporting, but it's always a brake problem with the bus.

In our company, if somebody has an accident, they're going to report it to me personally, and I would just love to see a situation where somebody comes up and says, "John, it was my fault. I did it." But it's always the brakes, which of course you're going to test the same way the DOT does and it seldom is the brakes. I think the problem or a lot of the problems are drivers. And the problem we have right now is with the differential of salaries between the privates and State agencies. And a lot of that is based on lack of fair increases going a long ways. It's the driver who is trying to get into the State system, to drive part-time for the State and full-time for us, and you're relying on the driver to honestly record his hours. We have really no means of checking that out other than the driver. Hopefully, he's reporting honestly.

You could have situations where maybe they've been on the road too much. I think a situation like that could used to be addressed. I think the buses themselves are very safe that originate in New Jersey.

Thank you.

SENATOR CIESLA: Thank you, Carol.

Are there any questions from the Committee? (no response)

Thank you very much.

MS. KATZ: With my testimony, we're attaching a piece about seat belts from the United Motor Coach Association that you may find interesting, and some of the statistics that I referred to that we found from the U.S. DOT.

SENATOR CIESLA: Thank you.

MS. KATZ: Thank you very much.

SENATOR CIESLA: Christopher Rotondo, U.S. DOT Federal Highway Administration, Office of Motor Carriers.

C H R I S T O P H E R R O T O N D O: Good afternoon.

SENATOR CIESLA: Good afternoon, Mr. Rotondo.

MR. ROTONDO: Chairman Ciesla, Committee, the United States Department of Transportation, Federal Highway Administration, Office of Motor Carriers, under the direction of the Secretary of Transportation, Rodney Slater, is charged with the responsibility of regulating and enforcing safe operations of commercial motor vehicles that operate in interstate commerce.

Commercial motor vehicles are defined as both heavy vehicles, trucks, and buses with a seating capacity over 15. The regulations that govern

the safety operations are the Federal Motor Carrier Safety Regulations. The Federal Motor Carrier Safety Regulations include vehicle standards such as commercial motor vehicle components; driver standards such as medicals and hours of service regulations; motor carrier responsibilities such as licensing, insurance, controlled substance and alcohol testing; and state requirements such as inspections. For the most part, all of the Federal Motor Carrier Safety regulations apply to buses and trucks alike. There are some of the regulations specific to each industry, such as sleeper berths and (indiscernible). Some major requirements are the hours of service regulations, which apply to all commercial motor vehicle drivers.

A commercial motor vehicle operator cannot drive more than 10 hours without having 8 hours off duty. And after being on duty for 15 hours must also have 8 hours off. Drivers also cannot exceed the 60-hour rule in seven consecutive days or the 70-hour rule in eight days.

Next is the Federal inspection requirement which requires all commercial motor vehicles to be inspected annually. Some states, such as New York and New Jersey, have a much more rigorous standard, which mandate vehicle inspections every six months. Many inspections are funded via Federal grants to the states under the Motor Carrier Safety Assistance Act.

In 1998, there were approximately 33,000 motor coach inspections and of the drivers. New Jersey led the nation with over 6700 of these inspections. Some of these inspections are done at origins, some at destination points, and an example of that would be what you heard earlier today in the Atlantic City area. They're done by the New Jersey State Police and the New Jersey Department of Transportation. The Federal Motor Carriers Safety

Regulations prescribe the minimum standards that states must follow in implementing testing for commercial drivers licenses. The Federal Motor Carriers Safety Regulations have such requirements as age of driver, physical health, knowledge requirements to obtain a commercial driver's license. The state is responsible for issuing the CDL license and has the authority to revoke it as well.

As far as the regulations applicable to the carrier, paperwork requirements such as the driver's logs, hours of service regulations, physical exams, drug and alcohol testing, vehicle inspection reports, and so on, and so forth, are all part of a safety management program that the carrier must have. The Office of Motor Carriers has instituted a performance-based selection program for carriers to undergo a compliance review. Accident, driver, mileage histories, and other relevant data are compiled. And those with indicators of poor performance are selected, and a thorough compliance review, which is a safety investigation, is conducted on the entire motor carrier operation. A rating is then provided based on the results of this investigation. If the carrier does not receive a satisfactory rating, they're allowed 45 days to bring their entire operation into compliance. At the end of the 45 days, if these deficiencies are not corrected and the carrier maintains an unsatisfactory rating, enforcement activities more severe than initial penalties can be taken, such as closing down that portion of the operation.

Recently, we've heard much about seat belts for the buses and the speed limits. Seat belts and speed limits are not a Federal requirement. There have been no comprehensive studies as to whether seat belts would increase safety, but it is clear that one objective in the safety arena is true, and that is

to keep the occupants of the motor coaches inside the vehicle. Speed limit requirements are set by the state. There are some states that have differential speed limits for cars and commercial vehicles. In 1995, the United States Congress repealed the national maximum speed limit of 55 miles per hour. That left the standard up to the individual states to set speed limits.

Interstate bus travel is extremely safe. Between 1993 and 1997 there was approximately six bus occupant deaths per year. Buses were involved in about 30 fatalities or 30 fatal crashes. When compared to the annual road fatalities nationally of 42,000 highway deaths, it makes a very strong case that this industry is safe. However, safety initiatives are not to remain stagnant. The Office of Motor Carriers, our state partners, other Federal agencies, and the industry are working very hard toward the reduction of crashes. The Secretary's mission for a crash-free environment is going to be accomplished.

No highway fatality is acceptable. We and all of our partners are working very hard to ensure that that comes to fruition.

There were some comments earlier made about the investigations done by our agencies. They are called compliance reviews, and whether or not the number or the frequency of them meets perception, a compliance review is a thorough investigation into the entire operation of a motor coach operator or a trucking company. These are very thorough investigations and extremely time consuming. Something that may have been done over the course of three days years ago might now take us more than a week or two given the new data and all of the technology that's been implemented.

Crash rates have also come up. We've heard this discussion. New Jersey does lead the nation in doing motor coach inspections -- 6700

approximately last year. New York and New Jersey and Pennsylvania, our neighboring states, our rate is commensurate. We're about average. We are a little higher than the national average due to the diverse area we are in and the amount of truck travel and bus travel through our highways.

The out-of-service rate for the motor coach industry is approximately for the vehicle 10 percent, for the driver 2 percent. In New Jersey, we're slightly higher. The New Jersey statistics are higher due to the technical proficiency of the State Inspectors, the State Police, the State Department of Transportation, and the volume of commercial motor vehicle traffic.

That concludes my statement.

SENATOR ALLEN: Any questions from the Committee? (no response)

I do have one question. We have a number of studies that have been given to us this morning. One in full from you folks from 1994 on speed limit differentials, and we've also have had others cited, and they seem to say different things. I wonder if there is anything since your 1994 study on speed differentials, and if there really has been a case made one way or the other?

MR. ROTONDO: Speed limits, as I stated earlier, are up to the state. There are studies that the Department of Transportation in Washington, D.C., has conducted. That is not my agency. The Office of Motor Carriers is responsible for truck and bus safety, not setting speed limits. When Congress repealed that national speed limit of 55 mph, what they did was they, in turn, gave that to the states. It probably would not be wise if I commented on them. I'm not aware of their study. I have not read it.

SENATOR ALLEN: This study is from the U.S. Department of Transportation, Federal Highway Administration.

MR. ROTONDO: That's correct.

SENATOR ALLEN: But you don't have any knowledge of that.

MR. ROTONDO: No. That study is-- There are two portions actually three primary programs within the Federal Highway Administration. This is Federal Aid, which is the portion that grants and helps build the highways and the bridges. There is the Office of Motor Carriers, who is responsible, as I stated earlier, for truck and bus safety, for regulations and enforcement of those rules -- the Federal Motor Carrier Safety Rules and Hazardous Materials Rules. And then there's the Federal Lands, which is for the national lands and parks.

SENATOR ALLEN: All right. We'll go to another arm to get further information then.

Thank you.

Any other questions? (no response)

I will call Daniel O'Connell, the State Legislative Director of the United Transportation Union next.

SENATOR ALLEN: Mr. O'Connell, welcome.

DANIEL J. O'CONNELL: Thank you. Good morning or good afternoon.

Is this on? (referring to PA microphone) Am I on?

SENATOR ALLEN: If the red light is on.

MR. O'CONNELL: Now it's on.

My name is Dan O'Connell. I'm the State Legislative Director for the United Transportation Union. You're now receiving our testimony for the record, and in the interest of time, I won't read the statement, but would rather touch on a couple of the points that we'd like to bring to your attention. Accompanying me today is our Alternate Director, Mr. Ralph Styverson from Rockland Coach.

Safety is an area of responsibility for the State Legislative Boards of the UTU across the country, and it's also an area of concern. We realize that we're here because of the recent accidents and fatalities, but we do want to make the point, as was made earlier today, that this is a safe industry. But we'd like us to take a look -- all of us, all of us that are involved -- at what we're doing that's right, and what we can do to make things better.

In our statement, you'll see we focus on two areas: fatigue and regulatory oversight. Fatigue is an issue in all modes of transportation right now. And there's been a move in Washington to amend the hours of service that bus drivers can work. United Transportation Union opposes those changes. It has opposed them in the past, it will oppose them in the future. We've attached a statement from our Assistant General Counsel for your information.

As far as regulatory oversight, we noted Congressman Franks's recent remarks about, perhaps, moving the jurisdiction of Office of Motor Carriers from DOT over to the Federal Highway Administration. We don't know whether that's proper or if there's a problem where the jurisdiction lies right now, but perhaps we should take a look at it and perhaps even take a look

at having State regulatory oversight along those guidelines to assist our bus drivers and our bus carriers.

I guess in closing what we'd like to say is we're here today. It was a very interesting hearing. I took quite a few notes. I got quite an extensive education here on bus operations in our state. The UTU stands ready to work with the Committee and with whomever to improve this industry to make it better and to ensure its safety for not only the public, but for also our members. And if you'd like, I may be able to answer any questions, I'd be more than happy.

SENATOR ALLEN: Thank you.

Any questions from the Committee? (no response)

Thank you very much.

MR. O'CONNELL: Could I make one more statement?

SENATOR ALLEN: Yes.

MR. O'CONNELL: I noticed something when they talked about the refresher courses in Atlantic City. I noted, "Is that the only place that we're offering refresher courses?" Perhaps, we ought to take a look at doing something in other parts of the state. Our buses are obviously operating with more destinations than just AC.

SENATOR ALLEN: Exactly right. I don't see Director Kamin here at this moment, but we'll pass that information on to him.

MR. O'CONNELL: And there was one other thing. I was just passed a note this morning about so-called gypsy operators in the area of Fort Lee Bridge Plaza that operate from our state and into New York and into Port Authority. There's some question as to what regulations these people fall

under, as you were told today about commercial driver licenses for our operators, insurance and liability, and tax issues. We'd like the Committee to, perhaps, take a look at what kind of enforcement efforts are being done because we think a lot of this stuff is under the radar screen and could perhaps be impacting our bus carriers and our membership also.

SENATOR ALLEN: Good point. We'll pass that on as well.

MR. O'CONNELL: Thank you very much.

SENATOR ALLEN: Thank you.

Senator Sacco, you have a comment.

SENATOR SACCO: Yes. I have a statement from Congressman Bob Menendez, who is on the Committee on Transportation and Infrastructure in the House. I'm going to enter this into the minutes. I'm not going to read the entire statement, but after calling for hearings and discovering what the problems are, his conclusion is, and I will quote him:

"I believe the Federal government can play a positive role to prevent future bus accidents in New Jersey by moving oversight and regulation of bus travel from the United States Department of Transportation's Office of Motor Carriers to the National Highway Traffic Safety Administration. The Office of Motor Carriers is doing an insufficient job of inspecting buses. In fact, bus inspections declined from 10,000 inspections earlier in the decade to 4500 last year, accounting for only 25 percent of all bus companies. And we need to make certain that we provide the funds necessary to rigidly enforce the laws we already have in place to promote the safety of bus travel. I look forward to working with the New Jersey State Senate and Assembly to make our roads and highways as safe as possible. Thank you."

SENATOR ALLEN: Thank you very much.

I would now like to call Norman Littler, United Motorcoach Association.

CHARLES N. LITTLE R: Good morning. My name is Norman Littler, and I'm the Vice-President of Government Affairs with the United Motorcoach Association. We have two other members from the United Motorcoach Association here with us this morning, and we'd like to present as a panel, if possible.

SENATOR ALLEN: That's fine.

MR. LITTLE R: I'll start off. First of all, we'd like to express our sincere appreciation to the New Jersey Senate Transportation Committee, the Chair, and to the honorable members of the Committee for allowing us to speak this morning on behalf of nearly the 800 professional motor coach company members of the United Motorcoach Association. UMA is a national association based out of Alexandria, Virginia, across the river from Capitol Hill

The motor coach industry recently made aware of the New Jersey Senate's interest in certain bus safety issues. And I will primarily speak to the issue of seat belts this morning.

On my immediate right is Mr. Stephen Sprague. Steve is our Chief Operating Officer. He is also the Executive Director of the Bus and Motorcoach Research and Education Institute, and he will take any questions that you may have on some of the other related issues.

On my extreme right is Mr. Godfrey Lebron. Mr. Lebron is Chairman of our Legislative and Regulatory Committee. He is also the owner of Paradise Travel, a smaller motor coach company based out of Elmont, New

York. He is an owner that travels through this area frequently. He has indicated he would be pleased to take any questions you may have relating to company owners and certain areas relating to scheduling or related issues.

Now, the request that you've made to hold these hearings is not surprising given the nature of the recent tragic bus crashes, the emotion involved. And first of all, on behalf of the United Motorcoach Association and the entire industry, we wish to express our sincerest condolences to the families of the victims.

I've heard it brought out more than once this morning that this is a safe industry. We will say yet again we believe that that is true. For the large part, this is a very safe industry.

To get to the specific issue of seat belts, however, which has been coming up more and more often, I've had quite a lot of experience in this particular issue; and I'm hopeful that I can answer some of the questions that have been floating around, and I've heard posed this morning. The issue of whether motor coach-type buses should be equipped with seat belts is not new. It's an issue I've had experience with, and I have been employed in the commercial bus industry for over 20 years. Seventeen of those years employed with the largest motor coach manufacturer in North America, the Motorcoach Industries. I'm also a holder of -- Associate and Risk Management designation from the Insurance Institute of America, so I have had hands-on investigative experience in major bus crashes, including one that I'm sure many people here were familiar with back in 1992 -- the sensational Golden Sons crash outside of Action Park in Vernon, New Jersey.

During my career, I have been called on by the National Transportation Safety Board on a number of occasions to assist in their investigations, including on-scene investigations, as I mentioned in the Golden Sons crash. Inevitably, the question whether passengers would have been provided enhanced protection if seat belts had been available arises. The problem that the regulatory enforcement and bus industry all face is that there's a lack of clear, compelling, empirical data either for or against the use of seat belts. As a matter of fact, a representative from the National Highway Traffic Safety Administration was recently quoted in the New Jersey *Star-Ledger*. He stated that NHTSA has expressly determined that there is no safety benefit provided by requiring buses to be equipped with seat belts. This is the Federal agency responsible for setting all U.S. vehicle safety performance standards.

I know that this has been their position and has been their position for many years. What is the justification for this position? Let's put commercial bus safety into perspective. And I think we've heard certain statistics brought out this morning. Again, we'll look at them not simply from the stats that apply to New Jersey, but to the national picture, and I have some, I think, more recent statistics that have been brought out.

The National Highway Traffic Safety Administration, the Federal Highway Administration, and the National Safety Council statistics all indicate that travel by bus is the safest mode of surface passenger transportation. In fact, it is equal to that of the school bus industry. Commercial buses account for over 28 billion passenger miles in 1996, the last year for which statistics are available. During that year, there were just two passenger deaths reported, and

I have a copy of the National Safety Council bus statistics with me if copies are requested or required. While this number appears to be very small when compared to the 42,000-plus annual highway deaths on the nation's road, it is one that is supported. Over the past 20 years, Federal data shows that between four and six commercial bus-passenger deaths occur on an annual basis. This equates to less than one-tenth of 1 percent of all fatalities that occur annually on the nation's highways. Stated differently, you are almost 100 times more likely to be fatally injured while driving in a passenger car than in a motor coach.

Secondly, the installation of seat belts appears on the surface to be a relatively simple procedure. They have been employed in passenger vehicles for over 30 years, and no one argues that when they are employed in this manner they do save lives. However, buses and passenger cars are not the same when it comes to a collision. Passenger vehicles are lighter and seat far fewer persons than a commercial bus. The National Highway Traffic Safety Administration requires seat belts in passenger vehicles because, given the high crash forces encountered in serious collisions, they have been found to provide the greatest level of protection to the vehicle passenger. NHTSA has also determined that because of the large numbers of passengers that a bus carries and the much lower crash forces produced in most highway crashes, the compartmentalization of the passenger compartment is the most effective means of providing protection in the majority of crash situations.

This is why NHTSA expressed its willingness to preempt the state of New York in 1992, under the provisions of the Supremacy Clause of the Constitution, when it attempted to legislatively mandate seat belts into

commercial buses. Congress specifically designated the U.S. Department of Transportation as the agency responsible for promulgation of motor vehicle safety performance standards when it passed the National Highway Traffic and Motor Vehicle Safety Act of 1966. In Section 30103, "Relationship to other laws," Congress addressed the issue of preemption over states by the following language: "When a motor vehicle standard is in effect under this chapter, a state or a political subdivision of a state may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States government, a state, or a political subdivision of a state may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter."

Simply put, a state is prohibited from mandating belts or any other safety system or device regulated by NHTSA if the vehicle is not directly owned or operated or funded by the state. And this throws us back to the question of NHTSA and its position with respect to seat belts in buses.

Lastly, the National Transportation Safety Board is currently in the final stages of completing a three-year study on bus crashworthiness and passenger protection. During their investigation, the issue of seat belts and other passenger protection options were reviewed in great detail. Sixteen expert witnesses from around the world were assembled and questioned with respect to the best means of protecting passengers in a range of crash scenarios

As one of those witnesses, I had the opportunity to outline the same issues that I bring before you this morning.

During the NTSB hearing, it became quickly clear that no empirical crash data is available, let alone data that would either justify or refute the benefits of installing seat belts in buses. Real-world crash data is so sparse that no meaningful conclusions can be drawn without the risk of potentially placing the public at increased risk. It is anticipated, however, that the NTSB in its conclusions and recommendations may call on the National Highway Traffic Safety Administration to conduct crash testing on commercial buses to determine if there are any public benefits to be gained by incorporating passenger protection enhancements, of which seat belts are one option. It is expected that the NTSB report will be adopted and published sometime toward the end of either this month or next month.

With respect to this Committee's examination of seat belt use in motor coach-type buses, I have attached a number of documents to my testimony that may be useful in your deliberations. These include letters from NHTSA refuting the usefulness of belts, and their refusal to provide voluntary installation guidelines to the industry including manufacturers. And that would be anybody voluntarily wishing to install these. They will not provide guidance. Also, a copy of their letter stating their legal opinion with respect to preemption. I have also included a copy of supplemental comments to the NTSB following a public hearing they held last summer in bus crash worthiness. These comments examine the issues relating to the lack of data and the technical problems relating to the vehicle structure.

This concludes my statement, and I'll be happy to take any questions on this. I will pass this over now to other members of this panel to examine some of the other issues that you've detailed this morning.

SENATOR CIESLA: Thank you.

Yes, please.

STEPHEN G. SPRAGUE: My name is Steve Sprague, and I'm Chief Operating Officer of the United Motorcoach Association; and I also have a second title which is Executive Director of the brand-new Bus and Motorcoach Research and Education Institute formed in the state of Virginia in 1997. We've begun applying programs and analyzing data that we think has been missing from this industry for a long time. One thing that I can tell you, though, is that the motor coach industry of professionals is extremely proud of its safety record and its service record. There is a very tragic irony in the fact that these recent mishaps have occurred in a state which, frankly, we as an industry hold out as an example of strong cooperative enforcement.

The State of New Jersey has for a long time led the way in the number of inspections done, in the thoroughness of the inspections done, and it was not many years ago, I recall, that our Association actively involved itself when the Safety Inspection Program was being threatened, as I recall, by budget cuts. We stepped in and supported that very ambitiously. We have also stepped in and recommended to a number of operators from around the country that if they wanted a thorough inspection, they should drive through the State of New Jersey. That has actively taken place a number of times. Because of some of the requirements of your neighboring state of New York it was advantageous where operators in states where no inspections take place

Yes, there are still those states. Twenty-four states still have no annual requirement for commercial bus inspections.

We invite you on behalf of the responsible motor coach community to encourage every state to ambitiously pursue at least an annual inspection of the level that the State of New Jersey and the Federal government require. Where those operators had no proof of inspection, we recommended that they drive through the State of New Jersey and solicit an inspection from your teams. As such, it is tragic irony. However, there are problems in the inspection numbers. They are numbers only. The responsible motor coach community wants everyone reviewed equally. Small operators and large operators are equally susceptible to inspection at roadside. They are not all, because of geography, equally susceptible to inspections at their terminals. But there has been in our belief and in the statistics presented to us through the Commercial Vehicle Safety Alliance, which you heard of earlier today -- there has been much too much concentration on the hardware. Frankly, responsible motor coach operators will prepare their vehicles. They will maintain their vehicles, whether or not there are inspection requirements. But once that vehicle is out of their shop, once it's on the road, as much trust as we have in the driver corps, it is the driver in the human element which in most circumstances leads to problems.

CVSA's numbers have indicated that as much as 95 percent of the commercial vehicle accidents -- that's motor coach and truck alike -- are human error problems. Less than 5 percent of the commercial vehicle accidents in the United States are caused by actual mechanical errors. There has been a great deal of concentration on hardware because hardware is the easy thing to find.

Hardware inspections consume three to four times as much as driver inspections. As a recommendation, I believe, from United Motorcoach Association, we would suggest that if the State of New Jersey wishes to improve highway safety, they spend less time inspecting hardware, give greater reliability to the fact that responsible operators will prepare the hardware properly, and spend more time inspecting drivers and drivers records along route.

Drivers are the human element. Just as not everybody can get a sound system right, not everybody can have a good day on the road. We have strongly encouraged, and this is where the Institute comes in, greater training capabilities, refresher training for drivers. It's with some pride I can say that the Motorcoach Institute has been in contact with South Jersey Transportation. We applaud the refresher courses that have been given in Atlantic City, and the Institute has commissioned a course of study -- actually a three-hour refresher course -- to be prepared right now for presentation to the South Jersey Transportation Authority.

It's our hope that through some of the cooperative agreements that we have already discussed that the community can help provide sites. We'll provide instructors and courses of instruction, and we would be happy to have everyone in the industry participate in that. From what we've seen, the community is extremely willing to step up to the plate and pay for whatever instructions are necessary and to help solicit the drivers to those courses.

We've also suggested to them that they be scheduled on a regular basis, if not quarterly, certainly semiannually. We'd like to see it done on a monthly basis, and we'd like it to be free to the drivers. We'd also like to

encourage other drivers to tag along. Let's remember that every time a driver leaves the garage he is on a time clock. The hours of service rules that are in place right now allows certain amount of time to be driving and a total amount of time on duty. While the driver attends the training course, he'll be considered on duty. If an off-duty driver tags along on the coach and attends the courses and his entire duty time for that day is while he's attending those courses, we see that as a much more feasible way of reaching more and more drivers. We are stunned with the numbers of drivers who have attended the courses so far -- the refresher courses so far -- only because the notification period was so short. I think that says a great deal about the motor coach community, certainly the local motor coach community, and the Atlantic City Bus Owner's Association for bringing those numbers out.

A couple of other recommendations, I think, though, that from the conversations that we've heard today we would like to leave with you from a national perspective, and certainly we'd like to leave you with beliefs that you could turn to us at any time, so take advantage, if we can do such, give the experiences of other states and localities, other organizations around the country who have faced some of these questions.

The question of a speed differential, I think, is a very dangerous one. Both Norm and I participated in the National Transportation Safety Board hearing on bus crashworthiness in August of last year or July of last year. One of the comments that we heard from panelists from Europe is that the severity and the number of motor coach accidents in Europe was much greater than those in the United States. And they attributed the reasons to a sometimes vast speed differential. The severity of crash avoidance techniques

at a much greater difference in speed in Europe was attributable for many of the accidents there and most of the fatal accidents and rollover accidents. We would encourage you to look very carefully at a speed differential if you put that on your list of things to look at.

Maybe the last thing that I'd like to suggest to you is an area where the state and the communities can become very active, and that is to encourage your riders, your consumers, and your destinations to share the message of importance of safety of operators. I don't care how many dollars the State of New Jersey or the Federal government has, you will never hire enough enforcers to purify the roads of fatal accidents. The only way bad operators, unsafe operators will be taken off the roads is if the buyers refuse to patronize them. Share consumer safety tips, buying tips, and safety records liberally and encourage everyone who gets on a motor coach destined for New Jersey or through New Jersey to check on the safety of that company first. It makes a difference.

Safety costs money. An unreputable motor coach operator can put a new paint job on the bus rather than new brakes in the bus. Many times the passenger won't know the difference. He can keep the money in his pocket or he can put it back into the vehicle. A rider happily sometimes is going to catch a problem before the coach leaves. But what the reputable motor coach operation community wants, frankly, is to have everyone carry the safety standards that we do.

Our organization has a Web site where consumer tips are listed where there are links to the safety ratings systems which exist in the country today, and certainly, we want to be part of the answer. The answer is good

consumer safety. Using a line from the commercials of past, "An informed consumer is the best buyer." That's one place the State can be involved. It's one place -- certainly Atlantic City -- can lead.

Godfrey.

G O D F R E Y L E B R O N: Thank you. Once again, on behalf of the United Motorcoach and my company, I want to express deepest regrets for the tragedies that happened around Christmas.

There's one thing that I want to make sure that everyone in this room understands. Safety is a culture. I don't care how many regulations we pass, and I'm in a state -- the state of New York -- which we have an inspection criteria that mirrors yours, and they don't allow us to do self-inspection. We have the Article 19A law that the state informs us every time a driver gets a violation. We're forced to have examiners constantly check on our drivers. All of this is good, but if the company itself doesn't instill safety as a culture, everything that we're about to do is (indiscernible). As a small-business owner, I usually hear that, "Well, it's the small operators' problems."

But there are two types of carriers. There are carriers that care, and then there are carriers that are looking to make a quick buck. Paradise is celebrating its 12th year right now, and believe me, there's not a quick dollar in this industry. My biggest investment if you look at the balance sheet would appear to be equipment. We just ordered two coaches that are going to cost us close to \$1 million, but the true investment is in my people. The accidents that occur, everyone is always going to look at speed, a factor of, is there something wrong with the vehicle?

