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**BEFORE THE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE  
SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

**SEPTEMBER 29, 1999**

**MOTOR CARRIER SAFETY**

**INTRODUCTION**

Madam Chairman and Members of the Subcommittee, thank you for the opportunity to testify on motor carrier safety and legislation introduced by Chairman McCain, S. 1501, the Motor Carrier Safety Improvement Act of 1999. The Department has also proposed legislation, the Motor Carrier Safety Act of 1999 and the Highway-Rail Grade Crossing Safety Act of 1999, together introduced by Sen. Lautenberg as S. 1559, to enhance the safety of motor carrier operations and the Nation's highway system, including highway-rail crossings. We think there are many similarities between these bills, including a mutual goal of putting safety first.

**SAFETY GOAL**

President Clinton and Secretary Slater have repeatedly stated that the safety of our Nation's transportation systems is our Department's highest priority. This year the Department has made an extraordinary effort to meet its challenge in motor carrier safety. The motor carrier industry has grown and changed dramatically over the past 30 years and it will continue to grow with the vigor of our economy. There are now more than 500,000 truck and bus companies and 6

million drivers subject to Federal and State safety oversight. There are more than 7 million large trucks and 125,000 buses traveling almost 200 billion miles on the Nation's highways each year. The rate of fatalities resulting from large truck and bus crashes has dropped significantly over the past 20 years, from 6.0 fatalities per 100 million vehicle miles traveled in 1977 to 2.8 fatalities per 100 million vehicle miles traveled in 1997 (the last year for which we have complete data to compute this rate). Nevertheless, 5,374 deaths occurred in heavy truck crashes in 1998 and another 123,000 persons were injured that year in heavy truck crashes. These are still unacceptable losses. Secretary Slater announced on May 25 of this year that the Department is committing itself to an aggressive goal of reducing fatalities resulting from large truck and bus crashes by 50 percent within the next 10 years.

#### THE DEPARTMENT'S COMPREHENSIVE PROGRAM

The Department of Transportation and its State and local partners have comprehensive motor carrier safety efforts that involve coordination among the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), the Research and Special Programs Administration (RSPA), the Federal Transit Administration (FTA), the Federal Railroad Administration (FRA), and the Bureau of Transportation Statistics (BTS), as well as State and local safety and law enforcement agencies. The programs of the different modal administrations within the Department are complementary, and together they address each of the following areas:

- Drivers - We require that professional drivers be qualified and licensed, medically fit, alert and fully attentive to their driving task.
- Vehicles - Trucks and buses must be manufactured and equipped with appropriate safety technologies and be well maintained for safe operation.
- Highway Infrastructure Environment - The highway environment must be designed and built to safely accommodate large and small vehicles, while incorporating the latest features to minimize driver errors and mitigate their consequences when they do occur. To ensure a safe environment, there must also be strong enforcement efforts with respect to speed

limits and size and weight laws

- Motor Carrier Operations - We require that carriers employ sound safety management systems to oversee their operations, and we use data to compare individual carrier performance against overall industry safety performance.
- Hazardous Materials (HM) Transportation - We set standards for the safe handling, routing, packaging, marking, and labeling of HM shipments and containers, and provide support and grants for emergency response planning and training.
- Technology - By fostering the development and use of advanced technologies, we can improve driver, vehicle, and roadway safety. We can reduce human error, receive warning of mechanical problems, target high risk carriers, and improve the effectiveness and coverage of roadside inspections.

Our programs have helped reduce the rate of crashes, injuries, and fatalities, and we are taking action every day, throughout the Department, to make them stronger, better, and more effective in saving lives.

#### ACTIONS TAKEN SINCE MAY 1999

During the past year, a great deal of attention has been focused on the performance of the Department's motor carrier safety program. Weaknesses were identified by the Senate Commerce Committee and other Congressional Committees, the Department's Inspector General (IG), the General Accounting Office (GAO), the review of former Representative Norman Y. Mineta, the National Transportation Safety Board (NTSB), and others. Collectively, they emphasize the need for increased enforcement, stronger penalties, a reduction in the backlog of enforcement cases, consideration of on-board recorders for managing drivers' hours-of-service, more timely publication of regulations, improved safety information systems, and a strengthened organizational structure.

The Department has redoubled its efforts, implementing a series of actions to strengthen its program. We developed a draft Safety Action Plan with approximately 65 specific safety initiatives to be completed in the next three years. To date, we have:

- Doubled the number of compliance reviews from each safety investigator to four per month. Comparing the periods January to April 1999 and May to August 1999, total compliance reviews increased 59 percent.
- Increased financial penalties from an average of \$1,600 to \$3,200 per enforcement case.
- Reduced the backlog of enforcement cases by two-thirds, from 1,174 to 363.
- Increased the number of Federal investigators at the U.S.-Mexico border from 13 to 40 - a 200-percent increase.
- Issued final rules on trailer conspicuity, rear underride guards for trailers, and commercial driver's license (CDL) disqualification for railroad grade-crossing violations.
- Issued notices of proposed rulemaking (NPRMs) on the definition of an "unfit carrier" and the definition of a "passenger vehicle."
- Proposed legislation (S. 1559) to address issues such as requiring, as appropriate, the installation of electronic on-board recorders for maintaining drivers' record of duty status; strengthening the CDL program; funding a crash causation data collection effort; and expanding State enforcement programs.

Perhaps most significantly, we are nearing completion of a notice of proposed rulemaking on the complex and controversial issue of drivers' hours of service. We expect the NPRM to be published this fall.

The FHWA has embarked on the first-ever national study of causes of serious large truck crashes. We have entered into an agreement with the NHTSA to conduct the study in its established crash investigation sites across the country. Data collection is scheduled to begin in several pilot sites next year and continue for several years. This will provide us with critical information to establish effective countermeasures to reduce the occurrence and severity of large truck crashes.

The Department is involving all its partners, including industry, labor, safety groups, insurers, and State and local governments, in the process of developing long-range strategies to achieve our 50 percent fatality reduction goal. Two 2-day workshops were held in late July and

early August to identify specific strategies and innovative approaches to strengthen our motor carrier safety programs. Participants forecasted continued growth in commercial and private vehicles and reinforced the need for a strong Federal presence in the form of standards for new entrants, better data, completion of rulemakings, strong enforcement, and safety education. Some innovative strategies for consideration include tax incentives to accelerate use of safety technologies and new infrastructure designs to separate private and commercial traffic. A full report will be available later this fall.

#### ADDITIONAL PLANNED ACTIONS

We have made progress, and we don't intend to lose momentum. Over the next several months, we will establish a unified carrier registration system, combining three existing, separate systems of carrier registration. We will provide additional funding to States for the Performance and Registration Systems Management Program (PRISM), the system that links State motor vehicle licensing programs with the Federal commercial vehicle safety program, to make this program more effective. We will continue to encourage all States, and particularly those designated by Congress to receive Federal Intelligent Transportation Systems (ITS) funds, to deploy the safety systems and