Driving a motor coach is something that requires a tremendous amount of responsibility. If you don't have a responsible person behind the wheel with a responsible attitude and a positive one, there is no regulation that you're going to be able to pass that's going to help ensure that person is at his best when he comes in to perform every day. That doesn't mean that I say I don't believe in regulations. I mean, there are certain things that I do that both Federal and state regulations help in my (indiscernible). But when a state inspector inspects my vehicle, we don't do anything special for that coach for that day. The coach is presented to him -- sure, it's gone over -- but every day the vehicle has to be looked at. It's a culture that the entire organization has to have from the person who cleans the vehicle, to the person who operates the vehicle, the mechanic who repairs the vehicle. One of the things that we need to keep in mind, as Stephen had mentioned, is consumers have to know.

One of my biggest problems is with school districts, governments everything is bid. They want to chop, chop, chop. If an employee isn't getting proper compensation, part of that culture -- one of the things that we do. Most Atlantic City runs, the people pay a flat rate for, so automatically a driver thinks, "Well, I've got to come in at six. I've got to pick up my passengers I've got to drive to Atlantic City." And in my instance, they have to get out of New York. I didn't do that this morning. I spent the night in Edison, New Jersey, so I could have that hour and a half just to get to this beautiful state. But now automatically, what do you think is going through this individual's mind? Now, he gets to Atlantic City, and there's a backup. There's 15 coaches there. So whether it's at the beginning of the day, at the end of the day, your best person is going to be prone to try to rush it a little bit. Part of

that culture and one of the things that we do, we evaluate our drivers on a quarterly basis. Their bonus program isn't one that it's not -- look at it at the end of the year, as even New York state has us do, and it helps keep us in tune. The master driver concept. It gets back to the people instilling take your time, relax.

Unfortunately, you've got bad people in your employ, and then, you can also have bad clients. There are certain businesses that you have to be careful of. We'll get calls for someone who's going to want a trip that's going to travel through the night, and okay, that business you'll accept. You have to watch how you schedule it, but you have to make sure that they're not going to sit there and try to lure your driver into saving dollars at the other end because, "Well, you know, you're supposed to sleep eight hours, but if you can get us in six, I'll give you \$50." Well, they realize in my business should this be discovered, they're gone. They're out a good job where they get benefits, vacation pay, and holidays, and this means something.

I think it's very important that we look at that aspect and try not to penalize the many both large and small carriers that do a good job and make sure that we all understand. Yes, the equipment -- it's important. There's such a learning curve right now that also inspectors have got to constantly be retrained, but the focus has to be on the people.

Are there any questions? I would be more than happy to answer.

SENATOR CIESLA: Thank you for your information. I agree with you that core competency of any business really is their people, so I completely understand.

Senator Allen.

SENATOR ALLEN: Two very brief questions. The first is, would mandatory refresher courses be a positive thing?

MR. SPRAGUE: It's entirely possible whether mandatory can, indeed, be mandatory as a question not for us to decide. Each state because Federal Motor Carrier Safety Regulations are imposed and the state receives the Motor Carrier Safety Assistance Program funds in return -- each state's requirements of its resident drivers maybe somewhat unique as long as they fit into the big picture.

As Godfrey has mentioned, New York state's 19A Program, which is a bus driver certification program, has been proven to be unenforceable in interstate commerce, which means that you can only require your resident drivers to take that kind of course. We truly believe that more available training will be used by the drivers. It need not be mandatory. And there are certain periods in a driver's career when he or she is more susceptible to feeling smug and confident and less attentive in a number of years. Early drivers and late drivers are generally your best than those with five, six, seven years of experience sometimes or simply forgetting some of the basics. So refresher training availability is the key to it I believe, not necessary a mandate.

SENATOR ALLEN: Thank you.

The other brief question I have is you mentioned 24 states that do not inspect at all. I wonder if you could provide a list of those states to us.

MR. SPRAGUE: I would certainly be happy to provide that. The Office of Motor Carriers is responsible for certifying a state's inspection standards, whatever those are, as the equivalent of the Federal standard. We know that 24 states have not submitted their inspection requirements. Some

have no inspection requirements. Those operators in those states, by the way, are allowed to self-certify, to self-inspect their vehicles under a Federal Motor Carrier Safety Regulation, which we have suggested be removed for a number of--

SENATOR ALLEN: Do you know if looking at national statistics those carriers that have more accidents based on hardware come from states that don't inspect?

MR. SPRAGUE: It's an unfortunate fact of life that national statistics are vague and difficult to find in many cases. I would challenge you to find a reliable definition of a bus in the Federal system that we could all agree on. Unfortunately, there are many identifications in Federal standards and particularly at roadside enforcement points trucks, but a bus seems to be a bus is a bus is a bus. It can be a school bus. It can be a different body style or motor coach, a transit bus. All of which are different body styles. It can be a motor coach which is in private service and not commercial service.

Just as an aside, I heard earlier that some of the regulations being proposed might apply to commercial vehicles but not to private and recreational vehicles. Allow me to suggest that if someone outfits a commercial motor coach as a private vehicle, it still weighs the same amount and it takes up the same space in traffic; and frankly, if it is a nonprofessional operator behind the wheel, it might bear greater inspection.

SENATOR ALLEN: Thank you.

MR. SPRAGUE: We'll provide you that list.

SENATOR CIESLA: Thank you very much for your information. We appreciate you taking the time to share it with the Committee.

MR. SPRAGUE: Thank you.

SENATOR CIESLA: Mr. Robert J. Strutton, is it? Mr. Strutton please.

There are two additional people beyond Mr. Strutton.

R O B E R T J. S T R U T T O N: After what I heard this morning, I think I got in over my head here.

SENATOR CIESLA: I'm sorry.

MR. STRUTTON: I said, after what else I've heard this morning I think I might be over my head.

Distinguished members of the Committee, ladies and gentlemen my name is Robert J. Strutton. I live in Hazlet in Monmouth County, New Jersey. I work for several bus companies and have driven buses since 1969. In addition, I am a retired suburban municipal police officer. Since 1995, I've also been a trainer with various bus companies that I've worked for. I came here as an individual, not to represent any group, any company, merely to relate some incidences, to make some comments in general about the driver point of view.

It's my understanding these hearings have been called because of a series of accidents that occurred over the last two months, all of which I have become very well familiar with. I am concerned that it appears drivers were not initially considered to take part in this forum, and I think the drivers at this point should have a voice in these hearings.

Bus drivers are taking a bashing in the press and other media as a result of these collisions. In one instance, a report of a bus accident for which the driver had no control over the event started by saying, "Another bu

accident.” This automatically raises the flags and the people who are listening to this media are not hearing the rest of the story.

I do not assume to defend bus drivers in this forum. There are some very, very bad bus drivers out there. I have had personal experiences with several of them as a trainer. It is unfortunate now that the good are being made to bear responsibility for the few who were not good bus drivers. In 30 years of driving, I've met many good professional, conscientious drivers and some bad. Most of us drive for a living, not because we can't get a real job, but because we love the work, the freedom, and the contact with people that it provides. Unfortunately, most of these good drivers have moved on to other endeavors.

All bus drivers know they are required to adhere to New Jersey Title 39 traffic laws as well as New Jersey POC and DOT regulations. In addition, Federal regulations covered in 49 CFR concerning operation of a commercial motor vehicle, hours of service, vehicle equipment and inspection, and controlled substance regulations. Add to this, the required interpersonal relations skills, scheduling mandates, and the fact that we are constantly under pressure dealing with all types of people under frequently difficult situations usually in high-density traffic situations, I believe we already have more than enough regulation. The fact is the public should be impressed that there are not more serious accidents.

Bus transportation is about the safest method of travel currently available. The fact is that we must look at each situation in terms of disaster only because of numbers of people involved. In terms of incidents, bus drivers are by far the safest drivers on the road.

I worked for three of the companies that have had collisions in the past two months. I've also worked for other companies that do not have near the accident rates of the three. I have been an instructor for two of these companies. My personal experience is that the driver violation and company accident experience is directly in proportion to how the company treats its drivers.

When I began driving buses in 1969, drivers were expected to prove themselves before gaining increased responsibility. Usually, one was assigned the worst of the available equipment and the least desirable work assignments. One either developed his skills as a driver and agent of the company, or he didn't enjoy the benefits of higher paying assignments, better equipment, or advancement in the company. In short, he didn't last. These policies were in effect and effective in assuring a safe driving history for the driver and his company, and the bus industry came into its own as the companies with the best services and drivers grew.

With the combined advent of deregulation in Atlantic City casinos, anyone and everyone who could secure a contract was able to purchase equipment and commence operations. There are so many small companies now that competition for business has demanded established companies reexamine their rate schedules and operating expenses. This has resulted in the stagnation of economic reward for their drivers. Coupled with an attitude that drivers are an inexhaustible pool of lower-class, blue-collar workers, there is little wonder that the best of them move on or out of the industry.

The bus companies of this region differ tremendously in their operating philosophies, and the safety records of each reflect the value they

place on their drivers. It appears that the larger the company, the less respect for the driver, and the higher the loss rate, in this one, the largest of them have difficulty providing adequate service for their customers. Some companies habitually fail to maintain their buses in satisfactory condition, as demonstrated by numbers of road failures they experience. Despite specific regulations concerning the keeping of records, there is no uniformity in the recording devices used.

Of the three companies that I have been employed, all have different inspection report forums. Despite the known deficiencies of maintenance programs, the buses almost always seem to pass inspections. What kind of impression should a driver assume when this happens? What is his incentive to do the right thing? I have seen buses refused by drivers reassigned after their driver left the property. I have seen unfavorable defect reports disappear. Drivers are routinely told by dispatchers that they are required to make out logs in favor of the company rather than according to actual experience. Truckers are alleged to keep two logs. Bus drivers are less resourceful pursuing great works of fiction for the benefit of their employer.

Reports in the media of drivers working 10 hours for \$80 are not exaggerations. They are constantly abused by their superiors for attempting to operate within the law, trying to provide contact with their families, maintaining homes and families, or even their own health.

Of the three companies of which I have been employed, none permit vacations between Memorial Day and Labor Day when they can spend time with their children. We're not permitted weekends off and, frequently, are required to work seven days a week. We understand the nature of the

business and accept it within reason. Commuter companies claim an eight-hour day, but these are split shifts between which drivers are generally stuck away from home.

A typical trip to Atlantic City takes two hours and fifteen minutes from New York. Upon arrival, they unload and must proceed to a parking facility usually away from the city's center. For instance, one company parks their buses 20 minutes outside of Atlantic City. The required stay in Atlantic City is usually six hours. No New Jersey or New York company authorizes the driver to go to bed during this time, so rest would be at the driver's expense. As a result, they often nap in the bus. Has anybody ever tried to sleep on a bus seat? It's not easy. More often, they hang out with other drivers, go for meals or return to Atlantic City.

The scenario I just described takes 10 and a half hours. This does not take into account reporting time to his terminal, travel time to the pickup point, waiting time for the group, which never leaves on time, and the equivalent on the return trip. It is rare that the actual working time is less than 10 to 12 hours, not including the 6-hour wait in between. The result is usually a minimum wage or less, as most companies pay a flat rate for this type of work. When drivers complain about how they are paid, they are told but companies do not come under wage and hour laws concerning overtime and minimum wage. Historically, laborers have always tried to minimize the hours worked when a flat rate is involved. Drivers use speed to do this.

There is great inequity in the manner in which promotions are made. Drivers who display increasing proficiency in their skills are relegated to a life behind the wheel, while the incompetent are raised to higher levels

Drivers who try to balance their personal and work lives never get an opportunity to advance, and driver's who insist upon staying legal are deprived of the best assignments and equipment. As the bus companies grow larger, they accept more and more work orders. Drivers are often pressed into service for 15 hours of actual work.

DOT regulations currently allow a driver to log off duty at destination points, and the companies try frequently to use this to their advantage. It's not uncommon for a driver to take 20 to 24 hours to complete 15 hours of on-duty service.

Several New Jersey companies will take orders as long as the phone rings, and terminal managers are not permitted to refuse work, regardless of their staffing ability. This places an undue burden on the driver who is required to take multiple assignments in a day. Wages are set to prevent the driver from balking at these demands in order to make a living.

It has been my experience that most bus accidents are the result of driver fatigue. Despite the regulations, no one can work 15 hours a day consistently without burnout. The best drivers do not stay with any one company for any length of time, instead going where they can make the most money in the shortest time. As a result, companies are populated by less conscientious drivers who cannot move around with the same ease. This does increase the accident experience of the larger companies as a matter of averages.

Most of the training resources, publications, and programs for commercial drivers are directed at the trucking industry. We sometimes feel ignored in our need for industry unity. Virtually, all bus publications,

organizations, etc., are for the benefit of owners and company managers. There are very few outlets outside of the Internet to address the needs of bus drivers.

Every state requires driving instructors to be licensed. In this industry, there's no standard for driver trainers acting within the company to train drivers nor are there any standards for what should make up a driver training program. The worst training programs are the driving schools licensed by the states, who are only interested in obtaining a license for their client.

As a trainer, it was my experience that anyone coming to us from a drivers school had to be taught basic driving fundamentals before we could even put them in a bus. Yet, they possess a license that if able to secure employment would have very little besides fortune to keep them accident free. Not only do most companies have in their employ as safety managers and trainers people with little or no driving experience, I have been witness and victim of companies dismissing safety and training personnel to employ persons without driving experience.

I mentioned earlier that once bus drivers were required to work their way into better assignments and equipment. Now, it is the practice in some companies to give the choice as to newer drivers in the hope of sealing their loyalty to the company. This has had a profound effect on the attitude and professionalism of the drivers. New drivers shortly believe that they are in the top of their trade and, though untried, adopt the attitude that they can do nothing wrong and are surprised when they do. Discipline is arbitrary according to the season or the individual driver. There is no longer in this business anything to aspire to.

Whenever a bus has an accident, road failure, inspection failure, or hours of service violation, the driver is held responsible. It's never taken into consideration the probability depending on the season that he was coerced into working the hours or taking the vehicle on threat of his livelihood. The ones who usually fall victim to this are the same ones who would have a difficult time finding other satisfactory employment and least likely to be able to afford the citation. In every major city in North America, law enforcement and bus drivers are constantly at odds.

In Washington, D.C., for instance, while there are a few parking spaces for buses, none are in close proximity to the attractions, hotels. Frequently, drivers are ticketed in the process of loading their buses. We are chased from place to place; and when we do manage to find standing or parking room, we often find DOT inspectors waiting for us there. It seems the states want the business but also value the added benefit of not having buses there or, at best, preying on the drivers. Rarely is there adequate accommodation for the buses that provide the revenue resource. What are we supposed to do?

New laws are not needed. A closer monitoring of bus company operations with appropriate sanctions to both companies and drivers would better serve the public. Standards for training and improving the skills of the workforce, a complete and total professionalization of the industry, would be my view of correcting the current problems.

Thank you for giving me this opportunity to speak with you, and are there any questions?

SENATOR CIESLA: Bob, thank you for your testimony. I think that your recommendation is consistent with some of the things that have been said before with respect to establishing a regulatory group to monitor existing regulations, so your testimony certainly underscores that recommendation.

Are there any questions? (no response)

Thank you very much.

MR. STRUTTON: Thank you.

SENATOR CIESLA: We have two additional individuals. Joshua N. Bennett from the Atlantic City Bus Operator's Association, and I'm going to ask that Pete Pantuso also come up at the same time.

Thank you.

J O S H U A N. B E N N E T T: I would also ask, Senators, to allow me to have with me Mr. Ron Waller, who is a Vice President of Prevost Car, a bus manufacturing company. He has also represented other manufacturers in the past selling used and new buses as well. Peter Pantuso is the President of the American Bus Association located in Washington, D.C., and I'm Joshua Bennett, the President of the Atlantic City Bus Operator's Association.

Our Association was established in 1981. Our mission is to promote safe and enjoyable travel by motor coach to the casinos located in Atlantic City, the No. 1 destination in New Jersey. We presently have, a membership, over 70 commercial motor coach operators, operating over 2000 buses. We receive very good support from the Atlantic City casinos.

I am also President of Capitol Trailways of Harrisburg Pennsylvania. I have been involved in the operation of various intercity bus companies for nearly 30 years. My highest priority has always been to assure

traveling public a safe journey. As evidence of my advocacy and as a result of the efforts of my management and drivers, our company has one of the safest records in the industry. That's according to our insurance company and the audits that we receive from the Federal and State governments on an annual basis.

I am here today to tell you that the commercial motor coach industry is one of the safest forms of transportation available to the traveling public. And having heard everyone else say the same thing, it sounds so redundant, but it is something that I am very proud of. To bolster that statement, I recently read a quote in an article in *USA Today* newspaper on Thursday, February 4, 1999. According to Steve Barber, Coordinator of the Federal Department of Transportation's National Motorcoach Program, he was quoted as saying, "Interstate bus safety is very good." He further stated, "The frequency of bus accidents occurring in 1998 was an anomaly." An anomaly is defined as a irregularity, something abnormal, not a trend. I do not believe the frequency of accidents involving buses in the State of New Jersey recently was anything more than an anomaly. I am here to tell you today the owners and drivers of commercial buses operating into and within the State of New Jersey have in the past and will in the future do everything in their power to prevent bus-related accidents.

In evidence of our veracity, ACBOA, in coordination with South Jersey Transportation Authority, held four bus driver safety refresher seminars in Atlantic City, New Jersey, during the month of January. Over 1000 drivers and other attendees participated in the three-hour seminars. You've heard various statements from the Director of the South Jersey Transportation

Authority and other members who attended these seminars on how well they were received. I can tell you that we had very little time to put these together, and we were very pleased with the number of bus drivers that arrived. We were very pleased with their interest and comments. I can tell you that we intend to continue to promote these refresher programs.

I have spoken recently with Jim Crawford, the Executive Director of the South Jersey Transportation Authority, and have expressed my enthusiasm regarding the continuation of these programs. I've heard other representatives state that they will continue to be involved in these. I think it's a great opportunity to continue to focus our drivers and management of bus companies on the essence of driving safety.

I'm trying to deviate a little bit from my prepared statement because of the time. I will state that in accordance with Federal Motor Carrier Regulation 390.3 and various sections, "Every employer shall be knowledgeable of and comply with all regulations contained in the subchapter, which are applicable to the motor carrier's operations. Every driver and employee shall be instructed regarding and shall comply with all applicable regulations contained in the subchapter. Every driver can, by reason of experience training, or both, safely operate the type of commercial vehicle he or she drives." In my opinion, the training of a driver begins at the company. It is the company's responsibility to assure the traveling public that the drivers are well trained and cognizant of the safe driving on the highways in America and New Jersey.

The commercial bus industry is heavily regulated. You've heard much testimony regarding that. Your rules, as been repeated heretofore, are

stricter than many other states' rules. I will say in Pennsylvania we are under the same kinds of regulations. Our bus companies are audited from time to time regarding the driver's logs, the driver's physicals, buses, bus safety. I recently went through a Department of Defense audit. It's been 13 months since my last audit of our company and continue to receive the highest rating in the industry. We welcome these audits as an opportunity to find any deficiencies that might occur within our company so that we may correct them. And it also gives us an opportunity to find out how well our employees do their jobs.

One of the things that I must remind everyone is that every year every bus company must review the motor vehicle records of their bus drivers for any accidents or violations that may occur. Many bus companies increase that review to quarterly, and I think that's a great opportunity to call out the drivers that are not professionals.

We discussed here today roadside inspections. New Jersey does have a very complex and sophisticated program of roadside inspections. My company has had a number of roadside inspections. One of the recommendations that I will repeat is that I believe that it is better to have these inspections occurring at the parking lots in Atlantic City rather than on the roadside for a number of reasons. It is somewhat unsafe to have the vehicles pulling off the highway. I've seen our buses pulling off right after the interchange. It does create some traffic congestion. The passengers need not be inconvenienced during the inspection. They should be at their destination to enjoy their day. If there's any problems with the bus that is a little more difficult to deal with, a vehicle that's been red tagged at a roadside inspection,

it would be easier to deal with the vehicle, red tagged, at a parking lot. And as Executive Director of the South Jersey Transportation Authority stated, there are methods by which we can assure that bus companies -- the buses are inspected while in Atlantic City. And I think the program has been pretty effective.

I recently did a study of the various major arteries in New Jersey to determine whether or not there was any perceptible increase in accidents involving buses. My study has shown that the regard to the New Jersey Turnpike and the Garden State Parkway, the Atlantic City Expressway that the number of bus accidents occurring are consistent with traffic volume increases and are very small. Somewhere in the neighborhood of 1.5 percent to 2 percent of all accidents are bus related.

You've already heard testimony regarding the fact that there are very few fatalities as a result of bus accidents and very few occupant fatalities involved in bus accidents. One fatality is too many, but certainly these accidents do not appear to present a trend of increased commercial bus accidents over the prior years, nor do the statistics represent any reason to believe that travel by bus is dangerous. Certainly there are more fatalities occurring as a result of travel by automobile and truck. I will remind you that one busload of passengers is equal to 22 cars on the highway. Every bus does reduce congestion on the highway. There are over 400,000 buses traveling to Atlantic City alone. You can multiply 22 times 400,000. You can see that there's a substantial reduction in vehicular traffic as a result of the buses.

The fatalities that occurred on the Garden State Parkway in late December 1998 certainly have been a wake-up call to the commercial bus

industry. Commercial bus operators and drivers must focus on what can happen if the rules of safe driving are ignored or abused. It is my position, the average bus driver is a careful, considerate, and professional commercial motor vehicle operator. He is aware of the inherent dangers, and he is aware of his or her responsibilities to the traveling public. Every driver I've met understands that responsibility and understands the laws governing the operation of commercial motor vehicles. They want to operate the vehicles in accordance to the laws, having the knowledge gained in over-the-road experience and in safety training programs such as those recently offered by South Jersey Transit Authority.

I will interject comments regarding the previous witness. I don't know that he represents the majority of drivers insofar as his views are concerned. Certainly in my 30 years of involvement with the bus industry, I have met very, very professional drivers. I certainly have been involved with some that are not professional. They don't last in this bus industry. Every bus company when hiring a driver must go through a certain reasonable amount of prior investigation of that prospective employee's prior employment. It requires a review of the MVRs in a state. The commercial driver's license has reduced the potential for multiple driver licenses and has been a very good law regarding our ability to control the hiring of bad drivers.

We can be proud of the bus industry's safety record. In fact, the National Safety Council, along with other government agencies, has agreed that travel in motor coaches is the safest form of passenger transportation. This is especially impressive since there were 10 million passengers traveling by bus to Atlantic City each year and over 400,000 buses with millions more

traveling safely by bus to other popular tourist destinations throughout the United States and Canada.

In summation, it is my opinion and the opinion of ACBOA that the current level of regulatory oversight has proven to be sufficient to assure the traveling public a safe journey. I believe safety regulations and oversight procedures currently in place assure compliance. It is a matter of enforcement, and we support the efforts of the agencies charged with compliance assurance. Because so many buses operating with the State of New Jersey emanate from other states, any change in the driver and bus operator safety regulations must come from the Federal government. Changes made of the current safety regulations must come as a result of strict studies and must be uniform in enforcement regardless of the origin of the motor coach trip.

I will continue to urge motor coach owners and management, and especially ACBOA members, to convert the adversity resulting from this recent unfortunate series of bus accidents within New Jersey into an opportunity to heighten their awareness and resolve to increase the industry's effort to drive safely. It is up to bus company management to train the drivers. It is up to the driver to sharpen his or her safety knowledge and to strive to be the safest driver on the road. By these efforts and with the industry's assistance traveling by motor coach will continue to be the safest mode of transportation.

Those are my comments. I would like to see if either of my compatriots here would like to make a comment regarding this matter.

PETER J. PANTUSO: I would.

Mr. Chairman, I'll keep my remarks brief. I'm very cognizant of your time. I am Pete Pantuso. I'm the President and CEO of the American

Bus Association. We represent about 700 bus operators around the country. Those 700 operators represent approximately two-thirds of the motor coaches and passengers who travel by motor coach across the U.S.

Safety is the No. 1 issue bar none for this industry: safety for our operators, safety for their passengers, safety for their drivers and employees. The record, I think, of the industry bears out the fact that we have been very successful in moving safety to the highest plane in this industry. The fact that there are so few incidents, and while one fatality maybe too many, the National Safety Council's record that this industry has 0.018 fatalities per 100 million miles traveled, and that's in over 200 billion passenger miles, bears out an impeccable record that is equal to none, including the airline industry.

Well, there have been accidents here in the State of New Jersey in the last few months. They have been very high profile, and they're so high profile because they're so unusual. During that same period, there have been tens of millions of motor coach passengers moving across the United States traveling hundreds of millions of miles. And in addition to New Jersey, there have been only one other incident that we are aware of where there's been a serious accident in all those numbers of passengers and miles.

Accidents since December, obviously, are currently under investigation, as was presented earlier, and there's also been some discussion about seat belts and hours of service. The industry understands that the hours of service rules are currently under review. They're Federal rules. They work well as they are, and we recommend no change at the Federal level. As far as seat belts go, it was presented earlier by the United Motorcoach Association. We would concur the passengers are very, very safe now. They're very much

encapsulated in the seat with a seat in front of them that has some flexibility that moves, and we're afraid that putting seat belts or requiring seat belts not only disrupts interstate commerce, but it also has the potential to harm the individual more than help them in the end.

In closing, the ABA and the industry remain fully committed to safety. We would welcome the opportunity to work certainly with this Committee, with members of the New Jersey Legislature. We also believe that standards and performance and criteria and regulations for our industry that operates in all 50 states and across all 50 state borders and North American borders should be addressed at a national level as well.

I'd be pleased to answer any questions that you might have. I'd like to put one aside, if you will. New Jersey, obviously as was mentioned, does roadside inspections. Forty percent of the passengers that travel by motor coach are over 55; 40 percent are under 25. In essence, the bulk of the industry moving by motor coach are students and seniors. We have a great deal of concern with roadside inspections. We fully support inspections, but we support them at destinations where the passengers are safe in addition to the fact that you have a better ability to capture those motor coaches who are coming in and out of the destinations, as opposed to having them skirt, if you will, traffic and roads setups on their way to and from.

We also want to just confirm that this is a very professional industry. The industry safety record is impeccable, and again reiterate that we look forward to working with you in the future.

SENATOR CIESLA: Thank you.

MR. PANTUSO: Thank you, sir.

SENATOR CIESLA: Yes, sir.

RON WALLER: Thank you. My name is Ron Waller. I'm a resident of New Jersey, and I am also the Vice-President of Sales for Prevost Car. Prevost is the second-largest manufacturer of motor coaches in North America. I am fortunate to represent one of the safest forms of transportation known today. That's the intercity motor coach industry. However, you as representatives of the public, this is your No. 1 concern, and these concerns are also extremely important to us, the industry professionals.

Several studies have been done on the subject of seat belts. I have been asked just to make sure that we are aware of some of those conclusions which have been inconclusive. The MTSB has stated that seat belts would not help. It is difficult to determine if lap belts would have reduced the overall severity of injuries. A study by New York state has similar conclusions. Finally, a report done by Indiana University expressed concern that seat belts on intercity coaches could have a possible negative impact. As a manufacturer, we want to do the correct thing, not only for our customers, but their passengers. Studies on the use of seat belts in motor coaches are inconclusive and benefit analysis has not been done. We want to be sure that the safety benefits outweigh any possible disadvantages. In addition, we believe that any such mandate should be done on an international level, including Canada and Mexico, whose buses also travel our highways.

Ladies and gentlemen, thank you very much for your patience and your time. We would respond to any questions.

SENATOR CIESLA: Thank you very much.

Are there any questions of the panel? (no response)

Thank you for your time.

MR. WALLER: Thank you.

SENATOR CIESLA: Final comments? (no response)

Batting cleanup, Dan O'Connell, State Legislative Director of the
United Transportation Union. Dan here?

He spoke already? I'm sorry. Okay.

Well, thank you very much then.

Thank you to the Committee for taking the time to hear the
comments of the public, and as we progress, we'll certainly request your
additional assistance.

Thank you.

(HEARING CONCLUDED)

APPENDIX

ROBERT MENENDEZ
13TH DISTRICT, NEW JERSEY

**COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE**

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WATER RESOURCES

**COMMITTEE ON INTERNATIONAL
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Statement of the Honorable Robert Menendez
New Jersey State Senate Transportation
Hearing on Bus Safety
February 11, 1999

Mr. Chairman, thank you for giving me an opportunity to transmit my views to you and your Committee through Senator Sacco on this critical issue.

At the Federal level, I am very disturbed by the recent bus accidents in New Jersey. Many of us take safety for granted. There's no doubt that America has safe roads and highways, but whenever there is one fatality or injury -- it's one too many. Last year alone millions of people in New Jersey traveled bus routes, and more than a thousand buses with passengers arrive at one destination, Atlantic City, alone. We need to make sure these passengers travel as safely as possible.

Of all the things I do in Washington in the House Transportation and Infrastructure Committee, the biggest responsibility I have to the

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travelling public is safety. The rules we set and the legislation we pass as legislators will determine how safe our bus passengers are each time they step foot on a bus to go to work, visit a loved one, or travel on a holiday vacation. So, I appreciate the efforts you have placed into this issue, which needs to be addressed in a timely manner.

As investigators continued to examine the causes of the bus accidents that occurred on New Jersey's roads and highways, I wrote to House Transportation and Infrastructure Committee Chairman Bud Shuster and Ranking Member Jim Oberstar to respectfully request that they hold a hearing on these accidents, which brought to light several issues facing bus and motorcoach travel: standards for commercial buses are inconsistent, speed limits are not enforced, and bus drivers receive inadequate training, among other concerns.

I believe the Federal government can play a positive role to prevent future bus accidents in New Jersey by moving oversight and regulation of bus travel from the United States Department of Transportation's

Office of Motor Carriers to the National Highway Traffic Safety Administration. The Office of Motor Carriers is doing an insufficient job of inspecting buses. In fact, bus inspections declined from 10,000 inspections earlier in the decade to 4,500 last year, accounting for only 25 percent of all bus companies. And we need to make certain that we provide the funds necessary to rigidly enforce the laws we already have in place to promote the safety of bus travel.

I look forward to working the New Jersey State Senate and Assembly to make our roads and highways as safe as possible. Thank you.

*Testimony on Bus Safety
by Commissioner James Weinstein
before the Senate Transportation Committee
February 11, 1999*

Chairman Ciesla, first I wish to thank you for calling this hearing. This gives me the opportunity as your new Transportation Commissioner to express my personal sympathy and condolences to the family members of those who were killed or injured in the recent series of bus accidents.

Occurring during the holidays, I found these accidents particularly upsetting, and as a result, personally authorized an immediate investigation into our entire bus program. I would like to share with you the results.

NJ has one of the best bus safety programs in the country. In fact, New Jersey stops and checks more buses during random roadside inspections than any other state in the nation. As a heavily traveled corridor state, this program is important and our efforts show that New Jersey is serious about ensuring safe travel on our highways.

These roadside stops are in addition to the regular inspection of almost 6,000 commercial buses registered and based in New Jersey.

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Today, I want to provide you with detailed information about:

- * New Jersey's In-terminal Commercial Bus Inspections;
- * New Jersey's Random Roadside Commercial Bus Inspections;
- * The Recent Bus Accidents;
- * New Jersey's 65 mph Speed Limit & Speed Differentials;
- * Our Newly Proposed Bus Safety Regulations; and
- * Seat Belts.

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NJ In-Terminal Commercial Bus Safety Inspections

An estimated 129 million passenger trips are taken by bus in New Jersey each year. More than a quarter-million commuters ride buses each weekday to reach jobs in Newark, New York City, Philadelphia and other locations.

Recreational travel also generates trips by bus. Atlantic City is a major travel destination. The Atlantic City Expressway last year handled more than 400,000 buses bringing an estimated 10 million passengers into Atlantic City.

New Jersey also has one of the largest private sector bus industries in the country, with over 400 bus and van companies in our state. Private bus companies operate almost 3,700 buses, and NJ Transit, almost 2,000. In addition there are about 400 commercial vans in operation.

By statute, the Department is required to inspect these buses and ensure their safety. New Jersey's buses are inspected twice per year -- once by MVS inspectors at the bus company's garage, and once by the company itself -- with the results audited by the MVS. Let me explain how this process works.

Once a year, an MVS inspector performs a complete, detailed maintenance inspection of all company buses. They inspect inside, outside, and underneath the bus to ensure that all parts are working correctly, particularly the brakes, steering, tires, and wheels. A bus cannot operate legally without this inspection sticker.

In addition to this detailed annual inspection, there is a semi-annual "self-inspection." The company conducts its own maintenance inspection, and Departmental staff go in and audit their work by checking a minimum of 10% of the buses that were self-inspected. This helps us to minimize our costs while ensuring the public safety.

If, during these inspections or audits, we find a bus company with an extremely high failure rate, or a general indication of poor maintenance, we take immediate action.

As a first step, the company will be taken off the self-inspection eligibility list. That means the mid-year inspection will be performed by MVS inspectors and not company mechanics. If maintenance problems persist, MVS can and does increase the frequency of these garage inspections. We will put a company on a quarterly inspection cycle; MVS personnel will need to perform all 4 inspections; and this will

continue until the company puts maintenance reforms in place and demonstrates an improvement in the condition of their vehicles.

Currently, there are approximately 50 companies on full inspection.

As a cost saving measure, since 1983, NJ Transit buses are treated somewhat differently. The Department does not conduct full inspections at their terminals. Instead, twice per year, NJ Transit completes self-inspections of its own buses. We then audit a minimum of 10% of their inspections as we do at the private companies.

NJ Random Roadside Bus Safety Inspections

New Jersey also conducts random roadside inspections of buses funded through a federal program called the "Motor Carrier Safety Assistance Program" or MCSAP. New Jersey generally receives between \$1.4 and \$1.7 million per year, and these funds are used both by the Department to conduct roadside bus inspections, and by the State Police to conduct safety inspections on trucks, including those carrying hazardous materials, which adds another technical dimension to the inspection.

During the 1997 federal fiscal year, the last for which we have completed national statistics, New Jersey conducted over 6,000 roadside inspections representing 17% of the total bus inspections conducted nationwide through MCSAP; almost 36,000 inspections were conducted nationwide.

Historically, New Jersey has conducted between 4,000 and 8,000 random roadside bus inspections annually --- the number varying according to the resources available. Staff must make sure that all in-terminal inspections are completed first; therefore, depending on staffing levels and availability of overtime resources, roadside bus inspections are conducted as resources can be made available and based on the

amount of federal dollars available. Additional roadside inspections could be conducted with additional commitments of staff and resources, either state or federal.

The Department will commit the resources necessary to ensure the integrity of the bus inspection program. New this year, through MCSAP, we will give our field inspectors access to computers capable of producing a 30 day report card for any bus stopped for a random roadside inspection. This year, we will put 3 of these systems in use. Ultimately, we hope to have all of our inspectors fitted with this system.

Buses roll day and night. So we also plan to purchase new vehicles with auxiliary lighting that will allow roadside bus inspections to take place after dark. Currently, we perform roadside inspections during daylight hours on both weekdays and weekends.

The Recent Bus Accidents in NJ

At this point, let me address the rush of bus accidents that occurred during the holiday season.

- The tragic accident on the Garden State Parkway involved a bus operated by “Bruins Transportation Incorporated,” a company based in New York State.
- The second bus accident occurred at the intersection of Route 440 and the New Jersey Turnpike entrance. This accident involved an “Academy Bus Tours” bus based in New Jersey.
- Third, an “Academy Bus Tours” bus was involved in an accident on the Parkway during a period of inclement weather, and
- Fourth, a “Greyhound Lines” bus not based in New Jersey and traveling interstate hit a bridge abutment on the Garden State Parkway.

Out of the four accidents, 3 of the 4 bus drivers were not licensed in New Jersey. Two were licensed by New York State and one by Washington, D.C.

Both of the interstate bus carriers have a satisfactory rating according to federal standards. This is based on a compliance review conducted according to national standards examining accident history, roadside inspection history, and overall compliance. The intrastate bus company had satisfactory inspections and has a good safety record.

The National Transportation Safety Board (NTSB) is investigating the fatal accident and will issue a report of its findings. Preliminary information does indicate that driver error played a tremendous part in these accidents versus mechanical defects. As a result, the State recently offered a series of refresher courses for bus operators in Atlantic City through a multi-agency effort involving both federal and state organizations that deal with bus and highway safety oversight. Both bus operator and bus mechanical safety were targeted in these courses. Over 800 drivers received certificates from this training.

Even though these accidents were very serious and regretful, New Jersey's accident history record has been good historically. There have been no major accidents due to mechanical failure since the last major fatal bus accident that occurred in 1992 in Vernon Township wherein 6 passengers died in a New York

State-registered bus. Following the accident, the NTSB conducted hearings into the accident. During that hearing process, the NTSB spokeswoman Susan Coughlin complimented New Jersey's program, and stated that this Brooklyn-based carrier would never have escaped inspection for 4 years. She also acknowledged that this carrier had slipped through the cracks of the federal system as well. The 1992 bus accident was caused in part by mechanical defects that should have been caught during routine inspections.

NJ's 65 mph Speed Limit and Speed Differentials

Mister Chairman, as you know, there has been some discussion about whether the speed limit should be reduced for buses. New Jersey's 65 mph speed limit was implemented at the behest of the Legislature in 1997. While the original legislation would have required a 65 mph speed limit on all New Jersey interstates and limited access highways, Governor Whitman negotiated an 18-month test period. As a result, 475 miles were designated for the 65 mph speed limit on May 19, 1998. At the end of the test period, I will submit a report to the Legislature recommending additions and/or deletions to the 65 mph speed zones, and reporting on the overall safety and impacts of the 65 mph speed in New Jersey.

Given the suggestion by some to reduce the speed limit for buses, I have looked into the matter and have been advised by both my legal and technical traffic experts. First, it is problematic to declare an emergency based on these accidents, and therefore to differentiate the legal speed limit for buses. To do so without an emergency, would also be problematic legally, because state statute only permits a differential speed limit for trucks -- not buses -- and only by a differential of 5 mph.

From a traffic standpoint:

- Traffic flow is safest when traveling at uniform speeds. Posting differential speed limits for different kinds of vehicles will tend to increase the speed variance of overall traffic, creating more 'passing' movements between vehicles.
- Reports on states that have different speed limits for different types of vehicles have not drawn conclusions that they are beneficial.
- Of the 4 high profile bus accidents experienced over the holiday period, only two occurred in a 65 mph speed limit.
- From the data we have gathered in our monitoring of the 65 mph speed limit so far, there appears to be very little difference in the before-and-after travel speeds, indicating motorists are traveling about the same actual speeds they were when it was a 55 mph speed zone. Therefore, it is difficult to conclude that the 65 mph zone makes bus drivers travel faster. In fact, field observations from the State Police to date indicate that traffic is traveling more uniformly in the 65 mph speed zone.

- Accidents are random in nature, and although we had 4 high profile accidents, there is no indication that this frequency will continue in the future. It is dangerous to over-react, or react prematurely, especially when this may have been an anomaly, and we do not yet know the cause of each accident.

Only a few studies have examined the general impact of speed variance, or vehicles operating at different speeds, and the effect that this has on crash rates, including serious injury and fatality rates. One recent study has specifically examined the impact of differential speed limits (DSL) between passenger automobiles and larger vehicles, such as trucks. That study suggests a potential negative safety impact.

Here in New Jersey we have seen some encouraging preliminary accident data in our experiment of increasing the maximum speed limit for all vehicles to 65 mph on certain limited access highways. Part of what we were trying to do in implementing this increased maximum speed limit, was to *reduce* the speed variance between vehicles, i.e., increase the maximum speed limit on certain limited access roadways, and thereby “even out” the overall speed vehicles are traveling. Implementing a DSL would change the present course set by this Legislature by increasing speed variances.

It seems to me that the proper test for this State to give serious consideration to a DSL proposal for trucks and passenger automobiles, is whether it would be likely to *improve* our safety record. The Department of Transportation has concluded that it would not. In fact, there is good evidence that it might have a negative effect on crash rates, and we do not believe we can take that risk. Finally, we also believe a DSL would have negative effects on commerce in terms of artificially attempting to slow down truck traffic on these limited access roadways. Without any corresponding benefit on safety, this too would be unacceptable.

The available evidence seems to support the following general conclusions:

- Accident rates tend to increase with increasing speed variance, but they do not necessarily increase with an increase in average speed.¹ We believe both of these are true on roadways designed to handle higher speed vehicles.
- “The differential speed limit (65/55) has no significant effect in reducing a) non-truck/truck accident rates, and b) two-vehicle accident rates, compared with those for the uniform speed limit (65/65). In fact there is some indication that the differential speed limit may increase the rates of some types of accidents such as two vehicle accidents.”²

¹ See Garber, N.J. and Gadirau, R., Speed Variance and Its Influence on Accidents, AAA Foundation for Traffic Safety, July 1988, at 34.

² See Garber, N.J. and Gadirau, R., Impact of Differential Speed Limits on Highway Speeds and Accidents, AAA Foundation for Traffic Safety, February 1991, at 37, quoting a major conclusion of the study.

New Jersey's Newly Proposed Bus Safety Regulations

DOT has proposed new rules to establish a schedule of bus safety out-of-service violations and civil penalties for buses operating with bus safety out-of-service violations. They are generally consistent with national safety standards, certain federal rules, and, in particular, the out-of-service criteria of the Commercial Vehicle Safety Alliance (CVSA). These rules will apply to intrastate and interstate autobuses operating on our roads and highways.

The *Bus Safety Compliance Act* provided for us to establish a schedule of bus safety out-of-service violations as either category 1 or category 2 violations, depending largely on the nature and severity of the violation and the “discoverability” of the defect prior to a bus trip. The civil penalty for each category 1 violation is between \$300 & \$5,000, while each category 2 violation is up to \$500.

With regard to imposition of sanctions, buses will be placed out-of-service if found to have out-of-service safety violations, and will remain out-of-service until the operator makes all necessary repairs. Accordingly, the duration of the sanction is exclusively within the control of the operator. In addition, DOT inspectors may issue a summons and complaint for each out-of-service violation, for the most part, returnable in the Municipal Courts.

Presently, neither the federal government nor any state imposes any direct monetary civil penalties on operators for operation of a bus with bus safety out-of-service violations (mechanical safety defects) that are consistent with these violations.

New Jersey's *Bus Safety Compliance Act* and the proposed new rules are the first in the United States to impose specific monetary civil penalties for operating buses with bus safety out-of-service violations directly on bus operators.

Four substantive provisions in these rules exceed federal Commercial Vehicle Safety Alliance (CVSA) standards. One of these CVSA standards provided that the number of defective brakes is equal to or greater than 20 percent of brakes on the vehicle or combination, a rule which wouldn't apply in the case of one defective brake on a three axle bus. However, three axles are common on tour buses, often carrying large numbers of passengers. The Department has concluded that overriding concerns for the safety of bus passengers require making such a defective brake a violation. So we have proposed a rule stating that, "on a three axle bus, one defective brake shall constitute a violation." Such a defect should be repaired quickly, potentially avoiding a crash or other serious safety incident.

Another proposal specifically addresses improperly welded frame defects causing an imminently dangerous condition to the frame or other functional components. Where the proof shows that the violation resulted from an improperly welded frame member, we have opted for a \$1,000 penalty. This provision is not in the federal criteria, but we have occasionally seen this dangerous type of violation in our inspection program. It could cause a frame to break, or compromise essential functional components, possibly causing steering loss and consequent loss of control of the vehicle.

A third rule proscribes improperly attaching a fuel tank to a vehicle with bailing wire, coat hanger type wire or other like material. It is one of two violations addressing improperly attached fuel tanks, the first of which addresses fuel tanks not securely attached to the bus. Again, it exceeds the federal standards memorialized in the CVSA.

An improperly attached fuel tank could become disengaged from the vehicle, possibly causing a severe spill, or even a serious injury-producing fire. Requiring such a defective fuel tank to be properly repaired and prohibiting the jerry-rigging of a dangerous, unsafe solution, is essential.

Finally, one of the new rules addressing violations regarding emergency exits proscribes an “emergency exit made intentionally inoperable.” The Department listed this as a Category 1 violation with a \$5,000 penalty. Because of the extensive experience of the Department in inspection of vehicles, from time to time, we’ve seen incidents of exits being screwed or wired shut. The Department feels, therefore, that this provision is necessary for the safety of the public, though it exceeds the CVSA criteria.

Because of the thoroughness of our inspection program, we infrequently see these defects, but when we do, we feel that substantial penalties are fully justified. In fact, the Department feels so strongly about these safety provisions and the fine schedule we are proposing, that we will contact the Federal government and state officials around the country to encourage other states to follow our lead in adopting such bus safety rules and fine schedules.

Seat Belts

New Jersey is one of only two states that requires school buses to be equipped with seat belts. In October of 1992, New Jersey began requiring all new school buses to be equipped with seat belts. About half of the state's buses have seat belts, and all buses should have seat belts in 2004, because New Jersey requires school buses to be retired after 12 years. The law did not contain a retrofit requirement for existing school buses built before October, 1992.

Requiring seat belts on commercial buses is a separate issue. New Jersey could not require them of interstate carriers or companies based outside the state.

The Future

What we can do now is to place a renewed emphasis on inspections, safety, training, and aggressive enforcement -- and that is exactly what we are doing. Some beneficial changes will be occurring to our bus inspection program this year. MVS is in the process of hiring additional bus inspectors to beef up the program. We are doing this in preparation for writing summonses and issuing fines to unsafe bus operators. We are anticipating staff will be called into court when testimony is required. We do not want court appearance requirements to lower the number of bus inspections we perform.

I expect New Jersey to remain first in the nation in performing roadside bus inspections. I expect more underside inspections of buses during roadside inspections through greater use of portable ramps. I expect the roadside program to expand into night-time operations so we can check operators no matter when they are traveling our highways. I expect all these things, because the public rightly expects government to ensure their safety.

In Summary

Senator Ciesla, I want to thank you again for conducting this hearing. I, along with my colleagues from the State Police, the South Jersey Transportation Authority, the New Jersey Turnpike Authority, and the New Jersey Highway Authority, want to assure you that New Jersey is one of the safest states to travel in --whether by bus, car, truck, plane, or train. Given the volume of traffic on our roads, and the level of congestion, it is really quite remarkable that we do, in fact, have one of the leading safety records nationally.

Also, I want to assure you that I will personally continue to make improvements and devote resources to bus safety measures. New Jersey citizens have a right to expect that when they sign up for a charter bus trip, or when they travel on our highways, they are not jeopardizing their safety or their lives.

I will be glad to answer any questions at this time.

**COLONEL CARL A. WILLIAMS
SUPERINDENDENT
NEW JERSEY STATE POLICE**

**SENATE TRANSPORTATION COMMITTEE
BUS SAFETY HEARINGS**

THURSDAY, FEBRUARY 11, 1999

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Good morning.

Our purpose this morning is to address not only the Dec. 24, 1998 fatal bus crash involving a New York registered motor coach on the Garden State Parkway, but the spate of subsequent motor coach crashes, including two that occurred on Tuesday night of this week. While only one fatality occurred as a result of the latter crashes, a significant number of people sustained various levels of injuries. These events concern me greatly and remain the focus of much enforcement and investigative attention by the New Jersey State Police.

From an enforcement point of view, I can assure you that safety is our primary goal. The New Jersey State Police, along with the Division of Highway Traffic Safety, has several crash reduction programs in place -- the Aggressive Driver/Aggressive Enforcement Program, designed to detect anyone who operates their vehicle in a manner which creates an unsafe driving environment and the 65 mph speed enforcement program with the overall objective to ensure compliance with the new 65 mph speed limit.

The State Police have also initiated numerous other programs which are more traditional in nature, such as tactical patrols, use of unmarked vehicles, saturation and increased holiday enforcement activities, and weight enforcement and safety inspection details directed at commercial vehicles. Additionally, the State Police traffic Bureau has put in place various programs which specifically target commercial vehicles and motor coach enforcement.

As the New Jersey Department of Transportation will (has) also indicate(d) in their presentation, New Jersey has one of the best bus safety programs in the nation. In fact, New Jersey has always been at the forefront of commercial vehicle enforcement. As early as 1992, we realized the need for an increased commitment to motorcoach safety. Indeed, New Jersey was one of five pioneer states to use Motor Carrier Safety Assistance Program (MCSAP) funds for the purchase of portable inspection ramps to conduct full scale Level I roadside inspections on motor coaches -- the other states being California, Idaho, Nebraska and Pennsylvania.

The result of this initial inspection program was a 30% increase in the out-of-service rate for roadside inspections. When I refer to "out-of-service," I mean a mechanical condition which would likely cause a commercial vehicle to crash or breakdown.

OPTIONAL:

For those of you who may not be familiar with motorcoach inspection procedure, a Level I inspection entails the following: Examination of driver's license, medical examiner's certificate and waiver, if applicable; alcohol and/or drugs (possibly under the influence); driver's record of duty status as required; hours of service; seat belt, horn, fire extinguisher and road warning devices; brake system (including measurements, integrity of air lines, air leaks and all brake components); low air warning device; steering mechanism; wheels and rims; tires; suspension; frame; fuel system; exhaust system; windshield glazing and wipers; lighting devices (head lamps, tail lamps, turn signals, brake lamps, marker lamps); emergency exits (including proper markings and lighting); seat securement, aisle obstruction violations and HM requirements.

The New Jersey State Police and New Jersey Department of Transportation conduct "en- route" inspections on motorcoaches year round on the Garden State Parkway and the Atlantic City Expressway -- the main traffic corridors to Atlantic City. Additionally, the Great Adventure amusement park and the Meadowlands sports complex provide additional sites for inspections, due to the fact they are primary motor coach destinations.

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Both the State Police and the DOT conduct inspections at these locations when they are in operation. One of our more intense operations takes place in Atlantic City, where "destination" inspections are performed at two locations on US Highway 322. Many motorcoach owners and operators confuse these inspections with the Herbertsville "enroute" inspection operation on the Garden State Parkway. Because New Jersey conducts more motorcoach inspections than any other state, we are the recipient of many complaints from the industry. Some members of the industry feel that we are interfering with their commercial ventures in and out of Atlantic City. This could not be further from the truth since passenger safety and crash avoidance are our primary goals.

During a "destination" inspection, the passengers have already been delivered to their destination. In June of 1998, during an operation in Atlantic City, inspection teams developed information that some motorcoach drivers were remaining in the city, after dropping off passengers, to avoid being inspected. Generally, drivers proceed to locations other than the downtown area, and park until it is time to pick up their passengers. Members of the Commercial Carrier Safety Inspection unit went into the city and escorted the vehicles to the location where the inspections were being conducted. I might add this behavior is not typical of carriers as a whole, but is indicative of those companies with less than satisfactory compliance histories. I would also like to point out that, just as these operators networked to avoid inspection, other carriers have a network of communication through CB radios designed to thwart speed enforcement efforts of the State Police and other enforcement agencies. We will endeavor to find new methods of combating this and enhance our enforcement results.

Even before this recent unfortunate series of crashes, the State Police was reviewing a plan to create a dedicated motorcoach inspection squad. Presently, members of the State Police Commercial Carrier Safety Inspection Unit perform in dual capacities, conducting commercial vehicle inspections and weight enforcement for trucks and motorcoaches. The proposed new squad would channel its efforts toward motorcoach activity and compliance review. Our Carneys Point Weigh Station in South Jersey, which opened in September of 1997, provides us with the capability for inspecting motorcoaches as well as weighing and inspecting trucks.

Finally, as in any area of law enforcement, our job is made easier if we have cooperation. In this case, we need cooperation from industry and the public, namely motor carriers and the passengers who ride motorcoaches. It has been alleged that passengers tip drivers in order to entice them to drive faster, so they will arrive at their destination more quickly. If this is true, the practice should be stopped at once, in that it may encourage the violation of motor vehicle laws and compromise safety.

The New Jersey State Police will continue to work with federal, state and local agencies to further enhance our commitment to safety. We will continue to review our existing enforcement strategies and will develop new programs, as necessary, to remain proactive.

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TESTIMONY OF SENATOR JOSEPH VITALE
SENATE TRANSPORTATION COMMITTEE BUS SAFETY HEARING
THURSDAY, FEBRUARY 11, 1999

I would like to thank the committee members, particularly Senator Ciesla, for scheduling this hearing in response to the recent series of crashes involving passenger buses and in general to discuss the process by which the State ensures overall passenger and driver safety.

In addition to other steps that the State must take to ensure safer roads, I urge you to consider the possibility of lowering the speed limit for school buses, other passenger buses and the large trucks that travel upon our limited access highways.

On the outset I would like to recognize one main concern that some transportation advocates express regarding split speed limits. This is, that variances in speed, for example, cars limited to 65 mph and trucks limited to 55 mph interact at dangerous levels. I believe that in part, my testimony and documented information that I have provided to you will begin to address that important concern.

When the legislature raised the speed limit from 55 mph to 65 mph, the State not only raised the limits for competent drivers with safe cars, it also raised it for poor drivers, chronic offenders and for the most inexperienced drivers--teenagers. Similarly, we raised the limit for trucks and buses. Now, all types of drivers with varying degrees of ability, in automobiles, trucks and buses with random degrees of performance, are thrown together on the highways of our state.

I recognize that there is very little sentiment at this time to revert to the maximum 55 mph for all vehicles, but I believe it is reasonable to consider doing so for buses and large trucks.

I believe that all of us have a large degree of common sense when it comes to the physics of size and speed. As New Jerseyans, we spend a great deal of time in our automobiles observing the driving habits and speeds of all vehicles and so our opinions are more than just anecdotal, they are based on real experience as well as technical data. Therefore, I am not going out on a limb when I say that we can all agree that buses and trucks cannot stop as quickly, avoid other vehicles in emergency situations as competently or perform in inclement weather as capably as passenger cars. And unfortunately when they do crash it seems that the price is higher in injury and death.

To support my position on split speed limits I have provided a technical summary by the U.S. Department of Transportation, Federal Highway Administration and a listing of states with split limits and with same speed limits. Those states with the split speed limits are:

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- Arkansas
- California
- Texas
- Oregon
- Washington
- Michigan
- Indiana
- Florida
- Ohio
- Connecticut

Montana, which does not have a speed limit for passenger cars, at least has the common sense to have a limit for buses and trucks.

The primary purpose for the research by the Dept. of Transportation was to determine whether differential speed limits are more beneficial to transportation safety and traffic operations on Interstate highways. The summary was issued in May, 1994, and is the most recent Federal study available. Within the study's summary, four important conclusions stand out:

- For States with different speed limits for cars and trucks, the percentage of car-into-truck rear-end accidents was 26% greater when compared to the uniform speed limit states, however;
- In states with similar speed limits, truck-into-car accidents were greater for rear end collisions by 57%, sideswipes by 41% and other collision types by 103%. The analysis of accident severity showed that uniform and differential speed limit States have the same fatal accident proportion, however, the injury accident proportion was 18% greater in the uniform speed limit States.
- The 65/55 speed limit does result in fewer trucks exceeding 70 mph.

I have provided a draft of legislation that provides the specific details that will lower the speed limit for passenger buses and other commercial vehicles. Briefly, the proposed legislation breaks down this way:

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway and includes a motor vehicle:

- Having a gross vehicle weight rating (GVWR) of 10,001 or more pounds or displaying a GVW rating of 10,001 or more pounds;
- Having a gross combination weight rating of 10,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,001 or more pounds;
- Designed to transport 16 or more passengers including the driver;
- Designed to transport eight or more but less than 16 persons, including the driver, and used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment;

- Or transporting or used in the transportation of hazardous materials and required to be placarded in accordance with rules of the Department of Transportation, or displaying a hazardous material placard.

This legislation does not include recreational vehicles or other vehicles exempted by rule or regulation.

In closing I would like to add that any reduction in speed limits for buses and trucks is not a reflection upon the abilities of those who operate them. They vast majority of whom are extremely competent individuals and go about their trade safely. It is though as I stated earlier, a matter of a passenger bus and large trucks ability to perform safely at higher speeds in all situations.

Thank you for your time and concern.

Publication No. FHWA-RD-93-161
May 1994

Safety Impacts of Different Speed Limits on Cars and Trucks Final Report



U.S. Department of Transportation
Federal Highway Administration

Research and Development
Turner-Fairbank Highway Research Center
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15. Supplementary Notes Contracting Officer's Technical Representative: Mr. Howard Bissell (HSR-30)					
16. Abstract <p>The objectives of this study were to determine whether differential or uniform speed limits are more beneficial to transportation safety and traffic operations on Interstate highways. The approach to achieving this objective was to examine speed and accident data from States employing both types of limits. Speed data were collected in 12 States at rural and urban locations representing all speed limits currently established on the Interstate highway system for cars/trucks, i.e., 55/55 mi/h (89/89 km/h), 65/55 mi/h (105/89 km/h), 65/60 mi/h (105/97 km/h), and 65/65 mi/h (105/105 km/h). Accident data were obtained from nine States which were geographically distributed across the country and representative of all rural Interstate speed limits currently established.</p> <p>For the speed data collected, a number of measures of effectiveness (MOE's) were examined including mean speed, speed variance, compliance, and speed distribution measures. For the accident data collected, types of crashes were examined (e.g., rear-end) along with vehicle type involvement (e.g., car-into-truck) and crash severity.</p> <p>This final report summarizes the effects of uniform and differential speed limits on transportation safety and traffic operations as determined by the examination of speed and accident data.</p>					
17. Key Words Speed limit, differential speed limit, accident involvement, traffic operations, transportation safety.			18. Distribution Statement No restrictions. This document is available to the public through the National Technical Information Service, Springfield, VA 22161.		
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CHAPTER 7 - SUMMARY AND CONCLUSIONS

SUMMARY OF RESULTS

The objectives of this study were to determine whether differential or uniform speed limits are more beneficial to transportation safety and traffic operations on rural Interstate highways. To achieve these objectives, speed and accident data from 12 States representing all speed limit combinations presently existing on Interstate highways were collected and analyzed. A summary of the results from the analysis of these data is provided below.

Speed Data

The analysis of the speed data was designed to answer the following question:

What impacts do different types of speed limits have on traffic operations, i.e., what are the effects on travel speeds of cars and trucks?

The mean speeds for cars under the three speed limits included in this study (65/65, 65/60, and 65/55) were 67.6, 67.8, and 67.4 mi/h (108.8, 109.2, and 108.5 km/h), respectively, and were not significantly different. However, an analysis of the contiguous site pairs did show the difference of 2.4 mi/h (3.9 km/h) between sites governed by the 65/60 and 65/55 limits to be significantly different.

✓ Truck mean speeds were significantly less in States governed by the 65/55 limit when compared to the 65/60 and 65/65 limits. However, the differences in speeds between the States with 60 and 65 mi/h (97 and 105 km/h) truck limits were not significantly different. The speeds for the three limits of 65/65, 65/60, and 65/55

were 63.8, 63.6, and 61.1 mi/h (102.7, 102.4, and 98.4 km/h), respectively.

The mean speeds were also analyzed with respect to time of day (day vs. night vs. dawn/dusk). For cars, the differences in speeds between all three time periods were significant. For trucks, however, the only significant difference was between the time periods night and dawn/dusk. For both vehicle types, these differences were very small (0.4 to 1.1 mi/h (0.6 to 1.8 km/h)) and cannot be considered practical differences. In addition, no significant or practical differences were found for time of day with respect to type of speed limit.

Other analyses of mean speeds included weekday vs. weekend data and rural vs. urban data. For the weekday vs. weekend mean speeds, no significant differences were found with respect to day of week or type of speed limit. For the rural vs. urban mean speeds, cars exceeded the urban limits by greater amounts than trucks. However, no conclusions could be drawn with respect to urban speeds and type of speed limit due to the small number of sites in the sample.

The analysis of speed variance showed cars to exhibit greater variance than trucks across all speed limit groups, although the differences between the two vehicle types was relatively small in most cases. The results also showed both vehicle types to exhibit the greatest variance during the night, although, the differences in variance between the three time of day periods was typically very small.

With respect to type of speed limit, no significant differences in the speed

variance of cars was found. For trucks, however, the variance was significantly greater at the locations with higher truck speed limits (10 of 13 site pairs). For all vehicles in the traffic stream, the variance was significantly greater at sites with the lower truck speed limits (10 of 13 site pairs).

An analysis of the overall speed distribution was undertaken by examining the differences in the 85th and 15th percentile speeds. The results showed the 65/65 and 65/60 speed limit groups to be very similar with respect to cars, trucks, and all vehicles. The distributions for cars and trucks within each group were also similar. However, the values for cars and trucks in the 65/55 speed limit group were not similar to each other, with cars experiencing a difference of 10.6 mi/h (17.1 km/h) and trucks only 8.7 mi/h (14.0 km/h).

The examination of vehicles not complying with the various speed limits showed cars to generally be consistent across all speed limit groups. However, as a group, the 65/55 limits did produce fewer cars (63.8 percent) exceeding the speed limit by 10 mi/h (16 km/h) or less compared with the 65/60 and 65/65 speed limit groups (68.7 and 66.6 percent, respectively). At the level of exceeding the limit by more than 15 mi/h (24 km/h) however, the differences in noncompliance between the speed limit groups are negligible.

The number of trucks in noncompliance was much greater for the 65/55 and 65/60 speed limit groups (89.4 and 76.5 percent, respectively) compared to the 65/65 group (35.6 percent). However, ✓ the lower limit of 65/55 did result in only 3.1 percent of the trucks exceeding 70 mi/h (113 km/h). This compared to

9.8 and 9.2 percent for the 65/60 and 65/65 groups, respectively.

Accident Data

The analysis of the accident data was designed to answer the following question:

• *What impacts do different types of speed limits have on transportation safety i.e., what are the effects with respect to the types of accidents, the types of vehicle involved, and the crash severity?*

The analysis of accident proportions by collision type (single vs. rear-end vs. other multiple vehicle vs. other) showed no patterns that could be attributed to the type of speed limit. Similarly, no relationships between speed limit and vehicle types involved were shown to exist in the accident data.

✓ However, combining collision type and vehicle type did produce some obvious patterns with respect to the type of speed limit. For States with differential speed limits, either 65/60 or 65/55, the proportion of CT rear-end accidents was 26 percent greater when compared to uniform speed limit States. For sideswipe and other types of CT accidents, there were very small differences in the accident proportions between types of speed limits. For TC accidents, the proportions were greater in the uniform speed limit States for rear-end, sideswipe, and other collision types by 57, 41, and 103 percent, respectively. However, none of the differences just described were significant at the 95-percent confidence level.

An analysis of accident severity showed uniform and differential speed limit States to have the same fatal accident proportion of 0.01. The injury accident

proportion, however, was 18 percent greater in the uniform speed limit States (0.39 compared to 0.33). Nevertheless, this difference was not significant.

CONCLUSIONS

With respect to traffic operations and the three rural Interstate speed limits included in this study (65/65, 65/60, and 65/55), the findings resulted in the following conclusions:

- Mean travel speeds of cars are not affected by the type of speed limit. However, the 65/55 speed limit does appear to reduce the number of cars exceeding the speed limit by 10 mi/h (16 km/h) or less.
- Mean travel speeds of trucks are the same for the speed limit groups of 65/65 and 65/60, indicating that the 5 mi/h (8 km/h) differential has no effect on truck speeds. However, the 65/55 speed limit did result in lower truck mean speeds, although the difference from the upper speed limit groups was less than 3 mi/h (5 km/h).
- The 65/60 and 65/55 speed limits groups experienced much greater percentages of trucks in noncompliance with their respective speed limits when compared to the 65/65 speed limit group (by more than 2 to 1). However, the 65/55 group did result in fewer trucks exceeding 70 mi/h (113 km/h), thus limiting the number of high-speed trucks. The 65/65 and 65/60 speed limit groups experienced similar values for the number of trucks exceeding 70 mi/h (113 km/h), reconfirming the lack of effectiveness of the 5 mi/h (8 km/h) differential.
- Speed variance for trucks increased significantly at locations with higher truck limits (e.g., 65/65 compared to 65/60 and

65/55) while car speed variance was unaffected. More importantly, the speed variance for the overall traffic stream increased significantly at locations with differential speed limits, indicating more car/truck interactions.

- From the examination of the overall speed distribution, the 65/65 and 65/60 speed limits were very similar with respect to cars, trucks, and all vehicles. Within each group, the distributions for cars and trucks were also similar. For the 65/55 speed limit group, however, the differences in the car and truck distributions reconfirms the above result, i.e., that more car/truck interactions occurred under this speed limit.

Overall, the 65/65 and 65/60 speed limits exhibited very few differences with respect to mean travel speeds, speed variance, and compliance for cars, trucks, and all vehicles, providing evidence that the 5 mi/h (8 km/h) differential speed limit is not effective. The 65/55 speed limit, however, does affect the travel speeds of trucks by reducing the number of trucks in excess of 70 mi/h (113 km/h) and consequently, reducing the speed variance for trucks. On the other hand, the 65/55 speed limit also results in a larger speed variance for all vehicles and a greater difference in the distributions of car and truck speeds, which, in turn, results in a higher number of car/truck interactions when compared to 65/60 and 65/65 speed limit groups.

With respect to transportation safety, the findings resulted in the following conclusions:

- The uniform speed limit States experienced higher proportions of TC accidents for all collision types, including rear-end and sideswipe accidents. Although these

proportions were not significantly greater at the 95-percent confidence level than those in the differential speed limit States, they were significantly greater at the 90-percent confidence level for rear-end accidents and at the 85-percent confidence level for sideswipe accidents.

- The differential speed limit States experienced higher proportions of CT accidents for rear-end collisions. However, this difference was not statistically significant.
- There were no differences in fatal accident proportions between the differential and uniform speed limit States, but the uniform speed limit States did experience a higher proportion of injury accidents. This difference, however, was not statistically significant.

Overall, the accident analysis showed very little difference in overall accidents or accident severity between the States with respect to the type of speed limit. However, the findings do suggest that the types of collisions and the roles of the vehicles involved may be impacted by the type of speed limit. In the differential speed limit States, the car-truck rear-end collisions were more likely to involve cars striking trucks. In the uniform speed limit States, all car-truck accidents were more likely to involve trucks striking cars.

FURTHER RESEARCH

While the speed data analysis conducted in this effort resulted in definitive conclusions, the accident data analysis was limited. However, certain trends in the data with respect to collision type/vehicle type involvement were identified. Further research is needed on the accident data to more clearly define the parameters affecting the affecting collision type and vehicle

type involvement. Additional work is needed to determine the levels of exposure at which any differences may be significant.

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State	Pre NMSL Max (mph)	Exceeds Former NMSL Provisions	Cars (max)		Trucks (max)		June 10, 1998 NOTES: The information listed may not be entirely current and will possibly change after the above date (for internal DOT use only)
			Interstate	Other	Interstate	Other	
				Primary		Primary	
Alabama	70	Y	70	55	70	55	
Alaska	70	N	65	55	65	55	
Arizona	75	Y	75/55*	55	75/55	55	
Arkansas	75	Y	70	55	65	55	
California	70	Y	70	65	55	55	
Colorado	70	Y	75	55	75	55	
Connecticut	60	N	65	65	55	55	
Delaware	60	Y	65	50	65	50	
Dist. of Col.	60	N	55*	50	50	50	
Florida	70	Y	70	55	65	55	
Georgia	70	Y	70	55	70	55	
Hawaii	70	N	55	55	55	55	
Idaho	70	Y	75	65	75	65	
Illinois	70	Y	65/55*	55	55	55	
Indiana	70	N	65	55	60	55	
Iowa	75	Y	65	55	65	55	
Kansas	75	Y	70	70	70	70	
Kentucky	70	N	65	55	65	55	
Louisiana	70	Y	70	65	70	65	
Maine	70	N	65	55	65	55	
Maryland	70	Y	65	55	65	55	
Massachusetts	65	Y	65	55	65	55	
Michigan	70	Y	70	55	55	55	
Minnesota	65	Y	70	65	70	65	
Mississippi	70	Y	70	65	70	65	
Missouri	70	Y	70/60	65/60	70/60	65/60	
Montana	unlimited	Y	.	.	65*	60*	
Nebraska	75	Y	75	60	75	60	
Nevada	unlimited	Y	75	70	75	55	
New Hampshire	70	N	65	55	65	55	

Information contained in this chart was obtained from NHTSA and FHWA regional offices, state legislatures and other sources. The information may contain inaccuracies. FOR INTERNAL DOT USE ONLY



June 10, 1998

State	Pre NMSL Max (mph)	Exceeds Former NMSL Provisions	Cars (max)		Trucks (max)		NOTES: The information listed may not be entirely current and will possibly change after the above date (for internal DOT use only)
			Interstate	Other Primary	Interstate	Other Primary	
New Jersey	70	Y	65	55	65	55	
New Mexico	70	Y	75	60	75	60	
New York	55	N	65	55	65	55	
North Carolina	70	Y	70	55	70	55	
North Dakota	75	Y	70	65	70	65	
• Ohio	70	Y	65	55	55	55	
Oklahoma	70	Y	75/70*	65/55*	75/70*	55	
• Oregon	75	N	65	55	55	55	
Pennsylvania	65	Y	65	65	65	65	
Rhode Island	60	Y	65	55	65	55	
Puerto Rico	65	N	55	55	55	55	
South Carolina	70	N	65	55	65	55	
South Dakota	75	Y	75	65	75	65	
Tennessee	75	Y	70	65	70	65	
Texas	70	Y	70	70	65	60	
Utah	70	Y	75	55	75	55	
Vermont	65	N	65	50	65	50	
Virginia	70	Y	65	55	65	55	
• Washington	70	Y	70	60	60	55	
West Virginia	70	Y	70	65	70	65	
Wisconsin	70	N	65	55	65	55	
Wyoming	75	Y	75	65	75	65	

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AN ACT concerning speed limits for certain commercial vehicles and amending P.L.1997, c.415.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1997, c.415 (C.39:4-98.4) is amended to read as follows:

3. As used in this act:

"Authorities" means the New Jersey Highway Authority, the New Jersey Turnpike Authority and the South Jersey Transportation Authority.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway and includes a motor vehicle:

(1) having a gross vehicle weight rating of 10,001 or more pounds or displaying a gross vehicle weight rating of 10,001 or more pounds;

(2) having a gross combination weight rating of 10,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,001 or more pounds;

(3) designed to transport 16 or more passengers including the driver;

(4) designed to transport eight or more but less than 16 persons, including the driver, and used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment; or

(5) transporting or used in the transportation of hazardous materials and required to be placarded in accordance with rules of the Department of Transportation, or displaying a hazardous material placard.

The term shall not include recreation vehicles or other vehicles exempted by rule or regulation.

"Commissioner" means the Commissioner of Transportation.

"Eligible public highways" means public highways as defined in section 3 of P.L.1984, c. 73 (C.27:1B-3) of which portions have been determined by the commissioner to be appropriate for a 65 miles per hour speed limit based on such criteria as determined by the commissioner. Public highways under the jurisdiction of counties and municipalities shall not be eligible public highways.

(cf: P.L. 1997, c.415, s.3)

2. Section 4 of P.L.1997, c.415 (C.39:4-98.5) is amended to read as follows:

4. a. Within four months following the effective date of this act, the commissioner, in consultation with the Attorney General and the authorities, shall establish by written order speed limits of 65 miles per

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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hour on approximately 400 miles of eligible public highways, except that the speed limit for commercial motor vehicles, as defined in section 3 of P.L. 1997, c.415 (C.39:4-98.4), shall be 55 miles per hour. The commissioner, pursuant to section 7 of ~~["this act"]~~ P.L. 1977, c.415 (C.39:4-98.8), may increase or decrease the number of miles of eligible public highways on which a 65 miles per hour speed limit has been established.

b. An order to be issued pursuant to subsection a. of this section shall cite the eligible public highways to which it is to be applicable and contain a description in plain language of the order's contents, the effective date of the order and any other information the commissioner deems necessary.

c. The commissioner shall cause a general public notice of the proposed order, including a summary of the provisions of the proposed order, to be published in a newspaper or newspapers having general circulation in the municipality or municipalities affected by the order. The notice shall include a telephone number or address which a member of the public may use to receive a copy of the complete text of the proposed order and shall provide for a 30-day period from the date of publication for public comment. The order shall be final on the 31st day after publication of the notice or on a later date if the commissioner so determines. Nothing in this subsection shall be construed as prohibiting the commissioner from extending the comment period or from modifying or withdrawing the proposed order as a result of the review of public comment.

d. A final order shall be effective and enforceable upon compliance with the requirement for the posting of signs providing notice of the speed limit, as provided under the applicable provisions of R.S.39:4-98 and R.S.39:4-198.

e. Any official traffic control device established pursuant to this section shall conform to the "Manual on Uniform Traffic Control Devices."

f. Any order issued pursuant to this section shall be binding and enforceable under the provisions of Title 39 of the Revised Statutes and all other applicable laws, in any court of competent jurisdiction, until superseded by order of the commissioner pursuant to this act.
(cf: P.L.1997, c.415, s.4)

3. This act shall take effect on the first day of the third month after enactment.

STATEMENT

This bill establishes differential speed limits for certain commercial vehicles on those portions of public highways where a 65 miles per hour speed limit has been authorized by the Commissioner of the

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Department of Transportation pursuant to P.L.1997, c.415. The speed limit for these vehicles would be reduced to 55 miles per hour.

Commercial vehicles subject to the 55 miles per hour speed limit would include: vehicles with a gross vehicle weight (weight of the vehicle and its intended cargo) of 10,001 or more pounds; vehicles designed to transport 16 or more passengers including the driver or designed to transport eight to 15 persons and used for hire; and vehicles used to transport hazardous materials and required to be placarded.

The bill was prompted by a recent series of crashes on State highways involving casino buses. Preliminary police investigations indicate speeding appears to have been a contributing factor in these accidents, resulting in eight deaths and numerous injuries.

Establishes 55 mph speed limit for certain commercial vehicles for portions of State highway system with 65 mph speed limits.

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THE NEW JERSEY MOTOR BUS ASSOCIATION

STATEMENT TO THE SENATE TRANSPORTATION COMMITTEE REGARDING BUS SAFETY

February 11, 1999

Thank you, Mr. Chairman and members of the Committee, for the opportunity to testify before you today. The New Jersey Motor Bus Association, which represents the State's private motor bus operators, believes that good safety practices and the vigilant practice of bus maintenance are vitally important. That is why we have always supported and continue to support active and aggressive enforcement of bus safety regulations. Thousands of New Jerseyans ride our buses to work and play daily. Buses are key to a thriving tourism industry. They bring thousands of people to Atlantic City who might not otherwise come. What's more, they help the State to meet increasingly strict requirements of the Clean Air Act by encouraging people to leave their cars at home.

We are proud of our members' excellent safety records. In fact, in terms of passenger miles traveled, buses are the safest vehicles on the road. Attached to our testimony please find statistics from the USDOT which show that the occupant fatality rate for all buses in 1996 was .9 fatalities per 100 million vehicle miles. Every fatality is a tragedy, and we are always eager to identify opportunities to enhance our safety practices. But these statistics are remarkable indeed.

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We would like to review with you briefly our inspection and maintenance requirements. Buses are subject to twice-yearly inspection by the Department of Transportation. For operators with a good safety history, that usually entails one inspection by DOT and one self-inspection. Other companies are inspected twice-yearly by the DOT. (New Jersey Transit conducts its own inspections and incurs no fee.)

Our members, who also incur the cost of aggressive maintenance programs, supported a significant increase in bus inspection fees in 1993 when the inspection program was threatened, in order to keep that program going. At that time the State increased the fees for inspections for private operators from \$5 to \$85 for a DOT-staffed inspection, and imposed a new fee for self-inspection of \$30. Our fees for various rechecks also increased to between \$35 and \$70 per bus, up from \$0 to \$10 at that time.

In spite of the fact that such fees place an added burden on private operators, we supported them because we believe in frequent and thorough inspections by the DOT. It is important for the State to ensure that all buses are held to the State's stringent maintenance standards and that those standards are enforced actively and evenhandedly -- for all operators whether they are public or private, regulated or unregulated, whether they run in the morning or evening or on weekdays or weekends, and whether they come from the north or south or in between.

In addition to garage inspections, buses are also subject to random roadside inspections. Since passage of the Bus Safety Compliance Act, the DOT has stepped up both the frequency and randomness of roadside inspections. The DOT is aggressively inspecting Atlantic City-bound buses at the inspection station set up at Exit 94 of the Parkway. That station is open three or four

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times per week, and all buses must stop there when it is open.

We are especially pleased to note the more random nature of the inspections, as that is something we specifically suggested when the Legislature debated the Bus Safety Compliance Act. Prior to the Bus Safety Compliance Act, the DOT inspected buses on the Parkway only on weekday mornings. Many buses, however, do not operate on weekday mornings. The current system also allows for inspection of most of the unregulated operators who go to Atlantic City on Friday and Saturday nights. It is actually more urgent that those buses, which in many cases are not subject to the same semi-annual inspections that ours are, face random inspections.

We have maintained our support for roadside inspections in spite of the fact that we would have preferred to see more inspections take place in Atlantic City after passengers are dropped off rather than on the Parkway or the Atlantic City Expressway, where passengers have to wait for completion of the inspection and, when a bus is taken out of service, wait for a new bus to be sent for. We believe that it makes eminent sense to flag down buses not at a DOT facility fixed at one location on the Parkway, but as they enter Atlantic City itself. State Troopers could hand out summonses to buses on a random basis as they enter the city, requiring them to report for inspection after discharging their passengers at their destination. If the bus fails inspection, the company will have time to send a replacement without delaying passengers. Buses that do not report for inspection should be penalized appropriately.

Conducting inspections in Atlantic City itself after passengers are dropped off not only would minimize the inconvenience to passengers, but would also insure that buses that do not travel on the two major arteries to Atlantic City are also inspected, protecting all bus passengers'

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safety. In addition, the State would be able to conduct more and more thorough inspections if they were conducted in Atlantic City. Certainly that would further the overall goal of improved bus safety.

We would also like to point out that all of our members ensure that their drivers are in compliance with all applicable federal and state safety regulations and receive proper training prior to starting employment. This process includes a road test, a written examination, a physical examination, a comprehensive drug and alcohol test, previous employment reference checks, motor vehicle driver abstract reviews and classroom and road training.

According to federal law, companies must require and drivers must complete prior on-duty statements to monitor working hours. Unfortunately, USDOT compliance inspections are extremely rare. We believe that the State would benefit greatly from the establishment of a regulatory group to audit driver safety compliance -- such as logs, hours of service violations, medical exams, etc. -- at individual bus companies. At present there is no manpower for this function.

We think there may be opportunities for other improvements to bus safety through technological innovations that would allow the DOT or State Police to flag down buses that are more likely to have violations than others with a clean record. We are told that this may be possible using scanning equipment. In addition, new technological developments at the DOT may allow it to provide bus companies with lists of drivers whose licenses are suspended. Currently, we run a drivers' history periodically -- most of us do it quarterly -- but if a driver's license is suspended in the interim and he does not tell us about it, we are not currently notified. The DMV has welcomed our suggestions on this front and is working with us to try to accomplish it.

We would like to comment briefly on two other possible measures that have been discussed. We would not object to requiring seat belts in new buses, if the independent agencies studying them conclude that they are necessary and can be properly engineered to be effective. We do understand that some serious questions about their necessity or effectiveness have been raised, and that other safety features such as a bus's size and seat engineering may matter more. We would also not like to have the driver be required to see to it that passengers actually use the belts if they are available, as he should be concentrating on the road, not on passengers' behavior. And we do not think they would work on local transit routes where buses travel slowly and where passengers get on and off frequently and sometimes stand.

Nor would we object to a 55 mph speed limit, if you should determine that it would in fact make the roads safer. We are somewhat concerned that an uneven flow of traffic, with buses traveling at 55 mph and others traveling at 65 mph might cause more accidents than it would prevent. We would ask you also to keep in mind that if buses are considered by the commuting public to be appreciably slower than cars, those commuters may more frequently opt to use their cars. That could work against the states' goals not only for cleaner air but potentially for safe roads, if our highways become even more congested. But if your analysis proves otherwise, we would not oppose the lower speed limit.

The overwhelming number of buses operate responsibly, ferrying thousands of passengers in safety and comfort, to go to work or to enjoy Atlantic City and other parts of our state, every day.

Thank you for the invitation to speak today. We would be happy to answer any questions you might have.

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WHY DOESN'T MY NEW MOTORCOACH HAVE SEAT BELTS?

We're happy you asked. It's one of the most prevalent questions in the American bus and luxury motorcoach business today. Indeed, the answer is just as straightforward. As a service to its more than 1,000 member companies, the United Motorcoach Association (UMA) has prepared this brief summary of the answer and the issues surrounding the installation and use of seat belts on coaches.

The answer.

We won't keep you in suspense. The quick answer is, "Because they aren't needed." That's not just our answer. It's the answer which is offered by the National Transportation Safety Board (NTSB), the Federal Highway Administration (FHWA) and the agency charged with vehicular safety and construction standards, the National Highway Traffic Safety Administration (NHTSA). NHTSA is the federal agency, by the way, which commonly uses a small graphic image of a safety belt at the foot of their own letterhead which says "SAFETY BELTS SAVE LIVES." It's on their letter of August 19, 1992, in which they respond to the common inquiry by saying,

"NHTSA expressly determined that there is not a safety need for safety belts or another type of occupant crash protection at these seating positions (aboard commercial buses weighing more than 10,000 pounds)."

That message has been consistent. As late as December 1998, NHTSA spokespersons have repeated their belief that large buses simply wouldn't reap a safety benefit by placing seat belts throughout the seating compartment.

While the answer is quick and easy, understanding it -- especially in an era when "Buckle Up!" is a universal and enduring campaign cry for millions of automobile motorists -- is the tough part. To understand how federal safety experts can suggest belts are the answer for everyone *except* motorcoach passengers, we need to go back to some of the lessons you probably forgot 20 minutes after your last high school physics exam. And we need to look at the basic construction of a modern motorcoach, rather than rely on what you already know about the Buick or Honda you might see on the road today.

Before we begin, we should also offer one important observation: the commercial motorcoach of today is *the* safest form of highway transportation available, bar none. By NTSB's own count, an average of six coach passengers are fatally injured each year over the 30-year span from 1968 to 1998. Compare that to highway death tolls ranging from 30,000 to 50,000 automobile passengers *annually*, and we're faced with a basic question, "What problem would seat belts on coaches fix?" More on that later. First, the science refresher.

What happens in a crash?

First of all, please note that we, like the regulators and enforcement community, use the word "crash" to describe vehicle collisions. While "accident" is the more common term for most of us, it suggests that the collision happens virtually without avoidable cause. "Crash" makes no such judgement, it simply describes the event.

In any vehicular crash, there are really three collisions taking place. The first is the impact of the vehicle against something else, a wall, another vehicle, a bridge, etc., which causes a rapid "deceleration impulse." The second collision is the impact of the person inside the vehicle against whatever object is there to stop him or her: a steering column, a

windshield, a belt or harness. The third collision is within the passenger, when organs s against bones or other organs, causing most of the actual injuries.

This is where we offer the high school physics refresher. Sir Isaac Newton explain with his laws of physics that passengers will tend to keep going forward when a vehicle str suddenly. But those laws also help us understand that there are vastly different forces at w when large and small objects collide with something or with one another. It's apparent (a common knowledge) that when a large object and a small object collide, the larger ob, wins. What is less apparent, though, is the fact that the "G-forces" (one "G" is the force gravity) exerted on the large object during that rapid deceleration are far less than those the smaller object. A crash which exerts a 20-G force on an 4,000 pound automobile wo exert less than a 7-G force on a 38,000 pound motorcoach.

Seat bolts, air bags and harnesses in automobiles are designed to accomplish a primary objective: to hold the passenger and the vehicle tightly together so that they react a single object. That allows the much smaller passenger to take advantage of the m greater weight of the vehicle they're riding in to reduce the G-forces at work on his or body during impact. Today's NHTSA load rating requirement for automobile seat belts is 6 G's.

Now the construction part.

Today's motorcoaches aren't required to have seat belts. That's because regulat and highway safety experts have long recognized that existing bus design features w extremely well in protecting passengers from the vast majority of crash circumstances.

First, passengers are "made part of the vehicle" in a motorcoach by the seat system's inherent ability to achieve "compartmentalization." What belts accomplish in aut compartmentalization accomplishes in today's motorcoach: it keeps the passenger "contain during crashes, like eggs in a carton. Passengers' forward movement is severely limited the seat ahead of them. In the most common form of motorcoach crash -- head-on sideswipe -- passengers essentially remain in the seated posture, striking the ener absorbing, high-back seat ahead of them. The force of the crash is spread over their en upper body before they drop back into their seats, generally still in the seated postu. Indeed, the restraining effect of the forward seat is less immediate than seat belts would but at the large vehicle's lowered deceleration impulse force, the immediacy of the restr is far less important.

Today's motorcoaches are also built to absorb crash energies. While automot engineers have spent years building "crush zones" into cars, motorcoaches have alwa enjoyed the advantage of an energy-absorbing construction. Using a "monocoque" "unibody" design, coaches crush by small increments on impact. And rather than absorb the entire crash impulse at the point of impact, monocoque construction allows crash for to be distributed through the entire length of the body.

[Sidebar: School bus construction is different. NHTSA has required that school bus are built with to be very rigid boxes which allow school buses to resist intrusions by outs objects, rather than absorb crash energy. Their rigid body construction makes school bus react to crashes differently than monocoque-built motorcoaches.]

Compartmentalization also provides what might be the ideal "passive restraint" syste it delivers passenger protection without asking the passenger to take any action other th sitting in their seat. Air bags and automatic, sliding, seat belts were the automotive industri answer to the biggest problem yet identified with seat belts: people just don't use them. recently as January 1999, NTSB took a close look at automotive child restraint systems found that in 62-percent of the cases where restraints were present but serious injuries

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resulted, it was because the restraint device was not used, faulty or simply used incorrectly. By its dependence on compartmentalization and energy-absorbing construction, motorcoaches have also avoided an unpleasant side effects of belts: "soft tissue" injuries which are caused by belts themselves.

Is there more we could do?

Compartmentalization, monocoque construction, energy-absorbing, high-back seats and soft covered interior elements all contribute to the passenger protection of motorcoaches, but they are intended to work together as a "passenger protection system." There are some places, though, where every element of that system may not be present. In the United States, for instance, belts are currently mandated for coach drivers, a seating positions which doesn't benefit from compartmentalization. The NTSB has also been assessing the safety value of belts or other restraint devices such as exaggerated modesty panels in other "exposed" seat positions aboard coaches: the forwardmost seats, the center rear seat which faces an aisle, and seats behind desk or table installations.

Another element of the protective "system" used in motorcoaches has come under question in recent years, as well. Investigations of fatal bus and motorcoach crashes over the past 20-years has shown that a passenger death usually occurs in one of two ways. The first is a massive intrusion into the passenger space. In a collision with a large vehicle or stationary object, passengers within the intrusion zone are at obvious risk. The second most prevalent cause of death is by ejection or partial ejection. There is strong evidence that most crashes are survivable when passengers stay *inside* the vehicle. That's drawn attention to FMVSS (Federal Motor Vehicle Safety Standards) §217 which determines construction standards for bus and motorcoach windows.

Created in an era when gasoline engines were dominant in buses, FMVSS §217 require manufacturers to install a window which could be opened for use as an emergency escape during a fire. Since that time, of course, virtually the entire motorcoach world has moved to diesel engines, significantly reducing the likelihood of a fire. At the same time, customer demands for a more "European design" have led to massive, panoramic, window sizes. In circumstances involving violent vehicle behavior, such as a rare rollover, the windows and latches required by FMVSS §217 may fail; the result can be passenger ejection. Even when they function as designed in an overturned coach, the weight of the large windows has proven difficult to many escaping passengers. In recent months, NHTSA has acknowledged to UMA that there's a need to revisit its window design mandate. But it's clear that window escape problems have accelerated discussions of seat belts.

Today's environment.

We've seen that a motorcoach's size and its construction reduce G forces at crash and contain and effectively protect the passenger. And we know that the regulators and safety experts have responded to the scientific facts by resisting the urge to apply ineffective (but the most popular) remedies, seat belts. But the politics of seat belts are far less clear.

From the time of our child's first ride home from the hospital, proper restraint is drummed into our consciousness. *Buckle Up* campaigns dating back 30-years have effectively convinced drivers and auto passengers that belts are "The Answer." Attorneys for injured coach passengers accusingly point to the absence of seat belts in an attempt to capture an easy verdict for their client, despite the overwhelming evidence that belts wouldn't have helped. Emotion has overtaken the logic in many cases. Faced with very recent testimony from safety experts that lap belts in school buses may actually present a *greater* hazard to young bodies, many belt advocates continue to lobby for a school bus belt mandate.

Politics, not safety, have driven lawmaking in Europe, as well. Seat belts have been

required in Europe at non-compartmentalized seating positions since 1988 and in all seating positions for the past two years. Testifying before the NTSB in the summer of 1998, though European officials openly admitted that the installation of belts was a "political" decision, not one driven by safety research. Starting in Great Britain in response to a particularly bad crash, political winds carried the seat belt mandate across the Channel and throughout the European community. At the same time, they acknowledged vastly different driving conditions than American motorists encounter. For instance, motorcoaches are limited to highway speeds of about 65-miles per hour in Europe, even on highways with *no* speed limit on automobiles. The differential often leads to violent evasive maneuvers and a much higher incidence of rollover on European roads. In acknowledgement of the much different physics of the large vehicle, the European mandate requires only a 6.6-G seat belt load rating for full-sized coaches. It also requires only the use of two-point (lap) belts.

Professional motorcoach operators in America have clearly established and accepted the evidence that seat belts would do little to advance the cause of passenger safety. And since NHTSA's 20-G load rating requirement remains the *only* standard in effect for seat belts in America today, the task would seem virtually impossible. Trying to install a 20-G seat belt on today's motorcoach could easily add another 10,000 pounds to the vehicle by forcing new securement structures. It would reduce also cargo and seating space, cut average fuel economy significantly and severely limit the seating configurations available. Europe's accepted 6.6-G belt load standard would clearly not meet existing NHTSA rules.

The bottom line.

Safety, above all else, is the primary goal of this Association and its member companies. After all, safety is good business. The numbers substantiate our belief that the motorcoach is the safest highway vehicle on the road today. But at the same time, we are smug in our confidence that today's vehicles can't be made even more safe. Neither NHTSA nor any other highway safety agency, public or private, has conducted definitive crash testing on today's motorcoaches. UMA stands eager to step up to the task as a cooperative partner if and when such testing is conducted. And we stand ready to promote significant safe enhancements when their value is proven.

With its manufacturer associates, its safety specialists, its legal team and all of its resourcefulness and experience, UMA is also trying to help sort out the issues for you. We know that there are no easy answers, especially when you're faced by riders, parent reporters and the inevitable phalanx of challenges to the "seat belts wouldn't help" response which is most honest of them all.

The fact remains, however, that seat belts are not just "not mandated," today they're clearly "not the answer." Any reporter who believes that the issue has just been overlooked by Congress, NTSB, USDOT, NHTSA, OSHA or a long list of government and safety agencies just hasn't examined the record.

If things change, we'll let you know. But until, then, brush up on your physics and settle in for a long explanation. Or ask your questioners to call us: (800) 424-8262. We'll even pay for the call.

February 1999

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113 S. West Street, Alexandria, VA 22314

(800-424-8262) (703-838-2929) <http://www.uma.org>.

Drivers Involved in Fatal Crashes by Vehicle Type and BAC

YEAR: 1997 STATE: (All)

<u>Vehicle Body</u>	Alcohol Test Results				Total
	0.00%	0.01%- 0.09%	0.10+%	0.01%+% (Alcohol Related)	
Convertible(excludes sun-roof,t-bar)	165	21	64	86	251
2-door sedan,hardtop,coupe	6,129	697	2,214	2,911	9,040
3-door/2-door hatchback	1,385	139	500	639	2,024
4-door sedan, hardtop	12,686	792	2,169	2,962	15,648
5-door/4-door hatchback	338	29	80	109	447
Station Wagon (excluding van and truck based)	875	48	155	203	1,078
Hatchback, number of doors unknown	47	3	14	18	65
Sedan/Hardtop, number of doors unknown	176	18	35	53	229
Other or Unknown automobile type	533	54	131	185	718
Auto-based pickup (includes E1 Camino, Caballero, Ranchero, Subaru Brat,Rabbit Pickup)	57	4	26	30	87
Auto-based panel (cargo station wagon, auto-based ambulance or hearse)	2	0	0	0	2
Large Limousine-more than four side doors or stretched chassis	6	0	0	0	6
Compact utility (Jeep CJ-2-CJ-7, Scrambler, Golden Eagle, Renegade, Laredo, Wrangler,	2,391	219	604	823	3,214
Large utility (includes Jeep Cherokee [83 and before], Ramcharger, Trailduster, Bronco-fullsize ..)	392	30	102	132	524
Utility station wagon (includes suburban limousines, Suburban, Travellall, Grand Wagoneer)	274	20	44	64	338
Utility, Unknown body type	5	2	3	5	10
Minivan (Chrysler Town and Country, Caravan, Grand Caravan, Voyager, Grand Voyager, Mini-Ram, ...)	1,771	73	224	297	2,068
Large Van (B150-B350, Sportsman, Royal Maxiwagon, Ram, Tradesman, Voyager [83 and before],	1,106	50	183	233	1,339
Step van or walk-in van	75	1	4	5	80

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Van based motorhome	22	1	1	1
Van-based school bus	4	0	0	0
Van-based transit bus	9	0	0	0
Other van type (Hi-Cube Van, Kary)	33	2	6	8
Unknown van type	53	3	9	11
Compact pickup (GVWR <4,500 lbs.) (D50, Colt P/U, Ram 50, Dakota, Arrow Pickup [foreign], Ranger, ..)	2,995	259	978	1,237
Standard pickup (GVWR 4,500 to 10,00 lbs.) (Jeep Pickup, Comanche, Ram Pickup, D100-D350,	4,252	396	1,490	1,886
Pickup with slide-in camper	45	9	16	25
Unknown (pickup style) light conventional truck type	55	5	28	33
Cab chassis based (includes light stake, light dump, light tow, rescue vehicles)	93	2	12	14
Light truck based motorhome (chassis mounted)	1	2	1	2
Other light conventional truck type (includes stretched suburban limousine)	4	0	0	0
Unknown light truck type (not a pickup)	18	0	2	2
Unknown light vehicle type (automobile, van, or light truck)	47	4	9	13
School Bus	106	0	0	0
Cross Country/Intercity Bus (i.e., Greyhound)	32	1	0	1
Transit Bus (City Bus)	102	1	0	1
Other Bus Type	25	0	0	0
Unknown Bus Type	27	0	0	0
Step van	34	0	2	2
Single unit straight truck (10,000 lbs < GVWR < or= 19,500 lbs)	142	2	7	9
Single unit straight truck (19,500 lbs < GVWR < or= 26,000 lbs.)	253	2	1	3
Single unit straight truck (GVWR > 26,000 lbs.)	747	8	4	11
Single unit straight truck (GVWR unknown)	90	0	3	3
Medium/heavy truck based motorhome	24	0	0	0
Truck-tractor (Cab only, or with any number of trailing unit; any weight)	3,400	36	35	71
Unknown if single unit or combination unit Medium Truck (10,000 < GVWR < 26,000)	7	0	1	1

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Unknown if single unit or combination unit Heavy Truck (GVWR > 26,000)	5	0	0	0	5
Camper or motorhome, unknown truck type	34	2	2	3	37
Unknown medium/heavy truck type	35	2	1	2	37
Unknown truck type (light/medium/heavy)	4	0	0	0	4
Motorcycle	1,250	228	578	806	2,056
Moped (motorized bicycle)	16	1	7	7	23
Three-wheel Motorcycle or Moped - not All-Terrain Vehicle	3	0	2	2	5
Off-road Motorcycle (2-wheel)	21	5	4	9	30
Other motored cycle type(minibikes, Motorscooters)	15	4	3	7	22
Unknown motored cycle type	4	1	5	6	10
ATV (All-Terrain Vehicle; includes dune/swamp buggy - 3 or 4 wheels)	82	16	34	50	132
Snowmobile	24	8	17	26	50
Farm equipment other than trucks	91	3	8	11	102
Construction equipment other than trucks (includes graders)	15	1	1	3	18
Motorized Wheelchair	3	0	2	2	5
Other vehicle type (includes go-cart, fork-lift, city street seeeper)	50	6	7	13	63
Unknown body type	525	103	253	356	881
Total	43,209	3,313	10,080	13,393	56,602

Query Wizard Condition Criteria:

- Person Type : 1

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Bus Profile

NOTE: If printing this table from your browser, please use Landscape as the paper orientation.

I. FINANCIAL	1960	1970	1980	1990	1994	1995	1996
Expenditures (thousand dollars)							
School Bus	486,000 _a	1,219,000 _a	3,833,000 _a	7,605,000 _a	7,847,000 _a	9,082,000 _a	10,404,000 _a
Operating Revenues (thousand dollars)							
Intercity Bus, Class I	463,100 _b	721,700 _b	1,397,378 _b	943,268 _b	870,354 _c	917,298 _c	911,504 _c
Operating Expenses (thousand dollars)							
Intercity Bus, Class I	405,400	639,000	1,318,372	1,026,213	918,522	899,176	878,185
II. INVENTORY							
Number of Operating Companies							
Intercity Bus, Class I	143	71	61	31	27	28 _c	27 _c
Number of Vehicles							
All Buses	272,129 _d	377,562 _d	528,789 _d	626,987 _d	670,423 _d	685,503 _d	696,609 _d
Number of Employees							
Intercity & Rural Bus	40,500 _e	43,400 _e	38,000 _e	26,300 _e	23,600 _g	23,900 _g	25,700 _g
School Bus	N	N	79,900	111,200	125,900	134,100	133,000
III. PERFORMANCE							
Vehicle-Miles (millions)							
All Buses							
Rural Highway							
Interstate Rural	N	339 _h	533 _h	567 _i	683 _i	711 _i	742 _i
Other Arterial Rural	N	944	991	995	1,154	1,134	1,186
Other Rural	N	1,266	1,511	1,882	1,893	1,972	2,005
All Rural	2,332	2,549	3,035	3,444	3,730	3,817	3,933
Urban Highway ¹							
Interstate Urban	N	277	560	455	627	580	599
Other Urban	N	1,718	2,464	1,828	2,052	1,986	2,003
All Urban	2,014	1,995	3,024	2,283	2,679	2,566	2,602
Total Rural & Urban Highway	4,346	4,544	6,059	5,726	6,409	6,383	6,535
Revenue Passenger-Miles (millions)							
All Buses	N	N	N	121,400	135,900	136,100	138,500
Number of Revenue Passengers (thousands)							

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Intercity Bus, total	366,000 ^a	401,000 ^a	370,000 ^a	334,000 ^a	343,200 ^a	366,500 ^a	360,000 ^a
Average Miles Traveled per Vehicle							
All Buses	15,970 ^h	12,035 ^h	11,458 ^h	9,133 ⁱ	9,560 ⁱ	9,312 ⁱ	9,381 ⁱ
Fuel Consumed (million gallons)							
All Buses	827	820	1,018	895	964	968	985
Average Fuel Consumption per Vehicle (gallons)							
All Buses	3,039	2,172	1,926	1,428	1,438	1,412	1,414
Average Miles Traveled per Gallon of Fuel Consumed							
All Buses	5.3	5.5	6.0	6.4	6.6	6.6	6.6
Average Revenue per Passenger-Mile (cents)							
All Buses	2.71 ^a	3.60 ^a	7.26 ^a	11.55 ^a	11.61 ^a	12.20 ^a	12.40 ^a
IV. SAFETY							
Number of Fatalities							
School Bus-related	N	N	150 ^k	115 ^k	105 ^k	121 ^k	136 ^k
School Bus Occupants	N	N	9	11	3	13	10
Other Vehicle Occupants	N	N	88	64	64	72	101
Non-Occupants	N	N	53	40	38	37	25
Occupant Fatalities							
All Buses	N	N	46	32	18	33	29
School Buses	N	N	14	13	2	12	18
Cross Country Buses	N	N	23	2	7	6	3
Transit Buses	N	N	6	3	6	0	5
Other & Unknown	N	N	3	14	6	14	3
Fatalities in Vehicular Accidents							
All Buses	N	N	390	340	286	306	297
Occupant Fatality Rate							
Per 100 Million Vehicle-Miles							
All Buses	N	N	0.8	0.6	0.3	0.5	0.9
Per 10,000 Registered Vehicles							
All Buses	N	N	0.9	0.5	0.3	0.5	0.8
Vehicle Involvement Rate							
Per 100 Million Vehicle-Miles							
All Buses	N	N	5.4	5.1	4.0	4.2	U
Per 10,000 Registered Vehicles							
All Buses	N	N	6.2	4.6	3.8	3.9	4.6

^p Preliminary.

^r Revised.

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¹Urban consists of travel on all roads and streets in urban places of 5,000 or greater population.

N Data are non-existent.

U Data are unavailable.

Sources:

^a Eno Foundation for Transportation, *Transportation In America*, 1996, pp. 42, 47, 48, 50.

^b Interstate Commerce Commission, *Annual Report of the ICC*, annual issues, Appendix F, Tables 1, 6.

^c Quarterly reports reported by carriers to U.S. Department of Transportation (DOT), Bureau of Transportation Statistics. Operating revenues do not include data from two Class I carriers that did not file reports; operating expenses do not include data from three Class I carriers that did not file reports.

^d Ibid., Federal Highway Administration (FHWA), Office of Highway Information Management, *Highway Statistics*, 1960, 1970, 1980, 1990-1995, annual issues, Table MV-10.

^e U.S. Department of Labor, Bureau of Labor Statistics, *Employment, Hours and Earnings, United States*, 1909-1994, SIC 45, 413, 415.

^f Ibid., Office of Employment and Unemployment Statistics, SIC 413, 415.

^g Ibid., *Employment and Earnings*, SIC 413, 415.

^h U.S. Federal Highway Administration, *Highway Statistics, Summary to 1985*, Table VM-201A.

ⁱ Ibid., *Highway Statistics*, annual issues, Table VM-1.

^j National Safety Council, *Accident Facts*, annual issues, pp. 94, 95.

^k Ibid., National Highway Traffic Safety Administration (NHTSA), National Center for Statistics and Analysis, NRD-30, personal communication.

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FEDERAL BUS PROGRAM

The Department of Transportation's Federal Highway Administration's Office of Motor Carriers is charged with the responsibility of regulating the safe operations of commercial motor vehicles (CMV) that operate in interstate commerce. CMV's are defined as both heavy trucks and buses over 15 passengers. The regulations that govern the safety operations are the Federal Motor Carrier Safety Regulations (FMCSR). The FMCSR's include vehicle standards (ie. Brake adjustment tolerance, tire tread), Driver standards (ie. Who must hold a Commercial Driver's License, hours of service) Carrier responsibilities (ie. Insurance, operating authority, drug and alcohol testing) and State requirements (inspections). For the most part, all FMCSR's apply to buses and trucks alike, there are some regulations specific to buses and not trucks..and vice versa such as sleeper berth requirements and standee lines.

Some major requirements are the hours of service which apply to all CMV drivers...basically a driver cannot drive more than 10 hours without being followed by 8 hours of rest; and after being on duty for 15 hours must have 8 hours off; cannot exceed 60 hours on duty in any 7 consecutive days or 70 hours in 8 consecutive days.

Next is the Federal inspection requirement which requires all CMV's to be inspected annually. Some States, such as NY and NJ have more rigorous standards which mandate vehicle inspections every 6 months. Many inspections are funded via Federal grants to States under the Motor Carrier Safety Assistance Program. In FY 1998 there were approximately 33,000 inspections of buses and their drivers performed by Federal and State inspectors. Some inspections are done at the carriers terminal while others are "destination" inspections...those performed for instance in Atlantic City after the passengers have disembarked.

Also, the FMCSR's prescribe the minimum standards that States must follow in

implementing testing for Commercial Driver's licenses. FMCSR's have such requirements as age, physical health and knowledge requirements to obtain a CDL.. The State is responsible for issuing the CDL and has the authority to revoke it as well.

As far as the regulations applicable to the Carrier, paperwork requirements such as keeping driver logs, physical exams, drug and alcohol testing, vehicle inspection reports etc are all part of the carriers safety management program. The Office of Motor Carriers has instituted a performance based selection program for carriers to undergo a Compliance review performed on their operation. Basically, accident, driver, mileage, and other data are compiled and those with indicators of poor performance are selected for a compliance review..which is basically a safety audit of the operation. A rating is then provided based on the result of the review. If the carrier does not receive a satisfactory rating, they are allowed 45 days to correct deficiencies before further enforcement efforts are brought forth.

Seatbelts for bus passengers are not a Federal requirement. There have been no comprehensive studies as to whether seatbelts would increase safety, but it is clear that one objective for passenger safety is to keep them inside the bus. Speed limit requirements are set by States. There are some that have differential limits for cars and commercial vehicles.

Interstate bus travel is very, very safe. Between 1993 and 1997 there were about 5 bus occupant deaths per year. Buses were involved in about 30 fatal crashes per year where other than bus occupants died. When compared to annual road fatalities of 42,000, it makes the case for a very safe industry.

The Office of Motor Carrier staff, State partners, other Federal agencies and the industry work very hard towards reduction of crashes and zero fatalities.

Washington DC contact

Steve Barber, Office of Motor Carriers 202-366-2829

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FEDERAL HIGHWAY ADMINISTRATION
 OFFICE OF MOTOR CARRIERS 400 SEVENTH STREET SW, ROOM 3103
 WASHINGTON, DC 20500

NATIONAL MOTORCOACH PROGRAM COORDINATOR ~ HPS 20202/366-2829 | FAX 366-7298
 STEVE BARBER STEPHEN.BARBER@FHWA.DOT.GOV



Office of Motor Carriers Federal Motorcoach Program

Recent Statistics-Fall 1998

(Source MCMIS unless otherwise stated)

Passenger Carriers in our census 13,752			
Registered commercial buses (FHWA Highway Statistics, table MV-10) 124,538			
Passenger carriers as a per cent of all commercial vehicle carriers 3 %			
Federal and State Staff trained in Motorcoach inspections annually 500			
Total Carriers rated - 3,228 - 24 %			
○ Satisfactory (2,648) 82 %		↔ Ratings →	
○ Conditional (545) 17 %			
○ Unsatisfactory (35) 1 %			
Annual Interstate Bus Inspections performed by Federal and State Staff			
All Levels → 33,167 10/01/97 through 9/30/98 Level 1 → 9,703			
Out of Service Rates for inspections			
Buses		All CMV's	
All Levels Vehicle 10 % Driver 2 %	Level 1's Vehicle 15 % Driver 1 %	All Levels Vehicle 20 % Driver 8 %	Level 1's Vehicle 31 % Driver 6 %
Crash Statistics (source: FARS)		Bus Passenger miles per year	
About 30 ⇒ interstate buses involved in fatal crashes annually.		(Source: National Safety Council Accident Facts, 1995)	
About 6 ⇒ interstate bus occupant fatalities annually		Intercity buses 25 billion	
		School buses 95 billion	
		Transit buses 20 billion	

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State Investigatory reports. We will not comment on those accidents today but will wait until such time as the investigations have been concluded. We would, however, like to make the point that statistically bus travel is one of the safest forms of transportation but this rash of accidents requires all involved in this industry to take a look at what we are doing that's right and what needs improving.

We will focus our remarks on two areas, Fatigue and Regulatory Oversight. While we realize that Federal Regulations are not the purview of this Committee we would like to make you aware of attempts at changing the hours of service of drivers from the present 10 hours of driving with 8 hours of rest to drivers operating 12 to 13 hours with 9 or 10 hours off. The United Transportation Union has opposed in the past and will continue to oppose such changes. We believe such changes would make the jobs of U.T.U. members and others more hazardous. It would also place in jeopardy the safety of passengers on these buses as well as the general public. Enclosed as part of this testimony are comments made before the Department of Transportations Federal Highway Administrations by U.T.U.'s Assistant General Counsel Mr. Daniel R. Elliott, III.

Currently, the responsibility for bus safety rests with the Department of Transportation's Office of Motor Carriers. Congressman Bob Franks (R-7) recently noted an Inspector General's Report that there was an improper relationship between senior officials at the Office of Motor Carriers and those they

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regulate. He has called for the transfer of the Office of Motor Carriers from D.O.T. to the National Highway Traffic Safety Administration. This issue needs to be thoroughly examined to reassure the employees and the public that safety is not being compromised. Perhaps New Jersey should play a role in this area to ensure compliance with safety requirements. We would support funding requests for more state police or state inspectors to monitor such a program.

In closing, Mr. Chairman, I would like to thank you for calling this Hearing. We understand that Congressman Franks will be holding hearings on the Federal level in either Washington, D.C. or New Jersey and the United Transportation Union will be there to voice our concerns on behalf of bus drivers, passengers and the driving public. We are ready to work with you and the Committee to continue to improve the safety of bus operations in New Jersey.

Daniel J. O'Connell
N.J. State Legislative Director
United Transportation Union

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**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

49 C.F.R. Part 395

**Docket No.
FHWA-97-2350;
MC-96-28;
RIN 2125-AD93**

HOURS OF SERVICE OF DRIVERS

UNITED TRANSPORTATION UNION'S COMMENTS

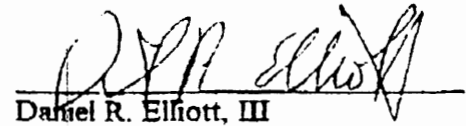
United Transportation Union ("UTU") respectfully submits its comments regarding the notice of intent to consider negotiated rulemaking process about hours-of-service of drivers. UTU strongly opposes any attempts to make any changes to the hours-of-service regulations.

Allowing drivers to operate for as many as twelve or thirteen hours with nine or ten hours compared to the present ten hours of driving with eight hours off makes no common sense. Many UTU members will be adversely affected, and their lives will be placed in jeopardy by these draconian measures if implemented. These measures would make these jobs operated by UTU members on the roads considerably more dangerous. Moreover, the proposed rules would place the passengers on buses and the general public in greater danger.

In an era where the roads are already overcrowded and bus transportation is useful in alleviating that congestion, the Federal Highway Administration should be working towards making the roads safer and passengers feel more comfortable rather than discouraging people from using buses by causing drivers to be overworked and fatigued. Accordingly, any attempts to make hours-of-service rules more onerous for drivers should be rejected.

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Respectfully submitted,



Daniel R. Elliott, III
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United Transportation Union
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TESTIMONY
OF THE
UNITED MOTORCOACH ASSOCIATION
BEFORE THE
NEW JERSEY SENATE
TRANSPORTATION COMMITTEE
IN THE MATTER OF
"COMMERCIAL BUS SAFETY"

TESTIMONY PRESENTED BY

CHARLES N. LITTLER

VICE PRESIDENT --- GOVERNMENT AFFAIRS

ON THIS 11TH DAY OF FEBRUARY, 1999

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2. A United Motorcoach Association "White Paper" entitled "*Why Doesn't My Motorcoach Have Seatbelts*".
3. A copy of a letter from the National Highway Traffic Safety Administration (NHTSA) which states their legal opinion with respect to federal preemption of States in the matter of seat belts.
4. A copy of a letter from the NHTSA to a vehicle manufacturer refusing to provide guidelines for the voluntary installation of seat belts into motorcoach type buses.
5. A copy of the United Motorcoach Association's supplemental comments to the National Transportation Safety Board investigation into bus crashworthiness.
6. A copy of the New York Senate's conclusions and recommendations from their 1993 study entitled "*Should New York State Enact A Law Requiring Seat Belts On Intercity Buses???*"

Good morning. My name is Norm Littler and I am Vice President of Government Affairs for the United Motorcoach Association. I wish to express my sincere appreciation to the Senate Transportation Committee Chair and the Honorable Committee Members for allowing me to speak this morning on behalf of the nearly 800 professional motorcoach company members of the United Motorcoach Association.

The motorcoach industry was recently made aware of the New Jersey Senate's interest in certain bus safety issues including those relating to seat belts. Such a request is hardly surprising given the emotion surrounding the recent tragic bus crashes that occurred in New Jersey over the Christmas holidays. On behalf of the United Motorcoach Association and the entire bus industry, I wish to express our sincere condolences to the families of the victims.

The reason that I come before you today is because there is a need to bring certain facts relating to the use, or lack of use, of seat belts on large buses.

The issue of whether motorcoach type buses should be equipped with seat belts is not new. It is an issue I have had in depth experience with for many years. I have been employed in the commercial bus industry for over twenty years, seventeen of which were spent working with the engineering group at the Nation's largest manufacturer of motorcoaches -- MCI. (I also hold an Insurance Institute of America - Associate in Risk Management designation.) During my career I have

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worked been called by the National Transportation Safety Board (NTSB) on a number of occasions to assist in investigations involving serious bus accidents. This included on-scene investigation of the "Sensational Golden Sons" bus crash outside of Action Park in Vernon, New Jersey in July of 1992. Inevitably, the question of whether passengers would have been provided enhanced protection if seat belts had been available arises. The problem that the regulatory, enforcement, and bus industry all face is a lack of evidence, either for or against seat belt use, due to a lack of compelling empirical data. A representative of the National Highway Traffic Safety Administration was quoted recently in the New Jersey Star-Ledger. He stated that NHTSA has expressly determined that there is no safety benefit provided by requiring buses to be equipped with seat belts. NHTSA is the Federal Agency responsible for setting all U.S. vehicle safety performance standards.

What is the justification for such a position? First, let's put commercial bus safety into perspective. The National Highway Traffic Safety Administration, the Federal Highway Administration, and the National Safety Council statistics all indicate that travel by bus is the safest mode of surface passenger transportation. Commercial buses accounted for over 28 billion passenger miles in 1996, the last year for which statistics are available. During that year there were just 2 passenger deaths reported. (Selected statistics taken from the 1998 Edition of the National Safety Council publication "*Accident Facts*" is attached to this testimony.) While this number appears to be very small when compared to the 42,000 plus annual highway deaths on the Nation's road, it is one that is supported. Over the past

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twenty years, federal data shows that between 4 - 6 commercial bus passenger deaths occur on an annual basis. This equates to less than one-tenth of one percent of all fatalities that occur annually on the Nation's highways. Stated differently, you are almost 100 times more likely to be fatally injured while traveling in a passenger car than in a motorcoach.

Second, the installation of seat belts appears on the surface to be a relatively simple procedure. After all they have been employed in passenger automobiles for over thirty years and no one argues that, when they are employed in this manner, they save lives. However, buses and passenger cars are not the same when it comes to a collision. Passenger vehicles are much lighter and seat far fewer persons than a commercial bus. NHTSA requires seat belts in passenger vehicles because, given the high crash forces encountered in serious collisions, they have been found to provide the greatest level of protection to the vehicle passenger. NHTSA has also determined that because of the large number of passengers that a bus carries and the much lower crash forces produced in most highway crashes, that compartmentalization of the passenger area is the *most* effective means of providing protection in the *majority* of crash situations.

This is why NHTSA expressed its willingness to preempt the State of New in 1992, under the provisions of the Supremacy Clause of the Constitution, when it attempted to legislatively mandate seat belts into commercial buses. Congress specifically designated the U.S. Department of Transportation as the agency

responsible for promulgation of motor vehicle safety performance standards when it passed the National Highway Traffic and Motor Vehicle Safety Act of 1966. In section 30103, "Relationship to other laws", Congress addressed the issue of preemption over the States by the following language . . . " When a motor vehicle safety standard is in effect under this chapter, a state or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United states Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter."

-- Simply put, a State is prohibited from mandating seat belts, or any other safety system or device regulated by the NHTSA, if the vehicle(s) is not directly owned or its operation is directly funded by the State. --

Lastly, the National Transportation Safety Board is currently in the final stage of completing a three-year study on bus crashworthiness and passenger protection. During their investigation the issue of seat belts and other passenger protection options were reviewed in great detail. Sixteen expert witnesses from around the world were assembled and questioned with respect to the best means of protecting passengers in a range of crash scenarios. As one of those witnesses, I had

the opportunity to outline the same issues that I bring to you today. During the NTSB hearing it became quickly clear that no empirical crash data is available, let alone data that could either justify or refute the benefit of installing seat belts in buses. Real world crash data is so sparse that no meaningful conclusions can be drawn without the risk of potentially placing the public at increased risk. It is anticipated that the NTSB, in its conclusions and recommendations may call on the NHTSA to conduct a crash test program on commercial buses to determine if there are public benefits to be gained by incorporating passenger protection enhancements, of which seat belts are one option. It is expected that the NTSB report will be adopted and published sometime toward the end of February or beginning of March of this year.

With respect to this Committee's examination of seat belts use in motorcoach type buses, I have attached a number of documents to my testimony that may be useful in your deliberations. These include letters from NHTSA refuting the usefulness of belts and their refusal to provide voluntary installation guidelines to the industry. Also a copy of their letter stating their legal opinion that they hold the exclusive right to preemption. I have also included a copy of my supplemental comments to my testimony to the NTSB following their public hearing of last year. These comments examine the issues relating to the lack of data and the technical problems relating to the vehicle structure. This concludes my statement. I will be happy to take any questions.

WHY DOESN'T MY NEW MOTORCOACH HAVE SEAT BELTS?

We're happy you asked. It's one of the most prevalent questions in the American bus and luxury motorcoach business today. Indeed, the answer is just as straightforward. As a service to its more than 1,000 member companies, the United Motorcoach Association (UMA) has prepared this brief summary of the answer and the issues surrounding the installation and use of seat belts on coaches.

The answer.

We won't keep you in suspense. The quick answer is, "Because they aren't needed." That's not just our answer. It's the answer which is offered by the National Transportation Safety Board (NTSB), the Federal Highway Administration (FHWA) and the agency charged with vehicular safety and construction standards, the National Highway Traffic Safety Administration (NHTSA). NHTSA is the federal agency, by the way, which commonly uses a small graphic image of a safety belt at the foot of their own letterhead which says "SAFETY BELTS SAVE LIVES." It's on their letter of August 19, 1992, in which they respond to the common inquiry by saying,

"NHTSA expressly determined that there is not a safety need for safety belts or another type of occupant crash protection at these seating positions (aboard commercial buses weighing more than 10,000 pounds)."

That message has been consistent. As late as December 1998, NHTSA spokespersons have repeated their belief that large buses simply wouldn't reap a safety benefit by placing seat belts throughout the seating compartment.

While the answer is quick and easy, understanding it -- especially in an era when "Buckle Up!" is a universal and enduring campaign cry for millions of automobile motorists -- is the tough part. To understand how federal safety experts can suggest belts are the answer for everyone *except* motorcoach passengers, we need to go back to some of the lessons you probably forgot 20 minutes after your last high school physics exam. And we need to look at the basic construction of a modern motorcoach, rather than rely on what you already know about the Buick or Honda you might see on the road today.

Before we begin, we should also offer one important observation: the commercial motorcoach of today is *the* safest form of highway transportation available, bar none. By NTSB's own count, an average of six coach passengers are fatally injured each year over the 30-year span from 1968 to 1998. Compare that to highway death tolls ranging from 30,000 to 50,000 automobile passengers *annually*, and we're faced with a basic question, "What problem would seat belts on coaches fix?" More on that later. First, the science refresher.

What happens in a crash?

First of all, please note that we, like the regulators and enforcement community, use the word "crash" to describe vehicle collisions. While "accident" is the more common term for most of us, it suggests that the collision happens virtually without avoidable cause. "Crash" makes no such judgement, it simply describes the event.

In any vehicular crash, there are really three collisions taking place. The first is the impact of the vehicle against something else, a wall, another vehicle, a bridge, etc., which causes a rapid "deceleration impulse." The second collision is the impact of the person inside the vehicle against whatever object is there to stop him or her: a steering column, a

windshield, a belt or harness. The third collision is within the passenger, when organs slam against bones or other organs, causing most of the actual injuries.

This is where we offer the high school physics refresher. Sir Isaac Newton explained with his laws of physics that passengers will tend to keep going forward when a vehicle stops suddenly. But those laws also help us understand that there are vastly different forces at work when large and small objects collide with something or with one another. It's apparent (and common knowledge) that when a large object and a small object collide, the larger object wins. What is less apparent, though, is the fact that the "G-forces" (one "G" is the force of gravity) exerted on the large object during that rapid deceleration are far less than those in the smaller object. A crash which exerts a 20-G force on an 4,000 pound automobile would exert less than a 7-G force on a 38,000 pound motorcoach.

Seat belts, air bags and harnesses in automobiles are designed to accomplish one primary objective: to hold the passenger and the vehicle tightly together so that they react as a single object. That allows the much smaller passenger to take advantage of the much greater weight of the vehicle they're riding in to reduce the G-forces at work on his or her body during impact. Today's NHTSA load rating requirement for automobile seat belts is 20-G's.

Now the construction part.

Today's motorcoaches aren't required to have seat belts. That's because regulators and highway safety experts have long recognized that existing bus design features work extremely well in protecting passengers from the vast majority of crash circumstances.

First, passengers are "made part of the vehicle" in a motorcoach by the seating system's inherent ability to achieve "compartmentalization." What belts accomplish in autos, compartmentalization accomplishes in today's motorcoach: it keeps the passenger "contained" during crashes, like eggs in a carton. Passengers' forward movement is severely limited by the seat ahead of them. In the most common form of motorcoach crash -- head-on or sideswipe -- passengers essentially remain in the seated posture, striking the energy-absorbing, high-back seat ahead of them. The force of the crash is spread over their entire upper body before they drop back into their seats, generally still in the seated posture. Indeed, the restraining effect of the forward seat is less immediate than seat belts would be, but at the large vehicle's lowered deceleration impulse force, the immediacy of the restraint is far less important.

Today's motorcoaches are also built to absorb crash energies. While automotive engineers have spent years building "crush zones" into cars, motorcoaches have always enjoyed the advantage of an energy-absorbing construction. Using a "monocoque" or "unibody" design, coaches crush by small increments on impact. And rather than absorbing the entire crash impulse at the point of impact, monocoque construction allows crash forces to be distributed through the entire length of the body.

[Sidebar: School bus construction is different. NHTSA has required that school buses are built with to be very rigid boxes which allow school buses to resist intrusions by outside objects, rather than absorb crash energy. Their rigid body construction makes school buses react to crashes differently than monocoque-built motorcoaches.]

Compartmentalization also provides what might be the ideal "passive restraint" system; it delivers passenger protection without asking the passenger to take any action other than sitting in their seat. Air bags and automatic, sliding, seat belts were the automotive industry's answer to the biggest problem yet identified with seat belts: people just don't use them. As recently as January 1999, NTSB took a close look at automotive child restraint systems. It found that in 62-percent of the cases where restraints were present but serious injuries still

resulted, it was because the restraint device was not used, faulty or simply used incorrectly. By its dependence on compartmentalization and energy-absorbing construction, motorcoaches have also avoided an unpleasant side effects of belts: "soft tissue" injuries which are caused by belts themselves.

Is there more we could do?

Compartmentalization, monocoque construction, energy-absorbing, high-back seats and soft covered interior elements all contribute to the passenger protection of motorcoaches, but they are intended to work together as a "passenger protection system." There are some places, though, where every element of that system may not be present. In the United States, for instance, belts are currently mandated for coach drivers, a seating positions which doesn't benefit from compartmentalization. The NTSB has also been assessing the safety value of belts or other restraint devices such as exaggerated modesty panels in other "exposed" seat positions aboard coaches: the forwardmost seats, the center rear seat which faces an aisle, and seats behind desk or table installations.

Another element of the protective "system" used in motorcoaches has come under question in recent years, as well. Investigations of fatal bus and motorcoach crashes over the past 20-years has shown that a passenger death usually occurs in one of two ways. The first is a massive intrusion into the passenger space. In a collision with a large vehicle or stationary object, passengers within the intrusion zone are at obvious risk. The second most prevalent cause of death is by ejection or partial ejection. There is strong evidence that most crashes are survivable when passengers stay *inside* the vehicle. That's drawn attention to FMVSS (Federal Motor Vehicle Safety Standards) §217 which determines construction standards for bus and motorcoach windows.

Created in an era when gasoline engines were dominant in buses, FMVSS §217 require manufacturers to install a window which could be opened for use as an emergency escape during a fire. Since that time, of course, virtually the entire motorcoach world has moved to diesel engines, significantly reducing the likelihood of a fire. At the same time, customer demands for a more "European design" have led to massive, panoramic, window sizes. In circumstances involving violent vehicle behavior, such as a rare rollover, the windows and latches required by FMVSS §217 may fail; the result can be passenger ejection. Even when they function as designed in an overturned coach, the weight of the large windows has proven difficult to many escaping passengers. In recent months, NHTSA has acknowledged to UMA that there's a need to revisit its window design mandate. But its clear that window escape problems have accelerated discussions of seat belts.

Today's environment.

We've seen that a motorcoach's size and its construction reduce G forces at crash and contain and effectively protect the passenger. And we know that the regulators and safety experts have responded to the scientific facts by resisting the urge to apply ineffective (but the most popular) remedies, seat belts. But the politics of seat belts are far less clear.

From the time of our child's first ride home from the hospital, proper restraint is drummed into our consciousness. *Buckle Up* campaigns dating back 30-years have effectively convinced drivers and auto passengers that belts are "The Answer." Attorneys for injured coach passengers accusingly point to the absence of seat belts in an attempt to capture an easy verdict for their client, despite the overwhelming evidence that belts wouldn't have helped. Emotion has overtaken the logic in many cases. Faced with very recent testimony from safety experts that lap belts in school buses may actually present a *greater* hazard to young bodies, many belt advocates continue to lobby for a school bus belt mandate.

Politics, not safety, have driven lawmaking in Europe, as well. Seat belts have been

required in Europe at non-compartmentalized seating positions since 1988 and in all seating positions for the past two years. Testifying before the NTSB in the summer of 1998, though, European officials openly admitted that the installation of belts was a "political" decision, not one driven by safety research. Starting in Great Britain in response to a particularly bad crash, political winds carried the seat belt mandate across the Channel and throughout the European community. At the same time, they acknowledged vastly different driving conditions than American motorists encounter. For instance, motorcoaches are limited to highway speeds of about 65-miles per hour in Europe, even on highways with *no* speed limit on automobiles. The differential often leads to violent evasive maneuvers and a much higher incidence of rollover on European roads. In acknowledgement of the much different physics of the large vehicles, the European mandate requires only a 6.6-G seat belt load rating for full-sized coaches. It also requires only the use of two-point (lap) belts.

Professional motorcoach operators in America have clearly established and accepted the evidence that seat belts would do little to advance the cause of passenger safety. And since NHTSA's 20-G load rating requirement remains the *only* standard in effect for seat belts in America today, the task would seem virtually impossible. Trying to install a 20-G seat belt on today's motorcoach could easily add another 10,000 pounds to the vehicle by forcing new securement structures. It would reduce also cargo and seating space, cut average fuel economy significantly and severely limit the seating configurations available. Europe's accepted 6.6-G belt load standard would clearly not meet existing NHTSA rules.

The bottom line.

Safety, above all else, is the primary goal of this Association and its members companies. After all, safety is good business. The numbers substantiate our belief that the motorcoach is the safest highway vehicle on the road today. But at the same time, we aren't smug in our confidence that today's vehicles can't be made even more safe. Neither NHTSA nor any other highway safety agency, public or private, has conducted definitive crash testing on today's motorcoaches. UMA stands eager to step up to the task as a cooperative partner if and when such testing is conducted. And we stand ready to promote significant safety enhancements when their value is proven.

With its manufacturer associates, its safety specialists, its legal team and all of its resourcefulness and experience, UMA is also trying to help sort out the issues for you. We know that there are no easy answers, especially when you're faced by riders, parents, reporters and the inevitable phalanx of challenges to the "seat belts wouldn't help" response which is most honest of them all.

The fact remains, however, that seat belts are not just "not mandated," today they're clearly "not the answer." Any reporter who believes that the issue has just been overlooked by Congress, NTSB, USDOT, NHTSA, OSHA or a long list of government and safety agencies just hasn't examined the record.

If things change, we'll let you know. But until, then, brush up on your physics and settle in for a long explanation. Or ask your questioners to call us: (800) 424-8262. We'll even pay for the call.

February 1999

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113 S. West Street, Alexandria, VA 22314

(800-424-8262) (703-838-2929) <http://www.uma.org>.



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

19 AUG 1992

C.N. Littler
Coordinator, Regulatory Affairs
Motor Coach Industries
552 West Stutsman Avenue
Pembina, North Dakota 58271

Dear Mr. Littler:

This responds to your letter of May 25, 1992, concerning possible federal preemption of a bill that has been introduced in the New York State legislature. The bill would require any intercity bus that is operated in the State of New York manufactured on or after July 1, 1993 to be equipped with safety belts at every seating position, unless the bus is operated by a motor carrier which does not operate annually more than 100 days or more than 10,000 vehicle miles within the State of New York. After reviewing the copy of this bill enclosed with your letter, we have concluded that it appears to be preempted by Federal law, to the extent that it requires the installation of seat belts for passenger seats of buses that have a gross vehicle weight rating (GVWR) of more than 10,000 pounds and that are not State-owned vehicles. This conclusion is explained in detail below.

Section 103(d) of the National Traffic and Motor Vehicle Safety Act (the Safety Act; 15 U.S.C. 1392(d)) states:

Whenever a Federal motor vehicle safety standard ... is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard. Nothing in this section shall be construed to prevent ... any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard than that required to comply with the otherwise applicable Federal standard.



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Section 103(d) preempts New York's proposed law if that law covers the same aspect of performance as an applicable Federal motor vehicle safety standard, and is different from the applicable Federal standard, with one exception. It would not preempt the law to the extent that the law imposes a higher level of performance upon vehicles procured for use by the State or any of its political subdivisions.

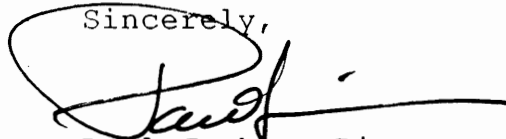
In this case, Standard No. 208, Occupant Crash Protection (49 CFR 571.208) "specifies performance requirements for the protection of vehicle occupants in crashes." (S1 of Standard No. 208). Section S4.4 of Standard No. 208 specifies performance requirements for the protection of bus occupants. Accordingly, there is a Federal motor vehicle safety standard in effect and that standard establishes performance requirements for occupant protection in buses. The question then is whether the proposed New York State law, which applies to the same aspect of performance, is either identical to Standard No. 208's requirements.

The applicable performance requirements for occupant protection at passenger seats in buses manufactured on or after September 1, 1991, differ, depending upon whether the vehicle has a GVWR of 10,000 pounds or less or a GVWR of more than 10,000 pounds. For buses (other than school buses) with a GVWR of 10,000 pounds or less, S4.4.3.2 of Standard No. 208 requires a lap/shoulder belt to be provided at every forward-facing outboard seating position, and either a lap belt or a lap/shoulder belt to be provided at every other seating position. New York's law, requiring seat belts at every seating position in buses, would not be preempted with respect to these small buses if it were interpreted to require the same types of safety belts as required under Standard No. 208.

With respect to buses with a GVWR of more than 10,000 pounds, manufactured on or after September 1, 1991, S4.4.3.1 of Standard No. 208 requires compliance with either of two options for the driver's seating position, the installation of an automatic restraint or the installation of either a lap belt or lap/shoulder belt, and does not require any type of occupant protection system at any other seating position. NHTSA expressly determined that there is not a safety need for safety belts or another type of occupant crash protection at these seating positions. See, 39 FR 27585, July 30, 1974. With respect to these large buses, the New York bill would be preempted to the extent that it requires seat belts to be installed at seating positions other than the driver's seating position.

I hope you find this information helpful. If you have any other questions, please contact Mary Versailles of my staff at this address or by phone at (202) 366-2992.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul", with a long horizontal flourish extending to the right.

Paul Jackson Rice
Chief Counsel

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U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.
Washington, D.C. 20

Mr. R.W. Schreyer
Senior Sales Engineer
Transportation Manufacturing Corp.
Box 5670 (R.I.A.C.)
Roswell, NM 88202-5070

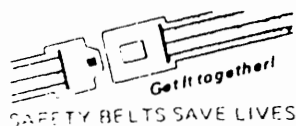
Dear Mr. Schreyer:

This responds to your letter to Mr. Harry Thompson of this agency's Office of Vehicle Safety Compliance, seeking an interpretation of Standard No. 210, Seat Belt Assembly Anchorages (49 CFR §571.210). You posed two questions, which I will answer in the order presented.

First, you noted that the State of Nevada will be procuring some prison buses, equipped with lap-only safety belts at the passenger seating positions. You correctly noted that no safety standard requires safety belts to be installed for passenger seating positions on buses, but asked if this agency could "provide direction on what course of action [TMC] should take." You asked particularly whether you should design the anchorages for the lap-only safety belts to conform with the requirements of Standard No. 210.

NHTSA answered this question in a March 22, 1989 letter to Mr. Keith McDowell, a copy of which is enclosed for your information. As we said in that letter, NHTSA must decline to issue any "guidelines" beyond or in addition to the requirements set forth in the safety standards. Therefore, since Standard No. 210 expressly exempts passenger seats in buses from the standard's anchorage requirements, Federal law leaves the question of how any such anchorages should be designed entirely up to the judgment of the bus manufacturer. Please note, however, that the State of Nevada is free to specify certain design and performance criteria with which these anchorages must comply in its contract for these buses.

Second, you asked for a clarification of the testing conducted to determine compliance with Standard No. 210. Section S4.2 of Standard No. 210 sets forth the strength test with which anchorages must comply. Section S4.2.4 of Standard No. 210 reads as follows: "Except for common seat belt anchorages for forward-facing and rearward-facing seats, floor-mounted seat belt anchorages for adjacent designated seating



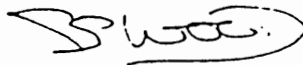
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positions shall be tested by simultaneously loading the seat belt assemblies attached to those anchorages." You asked whether all seats in the coach must be tested simultaneously or whether a single seat would be tested, and then the next seat tested, and so forth.

Please note that the only anchorages subject to a simultaneous testing requirement are "floor-mounted" anchorages for "adjacent designated seating positions." Assuming that there is an aisle or some other separation between the seat assemblies in your buses, the only "adjacent" designated seating positions would be those common to one occupant seat. Therefore, no more than one occupant seat's anchorages would be tested simultaneously under Standard No. 210. Even those anchorages common to one occupant seat would be tested simultaneously only if the anchorages were floor-mounted.

Sincerely,



Stephen P. Wood
Acting Chief Counsel

Enclosure

81x

Mr. Keith A. McDowell
Vice President - Engineering
Transportation Products Group
American Seating Company
901 Broadway, N.W.
Grand Rapids, MI 49504

MAR 22 1989.

Dear Mr. McDowell:

This responds to your recent letter asking this agency to "provide guidelines for the design and installation of seat belt assemblies on large buses (over 10,000 pounds GVW)." You explained that you were interested in this information for passenger seats of large buses used in transit service, not as school buses. I am happy to be able to explain our requirements to you.

Standard No. 208, Occupant Crash Protection (49 CFR 571.208) sets forth the crash protection requirements applicable to most vehicle types. Section S4.4 of that standard sets forth the requirements applicable to large buses other than school buses. That section requires large buses to have either a complete automatic protection system for the bus driver's seating position, or a seat belt assembly that conforms with Standard No. 209 at the driver's seating position. Standard No. 208 does not specify any requirements for either an automatic protection system or seat belt assemblies to be installed at any other seating positions in large buses.

Standard No. 210, Seat Belt Assembly Anchorages (49 CFR 571.210) also includes requirements applicable to the anchorages for any belt assemblies installed at the driver's seating position on large buses. Specifically, section S4.1.2 of Standard No. 210 provides that: "Seat belt anchorages for a Type 1 or Type 2 seat belt assembly shall be installed for each designated seating position, except a passenger seat in a bus or a designated seating position for which seat belt anchorages for a Type 2 seat belt assembly are required by S4.1.1." As with Standard No. 208, Standard No. 210 exempts passenger seats in large buses from its requirements.

Finally, Standard No. 209, Seat Belt Assemblies (49 CFR 571.209) sets forth requirements applicable to all seat belt assemblies for use in motor vehicles, including large buses. Thus, any seat belt assembly installed at the driver's position in a large bus would have to be

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certified as complying with Standard No. 209, as would any seat belt assembly voluntarily provided by a manufacturer for passenger seating positions in a large bus.

In short, our standards do not require seat belt assemblies to be installed in passenger seats of large buses, but any seat belt assemblies that are installed at those positions would have to comply with Standard No. 209. Your letter indicated that you were generally aware of the fact that seat belt assemblies were not required to be installed at passenger seating positions of large buses. Nevertheless, you asked us to provide you with "guidelines" for such installations, in response to the continuing demand for such installations by your company's customers. As a policy matter, NHTSA does not provide the sort of guidelines you have requested.

The National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) sets forth certain specific requirements that must be satisfied by each of the Federal motor vehicle safety standards established by this agency. Among these requirements are that each safety standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms (section 103(a) of the Safety Act) and each standard shall be reasonable, practicable, and appropriate for the particular type of vehicle for which it is prescribed (section 103(f)(3) of the Safety Act). NHTSA has determined that the current requirements of Standards No. 208 and 210, which do not apply to passenger seats in large buses, meet all of the statutory criteria.

The issuance of "guidelines" specifying measures beyond those required by our standards could readily be misinterpreted as an agency decision that these additional measures are necessary to satisfy the criteria of the Safety Act, or indirectly force manufacturers to comply with the "guidelines," in addition to the standards issued under the Safety Act. Either or both of these results would be inappropriate for passenger seats on large buses, because the information currently available to NHTSA indicates that no additional requirements are necessary in this area.

Indeed, if the agency were to learn of additional information suggesting the current requirements no longer meet all the statutory criteria, and that requirements for the installation of seat belt assemblies at passenger seats of large school buses would meet all the statutory criteria, we would have an obligation to consider changing the applicable

standards. Any such change would be required to be made through the ordinary, notice-and-comment rulemaking process, rather than through issuance of supplemental guidelines.

I hope this information is helpful.

Sincerely,

Erika Z. Jones

Erika Z. Jones
Chief Counsel

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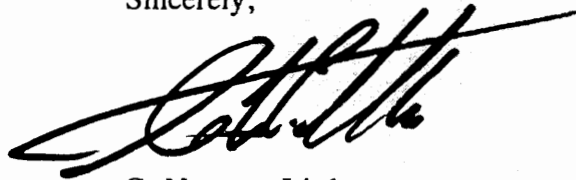
September 2, 1998

Ms. Jeanmarie Poole
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Ms. Poole,

Thank you for the opportunity to act as a motorcoach industry witness at the NTSB public hearing relating to "Bus Crashworthiness and Survivability". During the discussion I informed the Board that the United Motorcoach Association (UMA) would provide supplemental information relating to the issue under review. UMA requests that the attachments to this letter be considered with respect any motorcoach specific conclusions and / or recommendations put forward in the NTSB's final report.

Sincerely,



C. Norman Littler
Vice President
Government Affairs



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Alexandria, VA 22314-2824
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FAX: 703-838-2950
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SUPPLEMENTAL COMMENTS
of the
UNITED MOTORCOACH ASSOCIATION

Relating To Issues Being Investigated By The
NATIONAL TRANSPORTATION SAFETY BOARD'S
PUBLIC HEARING

ON
"BUS CRASHWORTHINESS AND SURVIVABILITY"

Submitted On September 11, 1998

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The United Motorcoach Association (UMA) commends the National Transportation Safety Board (NTSB) for conducting a public hearing on the issue of "Bus Crashworthiness and Survivability". For many years controversy has raged over the question of whether motorcoach type buses should or, or should not, be equipped with seatbelts or some other form(s) of passenger protection devices. The general public's belief in the ability of a seatbelt to save lives in passenger automobiles has led to a conclusion that *all* vehicles should be similarly equipped. This conclusion bears careful scrutiny. To the lay person this conclusion is reasonable because government and safety advocates have promoted seatbelt use for years. Unfortunately, the public has a less than adequate understanding of the physics, and the vehicle structural dynamics involved in the various possible sequences involving large vehicle crashes, like those of a motorcoach. There is also very little understanding of the concept of compartmentalization. Compartmentalization is relied upon, and has proven reliable, as the principal form of passenger protection for the majority of serious accidents involving large buses.

The initiative displayed by the NTSB, in bringing together people from around the world, people who have both the technical knowledge and experience in the disciplines relating to data collection and analysis and technology research and development, was to UMA's knowledge, a first ever occurrence. The worldwide approach taken by the NTSB in reviewing the current, collective level of knowledge relating to motorcoach passenger protection, is in UMA's opinion the only way to approach this complex subject.

Relatively early in the hearing it became very apparent that, in Europe and Australia at least, a decision to incorporate seatbelts on motorcoaches had been made, not as a matter of sound public policy, but based upon an emotional public outcry to the politicians. The political process should never take the lead in an issue of public safety if it is not fully supported by a preponderance of credible scientific evidence. It is the scientific evidence that guides a meaningful decision. In the European and Australian seatbelt programs it appears that data was screened for anomalies that would justify a predetermined political decision. Testing protocols were then developed which would allow the majority of motorcoaches to pass without major structural change. UMA does not believe that an issue as important as passenger safety should be treated in such a cavalier fashion.

THE PROBLEM OF INSUFFICIENT DATA

In a perfect world, the first step would be to determine whether a problem really exists. If it is determined that the problem exists, the next question that needs to be answered is what is the magnitude of the problem. The collection and analysis of credible, statistically meaningful data is key to examination of any problem. If data analysis indicates that a problem is of significant enough proportion to justify corrective action, then, and only then, should the legislative or regulatory processes come into play. The ordering and funding of a testing program to evaluate the best means for corrective action should be left to the lawmakers. The testing protocol and the development of an actual vehicle testing program should be left to the agency that has the role of vehicle safety performance regulatory oversight, in this case the National Highway Traffic Safety Administration (NHTSA).

If data is to be the driving force behind the development of meaningful passenger protection technology then, with respect to motorcoach type buses, then a problem becomes recognizable immediately. The National Safety Council (NSC) has determined that during an average year under ten passengers are fatally injured while riding in motor coaches. This number has been relatively stable for the past decade. In 1996, some 350 million people traveled over 1.6 billion miles on motor coaches. Annual passenger miles are currently in excess of 25 billion. The Federal Highway Administration (FHWA) estimates fatalities involving motor coaches accounts for less than 1/10th of 1 percent of all highway fatalities in any given year over the past decade. Within this percentage is a smaller fraction that represents passenger fatalities. By NTSB estimates, 192 motorcoach passengers died in crashes over a 30-year period. This averages approximately 6 passenger deaths annually, which is consistent with the NSC data.

What is not known is what is the contributing factor(s) involved in occupant deaths and serious injuries. No accurate or reliable data has been collected or analyzed to show precisely what is causing motorcoach passenger fatalities or injuries, nor what new or different vehicle safety features might lessen injury scaling in a catastrophic crash. When so few passengers are fatally injured in motorcoach crashes on any given year, it is of paramount importance that all of the relevant facts be collected and analyzed. Not only passenger fatalities, but also all AIS level 3 and 4 level injuries are needed if we are to develop a true picture of occupant crash dynamics in motorcoach accidents.

Unfortunately, under the USDOT's Fatal Accident Recording System (FARS) and General Estimating System (GES) only fatalities are considered for when reviewing bus crashes. The NSC records both fatalities and injuries to the extent possible. However, the

problem of collecting reliable data is systemic. **There is no consistency in what data is collected at the federal, state or local level. This problem could be rectified by the Federal Highway Administration or, failing this approach, Congress directing that Motor Carrier Safety Assistance Program (MCSAP) funds be used to develop a national motor carrier accident data acquisition form. Data collected should at a minimum determine the vehicle type and age through the vehicle identification number (VIN), the service application at the time of the crash, detailed description of occupant injuries, and if possible where individual occupants were seated and with what did they come into contact with. Mandatory use of the forms, at the federal, state, and local level would be necessary if consistent data collection is to be achieved.** (1)

It is important that, when there is a bus accident, both the vehicle type and the service application be identified. For instance, a church is conducting a "for hire" charter between points in different states. They are using a van or a school bus for the move. The bus is involved in a serious accident resulting in serious injuries, but no fatalities. Under the current system it is likely that this accident will not be recorded or evaluated at the federal or even at the state level. If, on the other hand, officers at the scene determined that the bus was an old school bus, being used in a "for hire" application in interstate commerce. They would record an incident of a private carrier, having no federal operating authority, and conducting a service in a non-FMCSR compliant vehicle.

1 UMA has attached a copy of a relevant article from the Commercial Vehicles Safety Alliance newsletter, *The Guardian* and a copy of the Bureau of the Census, 1997 Vehicle Inventory and Use Survey. Both items may serve to describe data items infrequently recorded with respect to buses as well as other commercial vehicles.

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Even if the officers at the scene were unaware of the violations, appropriate state or federal agencies would flag the event. If these events continued with any regularity then a pattern would emerge and appropriate counter-measures could be developed. Without data input at the front end, the problem can grow unchecked until a catastrophic occurrence galvanizes public attention and then an emotional knee-jerk reaction takes over. Such is the case with the seatbelt issue we are now confronted with.

VEHICLE TYPES AND STRUCTURAL CHARACTERISTICS

All motor vehicles have characteristics that are unique to their design. Passenger cars react differently in an accident from a sport utility vehicle or a van. The same differences apply when examining a bus structure's ability to react to the extreme loads that occur during a collision. For comment purposes, only the two major forms of bus construction will be examined.

BODY ON CHASSIS CONSTRUCTION

The "body-on-chassis" construction method, as found in the school bus, will be described. School bus manufacturers construct a coach body that in effect is a self-contained occupant shell. Upon completion bolts attach the shell to a modified truck chassis. The chassis typically consists of two longitudinal steel u-channels that run the length of the vehicle. The longitudinal frame members are kept in parallel by bolting or welding two or more lateral channels between the u-channels. To the chassis are bolted the engine, transmission, fuel tank(s), axles, and associated running gear components. The chassis, without the body shell attached, is capable of being driven. A school bus chassis in and by itself is a very strong,

91x

roll sequence is not know because they have never been subjected to dynamic testing. In fact, the current school bus rollover test standard calls for only a static roof loading. Similarly, in the question of seatbelts, it would be extremely negligent to use school children as de-facto test subjects.

SEMI-MONOCOQUE BUS CONSTRUCTION

For approximately the last fifty years intercity type motorcoaches have utilized a construction method that differs significantly to the cheaper body-on chassis construction method. The so-called semi-monocoque bus structure evolved from the construction methods of the aircraft industry. The motorcoach is in reality a uni-body structure. This means that all running gear and associated components are attached directly to the body. The frame is constructed of hundreds of longitudinal, lateral, and vertical welded steel tubes and gussets. Sheet metal or fiber composite body panels are either riveted or bonded to the tubular structure. The entire structure is not only very strong, but it is also very flexible. Flexibility is absolutely essential in a vehicle that may see several million miles in a twenty to twenty-five year service life. The motorcoach must operate in highway applications, in environmental extremes, and on all types of roads.

Over many years the resiliency of a motorcoaches' monocoque structure, coupled with a high back seat system that deforms in a controlled fashion when struck by an occupant, have proven their ability to protect occupants in the even the most severe frontal collisions. (2)

2 The question of how to best protect occupants in exposed, non-compartmentalized seats should be treated as described in the data acquisition and analysis section above. The majority of motorcoach related passenger fatalities and serious injuries, tend to occur by either massive intrusion into the occupant area of the vehicle, or when people are ejected, or partially ejected, through windshields or through the push-out type side windows. We have attached a copy of a paper that was co-authored by Dr. D. Kecman and presented to UMA at the NTSB hearing. The information relates to a new seating system that incorporates a three-point seatbelt into a standard motorcoach seat. The ability of the seat to yield under the impact of an unbelted occupant is a key issue in the

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Over 90 percent of the serious, potentially injury producing, crashes that involve motorcoaches annually, are of the frontal or frontal oblique type. The trip induced rollover crash, although rare, is without any doubt the most serious crash event that a motorcoach can be involved in. Motorcoaches tend to absorb the first hit forces through upper structure deformation. This is why a motorcoach seldom rolls completely over. They tend roll up onto the roof structure and then fall back onto the side. While the roll sequence is interrupted by the upper structure deformation, if, during the sequence, an occupant(s) is ejected through a side window, the chances are that they will be crushed when the coach drops back onto its side. The question that needs to be examined first is whether existing motorcoach componentry, such as window latching mechanisms can be improved to withstand the high twisting forces encountered during a trip induced rollover. During the last decade the NTSB has investigated a number of trip rollovers of motorcoaches. Where crush deaths and serious injuries have occurred due to full or partial ejection the question of window securement and glazing strength has come into question.

The history relating to motorcoach side window systems found in today's motorcoach bears a closer look. In 1952, the Interstate Commerce Commission (ICC) implemented the first push-out window standard. Windows were required under the regulations to be fixed to the window frame by means of a soft rubber grommet type seal. The push-out seal allowed an occupant to push the window out of the coach in the event of an emergency. In 1952 most intercity buses were still gasoline-powered and had the engines mounted in the front under the

"seatbelt equation". What is of particular importance is the paper's discussion of the testing criteria, in that G forces are applied that are entirely appropriate to a vehicle with the mass of a motorcoach.

driver, somewhat similar to the school bus. The threat of passengers being trapped on board during a fire was a real possibility.

Over the years, the motorcoach side window safety has undergone only one substantive change. In 1965 the ICC allowed manufacturers to push glazing out by means of a hinged metal sash frame that was secured by a latching mechanism. With the creation of the Department of Transportation in 1966, control of safety standards for bus side "push-out" windows was assumed by the National Highway Traffic Safety Administration. The window standards were reclassified under 49 CFR Part 571.217 of the Federal Motor Vehicle Safety Standards. Of particular note is the stated purpose of Part 217 . . . *"to minimize the likelihood of vehicle occupants being thrown from the bus and to provide ready means of occupant evacuation"*.

As mentioned above, during a trip-induced rollover, the motorcoach structure under goes tremendous twisting forces. The semi-monocoque structure, being highly flexible, is less able to inhibit momentary twisting deformation through the longitudinal axis. Part 217 requires the window latch to be mounted no more than 2 inches above a seat armrest or no more than 5 inches above the seat reference point. The restrictive nature of the safety standard means that manufacturers are extremely limited in which plane the latch can be located. For example, a latch mounted vertically with a window also hinged vertically might be better able to remain in place when reacting high longitudinal twisting forces. Similarly, automotive glazing standards were developed with passenger cars in mind. It is interesting to note that the Federal Railway Administration has a very different test standard for passenger rail cars glazing than that found in the FMVSS for large buses. Large buses have a great deal more in common with rail passenger cars than they do with light passenger automobiles. These observations and

suspicions can only be verified through data acquisition, analysis, and testing. Intuitive guesswork has no place other than as a starting point.

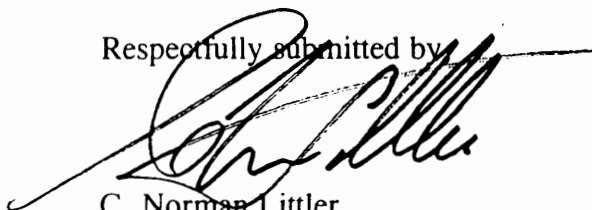
As pointed out during the hearing, by the time data is gathered and analyzed, testing is conducted, a rulemaking occurs, engineering and manufacturing changes are made, many years will pass. In the case of a motorcoach a further twenty to twenty-five years will pass before the change will appear throughout the fleet. First, we must determine if there really is a problem. Second, will a solution provide increased protection in all circumstances, or will safety be decreased in some situation? Third, will the benefits to society outweigh the costs?

SUMMARY STATEMENT

In light of the fact that past history, based on known data, accident investigations, as well as anecdotal information indicates motorcoaches provide significant occupant protection. The lack of compelling data underscores UMA's belief that motorcoach transportation is inherently safe and that there is no need to mandate the inclusion of seat belts into motorcoaches.

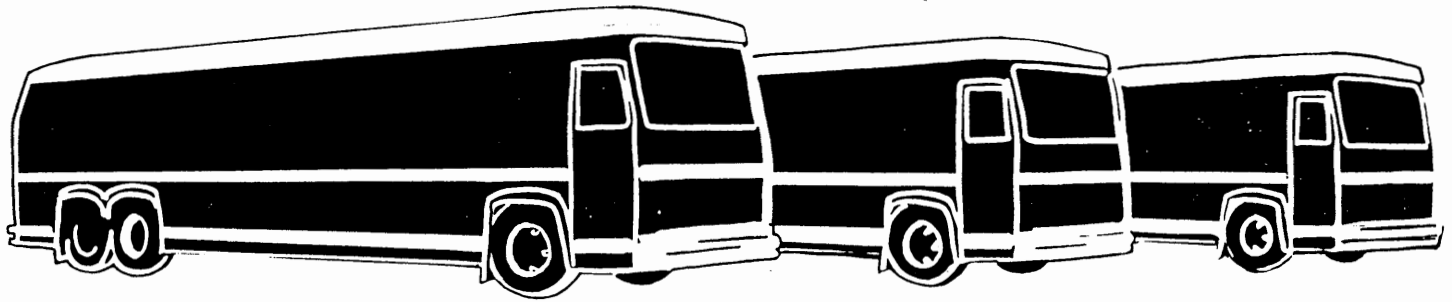
If on the other hand we are to subject the riding public to a politically motivated guess as to what is in the public's best interest regarding their safety, when they ride in a motorcoach or a school bus, then we had better hope that the politicians have guessed right. If they guess wrong, we will end up with another "air bag" like fiasco.

Respectfully submitted by



C. Norman Littler
Vice President for Government Affairs
United Motorcoach Association

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SHOULD NEW YORK STATE ENACT A LAW REQUIRING SEAT BELTS ON INTERCITY BUSES???

A STUDY OF THE SAFETY ISSUES
AND FEDERAL CONSTITUTIONALITY,
WITH RECOMMENDATIONS!!!



SENATOR NORMAN J. LEVY, CHAIRMAN
NEW YORK STATE SENATE TRANSPORTATION
COMMITTEE
FEBRUARY 1993

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CHAPTER VI
SUMMARY AND RECOMMENDATIONS

Increasing passenger protection is of the utmost importance to vehicle safety experts, governmental agencies, and the general citizenry. The April 11, 1992, accident involving an intercity charter bus in which two Long Island students were ejected and tragically killed as the bus rolled over, resulted in a proposal by Governor Mario M. Cuomo to mandate the installation of, but not the use of, seat belts on all intercity buses that travel in New York State for more than 100 days or more than 10,000 miles per year. The type of seat belt required, either lap or lap-shoulder, was not specified in the Governor's proposal. While the Governor's Program Bill is well intentioned, the provision for seat belts on intercity buses is illusory because it is predicated upon federal standards for passenger seat belts on intercity buses that do not exist. NHTSA has issued standards for passenger motor vehicle restraints, child restraint seats, dummies used in motor vehicle crash tests and school bus seating systems and restraining barriers, but has not issued standards for passenger seat belt systems--the belt, seat, and seat anchorages or attachments--on intercity buses and continues to decline to do so. Seat belts have been required by the Federal Government in passenger vehicles since the mid-1960s and for all bus drivers since 1972, but not for bus passengers.

Furthermore, the Governor's provision is not based upon adequate study. Only two studies, the Indiana University and Al-Kazily California State University studies, have been conducted on the subject of passenger restraints on intercity buses during the last two decades. Both studies utilized accident reports--as opposed to on-site visits--to formulate conclusions with respect to the need for such restraints. Crash testing was not conducted during either study. The two studies recommended against installing seat belts on intercity buses because there would not be a marked reduction in deaths or injuries and high costs would be involved. In

addition, the reports concluded that standards for installing seat belts were unavailable and would need to be developed and tested before a final determination could be made.

Federal vehicle safety agencies have refused to issue standards for seat belts, anchorages, and attachments for intercity buses, and neither NHTSA nor the intercity bus industry have conducted crash tests to determine the proper types of seat belts (if any) and anchorages for use in intercity buses. The New York State Public Transportation Safety Board recommended that NHTSA immediately review the feasibility of conducting crash tests on intercity buses for passenger restraints because inadequate research and testing has been conducted on intercity bus passenger restraints. Though New York State has required all large school buses manufactured after July 1, 1987 to be equipped with seat belts at all designated passenger positions, New York State's school bus seat belt standards cannot be extrapolated to intercity buses because the design, seating systems, and distribution of forces in a crash are different for each type of bus according to two Federal Government and two bus industry experts.

The Commission staff interviewed fifteen motor vehicle safety experts on the engineering aspects of installing seat belts on newly manufactured and existing intercity buses: four with the Federal Government, one with the Canadian Government, six associated with academic research organizations, and four with the intercity bus industry.

Seven of the twelve motor vehicle safety experts from the Federal and Canadian Governments, academic research organizations, and bus industry questioned by the Commission on the issue of installing seat belts on newly manufactured intercity buses stated that before seat belts can be installed, more research and crash testing should be conducted to ensure seat belts will afford

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passengers additional protection. Five of the experts from the Federal Government and bus industry added that testing is also necessary because the existing standards used for passenger vehicles should not be extrapolated to large vehicles, such as intercity buses. Since the forces from an accident are distributed differently in a bus than in an automobile, serious injuries could result in an accident from implementation of such an extrapolation. The majority of experts from the Federal and Canadian Governments, academic research organizations and bus industry agreed that the bus, seat structures, and flooring would have to be redesigned and crash tested in order to accommodate seat belts and ensure passenger safety. The absence of federal standards or guidelines for installing passenger lap belts on intercity buses thwarts the process. If crash testing were to determine that seat belts increase passenger protection, then NHTSA, the intercity bus industry, or seating manufacturers would have to develop a uniform set of standards for installation on newly manufactured buses which, as previously noted, NHTSA refuses to do.

Four out of five experts from the Canadian Government and academic research organizations agreed that lap seat belts would be beneficial in rollover accidents. A rollover accident involving a bus can have deadly consequences because unrestrained passengers would be more apt to be ejected from the bus as human projectiles or bounced around inside the bus.

While lap belts may be beneficial in rollover accidents, three experts from the Canadian Government, an academic research organization, and bus industry contacted by the Commission were concerned that lap belts, when used in reclining or non-reclining seats, may cause increased head and abdominal injuries in certain types of crashes. For example, the experts stated that in a frontal collision a lap belted passenger's hips would remain stationary while his head would be propelled

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forward into the seat back in front of him. An unbelted passenger would still contact the seat back, but may sustain less severe injuries because the passenger's entire body, instead of just his head, would move forward and absorb the forces of the impact.

Four experts from the Federal and Canadian Governments, an academic research organization, and bus industry were also concerned that unbelted passengers may be thrown into and injure belted passengers. To prevent a collision between belted and unbelted passengers, seat belt use should be made mandatory. However, according to Federal and Canadian Government vehicle safety experts and bus industry representatives, bus companies would have to install a warning light system in the driver's panel to indicate to the driver that seat belts were not in use and/or hire a monitor to enforce usage and maximize safety benefits. The passenger also would have to be instructed in the proper use of seat belts to ensure the belted passengers would not be injured in a crash from an improperly worn seat belt. For example, two experts explained that when a passenger reclines, his lap belt will move up on his body thereby greatly increasing his chances of "submarining" or slipping through the belt.

According to two experts from the Federal Government and an academic research organization, seating location within any bus is the most important factor in determining the number and severity of injuries. Since the force of a collision on a bus passenger depends on where he is seated in the coach, as well as the type of collision (frontal, rear-end, side, etc.), standards for seat belt systems would have to be developed that would protect all passengers seated anywhere in a bus in all types of collisions. For example, if a seat belt or anchorage standard was developed to provide maximum protection to a passenger seated immediately behind the bus driver in a frontal collision, would a different type of belt or anchorage or floor

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reinforcement be required to protect a passenger in the rear of the bus against a side or rear-end collision?

Three experts from academic research organizations and the bus industry believed that lap-shoulder belts may reduce head and abdominal injuries perceived to be caused by the use of a lap belt alone, but more testing of lap-shoulder belts is required before such a conclusion could be validated.

On the other hand, two of the academic research organization experts contacted by the Commission believe that the engineering problems associated with installing either lap or lap-shoulder seat belts on newly manufactured intercity buses and the increased head injury risk can be mitigated, thereby making seat belts beneficial.

According to two academic research organization experts, the actual cost of installing seat belts on new intercity buses is not prohibitive and the potential financial liability associated with seat belt use or non-use can be waived by the Legislature and Governor in the enacting legislation.

Since requiring seat belts on newly manufactured intercity buses would cover few buses initially and exempt the existing fleet of older buses, the issue of installing seat belts on older buses (retrofitting) was examined. Retrofitting existing buses with seat belts was not endorsed by any safety expert contacted by the Commission staff because of engineering, structural, and cost restraints. Furthermore, the arguments made regarding the potential injuries caused by seat belts and the potential financial liability from passengers ignoring seat belt use requirements on newly manufactured buses were likewise raised regarding existing intercity buses.

The overwhelming majority of Federal and Canadian Government, academic research organization, and bus industry experts interviewed by the Commission

have raised substantial safety and other questions regarding the possible installation of seat belts on new and existing intercity buses. According to the experts, more testing and research on intercity bus seat belt systems is necessary before a final determination can be made regarding the installation of seat belts on new intercity buses. In light of the experts' concerns, only the Federal Government has the resources necessary to conduct the testing and other related actions necessary to resolve the safety and other related issues and concerns so that the unintended potential for serious injuries or death will not occur from requiring seat belts on newly manufactured intercity buses.

In addition to the testing, engineering and safety concerns, the proposed New York State law requiring seat belts on intercity buses may very well violate the Constitution of the United States. The proposed State law may transgress the Commerce Clause and/or the Supremacy Clause.

The Commerce Clause grants Congress the power to regulate commerce--including transportation--with foreign nations, among the States, and with Indian Tribes. Requiring seat belts on intercity buses may impose an undue economic burden on interstate carriers because seat belts may not fulfill a legitimate safety need. The courts have not been entirely consistent in ruling on the validity of state safety laws in light of the Commerce Clause, but Commission Majority Counsel Joanna King, the Federal Government vehicle safety experts, and bus industry executives believe that the proposed law would violate the Commerce Clause on the grounds that the burdens imposed would outweigh the safety benefits.

The Supremacy Clause forbids states to enact laws or promulgate regulations in areas totally preempted by the Congress. The National Traffic and Motor Vehicle Safety Act of 1966 assigns exclusive responsibility for regulating motor vehicle safety to the National Highway Traffic Safety Administration (NHTSA). Federal

Motor Vehicle Safety Standard §571.208 regulates occupant protection on buses and requires seat belts for drivers only. NHTSA and bus industry representatives concluded that the proposed State law would violate the Supremacy Clause because FMVSS §571.208 covers all aspects of occupant protection, and given that the standard does not require restraints at passenger seating positions on buses over 10,000 pounds, the Governor's proposal would therefore be preempted.

Commission Majority Counsel Janis Veeder disagreed with NHTSA's and the bus industry executives' rationale. She argues that the proposed law would not be preempted because there is neither a federal standard regarding passenger seat belts on intercity buses, nor do the federal regulations expressly forbid such seat belts. Furthermore, even though there is a federal regulatory scheme dealing with some aspects of occupant protection, the United States Supreme Court has previously ruled that federal regulations covering a limited field would not extend beyond the boundary the regulations established. Therefore, Ms. Veeder believes the proposed law would not be preempted because there is no indication in this instance that the federal regulatory scheme was intended to cover seat belts on intercity buses.

The United States Constitution is not violated by New York State's regulations for seat backs and seat belts on school buses which are stronger than the federal standards for school buses. Because the buses are owned or contracted by the State's school districts, State regulations in this area do not violate the Supremacy Clause or Commerce Clause of the Constitution of the United States due to a savings clause in the National Traffic and Motor Vehicle Safety Act of 1966 which permits more stringent state requirements for state-owned vehicles.

Increasing intercity bus safety is of the utmost importance to vehicle safety experts, governmental agencies, intercity bus manufacturers and operators, and the

public as a whole. It is essential that increased testing, research, and discussion of this vital issue begin immediately in order to facilitate an informed and appropriate strategy for action. Therefore, based upon its research, the Senate Majority Staff of the Legislative Commission on Critical Transportation Choices offers the following recommendations.

I. The New York State Legislature should adopt a resolution memorializing the National Highway Traffic Safety Administration (NHTSA) to conduct scientific tests of intercity bus collisions to determine the feasibility of equipping all intercity buses with either lap belts or lap-shoulder belts. If testing demonstrates that the safety of intercity bus passengers is enhanced by restraints, NHTSA should promulgate Federal Motor Vehicle Safety Standards for such seat belts, seat anchorages, and the design and engineering of the interiors of intercity buses.

The safety of intercity bus passengers is clearly a Federal Government responsibility. In order to prevent litigation involving the Federal Government, New York State, and/or others and to provide national standards for seat belt installation on intercity buses, it is essential that NHTSA conduct crash testing of intercity buses under various accident scenarios. The New York State Public Transportation Safety Board recommended that NHTSA immediately review the feasibility of conducting crash tests on intercity buses. NHTSA has the extensive financial and scientific resources necessary to conduct these tests. Furthermore, through the public comment phase of the rulemaking process, NHTSA can solicit opinions from all national and world-wide vehicle safety experts on this issue.

II. Retrofitting intercity buses with seat belts should not be required given the safety, structural, and engineering concerns raised by the vehicle safety experts contacted by the Commission.

All eight of the Federal and Canadian Government, academic research organization, and bus industry vehicle safety experts surveyed by the Commission on the issue of retrofitting did not endorse equipping existing buses with seat belts. Older buses may not be able to handle the forces or load that the seat belts would place upon the seat and seat anchorages, and, therefore, seat belts might increase injuries to passengers. The questionable safety benefits of retrofitted seat belts would be outweighed by the structural reinforcements and interior modifications that would be necessary to ensure that the restraints and seating systems could handle the forces of a collision.

III. The New York State Legislature should adopt a resolution memorializing the Federal Government to review the feasibility of testing occupant restraints for other modes of passenger transportation that currently lack restraint systems including, but not limited to, passenger trains.

The Federal Government should demonstrate an interest in protecting occupants from accident injuries in all types of passenger transportation. Passenger trains, like intercity buses, do not provide passengers with seat belts or other types of restraining devices that will protect them in any type of accident (i.e., rollover, frontal, side, rear-end, etc.). Increased passenger protection research by the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) is especially imperative for the train travel of the future given the advent of high speed rail which will increase the likelihood of death or injury if a rail crash does occur.

Improving interstate passenger protection in all modes of transportation is clearly the responsibility of the Federal Government and the Legislative Commission on Critical Transportation Choices urges NHTSA, FRA, and FTA to adopt this report's recommendations in order to prevent senseless tragedies in the future.

**Testimony of Joshua N. Bennett, President of the
Atlantic City Bus Operator' Association (ACBOA) before the
New Jersey State Legislature, Senate Transportation
Committee hearing held on February 11, 1999. These
comments are in response to the issues related to Bus Safety
in New Jersey.**

Contact :

Atlantic City Bus Operator's Association

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As President of the Atlantic City Bus Operator's Association, I stand before you today as an advocate for bus safety. Our association was established in 1981. Our mission is to promote safe and enjoyable travel by motor coach to the Casinos located in Atlantic City, and to be the liaison between our members and regulatory agencies. We represent approximately 70 commercial motor coach operators, operating over 2000 buses. We receive support from every one of the Atlantic City Casinos and various suppliers to our industry.

I am also the President of Capitol Trailways of Harrisburg, PA. I have been involved in the operation of various intercity bus companies for nearly 30 years. My highest priority has always been to assure the traveling public a safe journey. As evidence of my advocacy, and as a result of the efforts of the management and drivers, Capitol has one of the best safety records in the industry.

I am here, today, to tell you the commercial motor coach industry is one of the safest forms of transportation available to the traveling public. To bolster that statement I will quote statements made in an article in USA Today, on Thursday, February 4, 1999. According to Steve Barber, Coordinator of the Federal Department of Transportation's, National Motorcoach Program. "Interstate bus safety is very good..." He further stated the frequency of bus accidents occurring in 1998 was an "anomaly". An anomaly is defined as an irregularity, something abnormal, not a trend. I do not believe the frequency of accidents involving a bus in the state of New Jersey was any thing other than an anomaly. I am here to tell you, today, the owners and drivers of commercial buses operating into and within the State of New Jersey, have in the past, and, will in the future, do everything in their power to prevent bus related accidents.

In evidence of our veracity, ACBOA in coordination with South Jersey Transportation Authority, held four (4) "Bus driver safety refresher seminars", in Atlantic City, New Jersey during the month of January 1999. Over 1000 drivers and other attendees participated in the three hour seminars. Present at these seminars

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were. representatives of the New Jersey State Police. Atlantic City Police Department. NJ Turnpike. NJ Department of Motor Vehicles and Department of Transportation Commercial Inspection Unit. the United States Department of Transportation. and representatives of Atlantic City Casino's. bus operations departments. These federal. state and local enforcers and regulators provided the bus drivers with a very focused perspective of the responsibilities to provide the traveling public with safe and courteous transportation to Atlantic City. It is the opinion of both ACBOA and SJTA that this format was an important addition to the ongoing programs sponsored by the individual commercial bus companies. and we have decided to offer similar programs in the future. (A press release. dated February 3, 1999 is available with this testimony.)

The bus safety refresher program was an excellent opportunity for drivers to be reminded of issues involving safety on the highway. It was also an opportunity to acknowledge the efforts of the bus industry on behalf of traffic safety. I am here today to emphasize the commercial bus industry's recognition of the importance of safe driving. I applaud the South Jersey Transportation Authority for its initiative in coordinating these safety refresher courses.

It is the motor coach industry's primary responsibility to assure the public it will receive a safe and uneventful trip over America's highways. Management of motor coach companies must take the initiative in driver training. (In the question and answer period at the January 6th driver safety seminar. I was asked the question by a driver. "if my company does not offer driver training. how can I get more training?" Section 390.3(e) of the Federal Motor Carrier Regulations states: "Every **employer** shall be knowledgeable of and comply with all regulations contained in this subchapter. which are applicable to that motor carrier's operations". Part 390.3(e) 2 states "Every **driver and employee** shall be instructed regarding. and shall comply with. all applicable regulations contained in this chapter". Section 391.11(b)3 "General Qualifications of drivers" states. in part. (every driver) can. by reason of

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experience, training, or both, safely operate the type of commercial vehicle he/she drives". It is my opinion and my interpretation of the regulations, it is the obligation of every motor coach company to properly train each driver and the best way to do so is to offer company safety seminars. It is the responsibility of motor coach companies to train their drivers to operate the motor coach safely in accordance with federal and state regulations. Federal oversight demands it.

The commercial bus industry is heavily regulated. Both drivers and buses are under close scrutiny. All commercial bus operators must adhere to stringent safety regulations. Drivers must pass strict physicals, every two years. It is a requirement of the state of New Jersey that all drivers with a Commercial Driver's License (CDL) registered in the state present a current physical at the time of license renewal. A requirement in excess of Federal regulations. All commercial drivers must pass random drug testing and at least an annual review of their Motor Vehicle Records by bus company officials.

All buses must pass frequent safety inspections by Federal and state inspectors, whether at a roadside inspection or in the garage. New Jersey has very strict inspection requirements. New Jersey Department of Transportation officials safety inspect all commercial motor coaches once a year and require self inspection six months prior to the state inspection. New York State's safety inspection procedures are similar while Pennsylvania requires biannual self-inspection of all motorcoaches by a certified mechanic. Frequent on road safety inspections are conducted by the New Jersey State Police and Department of Transportation. These inspections may include a "level one" inspection, which is the toughest form roadside safety inspection. There is no evidence the commercial bus industry is flagrantly abusing the public's trust in the safety of travel by motor coach.

To effectively support the statement that travel by bus is a very safe form of transportation one only has to review the statistics of travel over major New Jersey highways.

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The New Jersey Turnpike Authority reports that for the period of 1993 to 1998, bus traffic represented 1.2% of the total volume of traffic. While total traffic volume has increased over the six years the percentage of bus accidents has remained on average around 2% of the total number of vehicular accidents occurring on the turnpike. During that six-year period there have been 159 fatalities, none of these fatalities occurred on a bus.

The Garden State Parkway reported an increase in traffic volume of 5.43% over the past six years, through November 1998. During that time bus accidents remained at approximately 1.2% of the total vehicular accidents. During the six-year period there were three fatalities as a result of accidents involving buses, only one of which was an occupant of the bus.

The statistics of the South Jersey Transportation Authority for 1998 continue to support the statement that travel by bus is the safest form of transportation available to the traveling public. Over 50 million toll transactions occurred on the Atlantic City Expressway in 1998, of which 399,001 were buses. There were only 22 bus accidents, in which there was one fatality (not an occupant of the bus) and 16 injured. This number of accidents is only 3 more than in 1997 which is consistent with the increase in traffic volume year over year.

The Atlantic City Police Department reported 291 bus accidents in 1997 and only 244 in 1998. There were two fatalities in 1998 none were occupants of a bus. Considering the approximate 400,000 buses that come to Atlantic City, annually, the number of accidents involving buses is minute.

One fatality is too many. But certainly these accident statistics do not appear to present a trend of increased commercial bus accidents over prior years. Nor do these statistics represent any reason to believe that travel by bus is dangerous. Certainly there are more fatalities occurring as a result of travel by automobile and truck.

The fatalities that occurred on the Garden State Parkway in late December 1998, certainly have been a wake up call to the commercial bus industry. Commercial bus operators and their drivers must focus on what can happen if the rules of safe driving are ignored or abused. But it is my position the average bus driver is a careful, considerate and professional commercial motor vehicle operator. He is aware of the inherent dangers and is aware of his/her responsibilities to the traveling public. Every driver I have met understands that responsibility and understands the laws governing the operation of a commercial motor vehicle. They want to operate that vehicle in accordance with the law using the knowledge gained in over the road experience and in safety training programs, such as those recently offered by SJTA and ACBOA. The traveling public expects that of them and they know they owe it to the passenger.

We can be proud of the bus industry's safety record. In fact the National Safety Council along with government agencies have agreed that travel by motor coach is the safest form of passenger transportation. This is especially impressive since over 10 million passengers travel by bus to Atlantic City each year in over 400,000 buses, while millions more travel safely by bus to other popular tourist destinations throughout the US and Canada.

In summation, it is the opinion of ACBOA that the current level of regulatory oversight has proven to be sufficient to assure the traveling public a safe journey. I believe safety regulations and oversight procedures, currently in place, assure compliance. Because so many buses operating within the State of New Jersey emanate from other states, any changes in driver and bus operating safety regulations must come from the federal government. Changes made to the current safety regulations, must come as a result of strict studies, and must be uniform in enforcement regardless of the origin of the motor coach trip.

I will continue to urge the motor coach owners and management, and especially ACBOA members, to convert the adversity resulting from the recent

unfortunate series of bus accidents, within New Jersey, into an opportunity to heighten their awareness and resolve to increase the industry's efforts to drive safely.

It is up to the bus company management to train the driver and it is up to the bus driver, to sharpen his/her safety knowledge and to strive to be the safest driver on the road. By those efforts and with the industry's assistance, traveling by motor coach will continue to be the safest mode of transportation.

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SOUTH JERSEY TRANSPORTATION AUTHORITY

PRESS RELEASE



DATE: Wednesday, February 3, 1999

CONTACT: Peter Hartt, Community and Media Relations Officer
(609) 965-6060

SJTA to Continue Bus-Safety Program

Safety Classes Drew 1,000 Last Month. More than 800 Drivers Issued Certificates.

Responding to the enthusiasm of bus drivers and both state and federal regulators, the South Jersey Transportation Authority announced plans today to hold additional Bus Driver Refresher Courses in 1999.

A series of four safety classes last month drew approximately 1,000 attendees, with 836 bus drivers receiving Certificates of Completion for their participation. Course topics included bus inspection regimes and regulations, safe-driving tips and strategies, and issues such as nutrition and driver fatigue.

"The refresher program is just one part, but potentially a very effective part, of the larger state and federal effort to make bus travel even safer than it is today," said James A. Crawford, SJTA executive director. "The enthusiasm of both drivers and regulators suggests that the program is well worth repeating. Additional refresher sessions, especially with some scheduled for nighttime or on the weekend, will help us reach more drivers than we have already."

The Authority plans three more sessions, in April, July and October. Final dates will be announced after consultation with the bus industry.

In written comments to the Authority after the most recent sessions, bus drivers said the courses helped fill some gaps in their knowledge of regulations and reinforced their existing commitment to the safety of passengers. Drivers appreciated the recognition they received for being part of what is already one of the safest forms of transportation in the nation. In addressing the drivers, Mr. Crawford and other speakers also noted the vital role that the bus industry plays in the New Jersey economy, especially the economy of the Greater Atlantic City region.

Mr. Crawford said the program's success has been due to the cooperation of several agencies and organizations, including NJDOT, USDOT, New Jersey State Police, Atlantic City Police Department, New Jersey Turnpike Authority, New Jersey Highway Authority, Atlantic City Convention and Visitors Authority, Atlantic City Bus Operators Association, and the more than 50 participating bus companies.

"We were able to organize and conduct the first training session just 6 days after the bus safety-issue came to the fore of public concerns," Crawford said. "We wouldn't have been able to do that without the tremendous energy and commitment of our partners."



AMERICAN BUS ASSOCIATION

Testimony

by the

American Bus Association

before the

New Jersey State Legislature

Senate Transportation Committee

February 11, 1999

Testimony Presented By

Peter J. Pantuso, President & CEO

American Bus Association

SEAT BELTS AND MOTOR COACHES

Motor coaches providing fixed route, charter and tour, and other transportation services have an extraordinary record of safe operation. According to the National Safety Council, during the last decade for which statistics are available, 1987-1996, interstate motorcoach travel accounted for an average of 4.3 fatalities per year compared to an average of 44,080 persons per year killed in all highway fatalities during this period. For these 10 years, the motorcoach fatality rate was .018 per 100 million passenger miles.

This record has been achieved by motor coach operators and manufacturers through their own efforts to promote the highest standards of safe design and operation and through their compliance with stringent federal and state safety regulations. Motor coach operators and manufacturers actively support strong safety rules for all classes of commercial motor vehicles, provided that there is a rational, scientific basis for them.

Federal and state motorcoach safety regulations do not mandate seat belts on motorcoaches because, despite several studies, no rational basis for such a mandate has been established. Government studies in Indiana and California both recommended against installing seat belts on motorcoaches because there would not be a marked reduction in deaths or injuries while there would be a high cost of installation. Furthermore, other studies have shown that bus occupants wearing lap belts, the only kind of belt that can be appropriately anchored with current bus design, may incur more severe head and neck injuries than unbelted occupants.

Similarly, the National Highway Traffic Safety Administration has recently indicated that "belts have no safety benefit in buses" and such belts "would prevent very few, if any fatalities, and the cost would be very high".

Motorcoaches are specifically designed to maximize the safety of its passengers. They are designed to protect passengers with compartmentalization, that is, protection from the seats in front of passengers. These seats are specially designed to fold forward and inward on impact so that passengers are cushioned on impact, while at the same time, they are protected from being ejected from their seat in a crash. This design has contributed to the extraordinary safety record of motorcoaches.

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American Bus Association

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Motorcoach operators and manufacturers are always ready to consider ways to enhance the safety of motorcoach passengers, provided those methods have been shown to make a substantial contribution to safety. In the case of seat belts, there has been no such showing. Furthermore, there has been no standard established for a motorcoach seat belt design that will enhance safety. Until such study has been done and design standards based on the study results developed, it makes no sense to require seat belts on motorcoaches.

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February 8, 1999

Mr. John Strachan
Senate Transportation Committee
Senate Majority Office
State House, State Street
Trenton, NJ 08625

Dear Mr. Strachan,

I am sending this information based upon my conversation with Mr. Jack Meister whom you have spoken to recently. I have included information below about our Type 2 seatbelt with a shoulder height adjustment feature. Furthermore, I also included data that demonstrates the safety benefits of our airbag seatbelt system under development for your consideration. Please see below for further details on both products.

Type 2 Seatbelt

The effects on safety of the Type 2 system would be significant. This type of system offers good occupant protection in the majority of crash scenarios. It is also the very similar to the restraint technology currently used in automotive applications.

The administrative/compliance burdens of this type of system would be twofold. Since this system may be attached to the seat and includes a lap and shoulder belt there would be additional performance requirements for the seat structure. Currently the seat is only designed to accept the loads of a lap belt and would require additional strength to accept torso loading. Additionally the shoulder portion of the seatbelt would necessitate a height adjustment feature that would allow for specific occupant positioning to include a wide range of body sizes.

Testing would have to be performed in conjunction with seat and seatbelt manufacturer. With the seat changes required to accommodate the shoulder strap, testing would have to be performed on the seat and seat belt concurrently. We normally perform validation testing internally and assume the cost for the seatbelt portion of these tests.

The cost of the Type 2 system will be more than the current lap belt due to the complexity of the retractor and additional hardware components. It may also require changes to the seat and floor structure to accommodate the aforementioned loads.

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In review of the Type 2 lap and shoulder belt system. This system will require seat and floor structure enhancements that could add costs to the seat and vehicle. Of more concern is to determine the best method to adjust the shoulder portion of the seatbelt to accommodate all occupants that would not include school bus driver intervention. The Type 2 seatbelt is a good common sense approach to this issue but may involve significant efforts from the seat and vehicle manufacturer.

Seatbelt Airbag System

Our Airbag Seatbelt is currently undergoing qualification testing in our Arizona facilities. This system is being qualified for aircraft applications and will be commercially available in late 1999. Aircraft seating environments are very similar to the school bus where the current restraining device is a Type 1 static lap belt. The airline industry is also engaged in improving passenger safety and that is what prompted this significant project.

The effects on safety of this system are unmatched by any Type 1 restraint in the industry today by combining an airbag with a standard lap belt. As you can see from the enclosed videotape, this system can offer unparalleled protection in aircraft and bus type seating environments. Unlike typical airbags, this system is designed to deploy the airbag away from the occupant and towards the seat or bulkhead directly in front of the passenger. This creates a cushion around the occupant significantly reducing head-injury-criteria (HIC) from the forward seat or bulkhead and can also reduce lateral body movement.

This system looks like a traditional Type 1 lap belt that is currently utilized in school bus applications. It can also be self-powered requiring no vehicle power to operate making it an exact replacement stand-alone seatbelt for school buses with certified seatbelt attachment points. Another feature is the airbag will not deploy unless the seatbelt buckle is engaged to protect against inadvertent deployment during a crash event when not in use. The airbag portion of the seatbelt has also been designed specifically not to twist always providing proper airbag inflation direction away from the occupant. Furthermore, the seatbelt airbag has been engineered to offer protection for a wide range of occupants from small children to large adults therefore it may not require additional seat structure changes.

The cost effectiveness of this system is unknown at this time due to factors that will be resolved during further discussions with the appropriate parties. We will use these to determine the cost factors that include airbag configuration, inflator and power source type. Traditionally airbag systems add more cost to the vehicle due to the addition of these safety components. However, some of these costs can be offset because the seatbelt airbag may not require changes to the current school bus seat or floor structures.

In review of the airbag seatbelt system we must first look at safety. This system has proven to provide occupants unequalled protection in the majority crash scenarios. The enclosed CD-ROM provides excellent support that the airbag seatbelt will be extremely effective in this particular environment. Even more important, the airbag seatbelt can exceed your requirements with no unusual adjustment necessary by either the occupant or

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bus driver. Although the airbag seatbelt itself will cost more than the current belt it may not require changes to the current seat and floor structures of a typical school bus. The airbag seatbelt looks like a normal seatbelt but provides the protection of an airbag with the added benefit of deploying the airbag away for the passenger.

Please review this information and let me know if I can be of further assistance.

Sincerely,



David Merrill
Director of Sales & Marketing

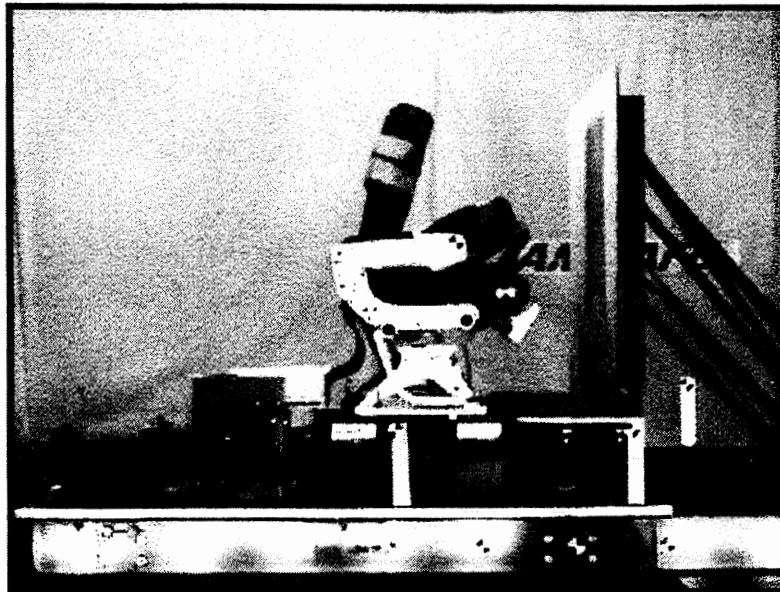
cc: Jack Meister
Enclosures: Videotape with promotional and dynamic testing information
CD-ROM with dynamic testing
Marketing brochures

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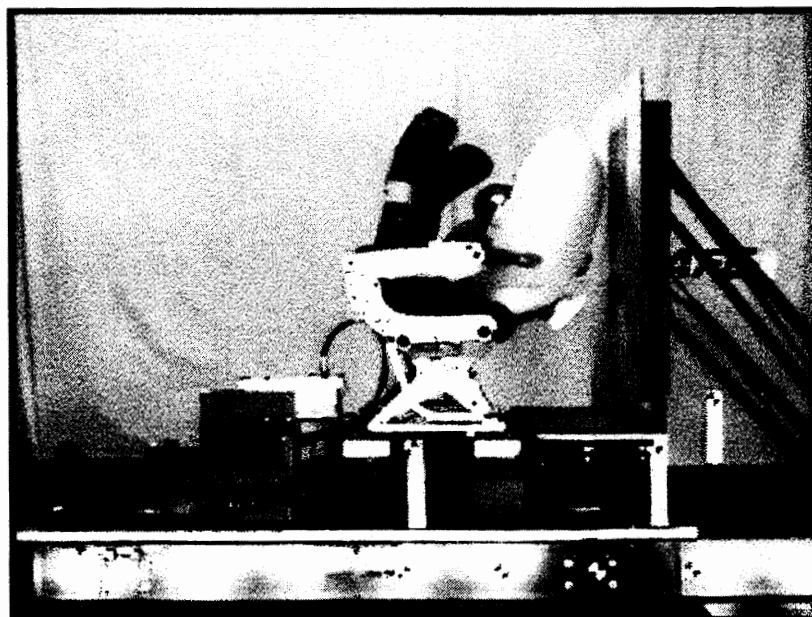
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FEBRUARY 8, 1999

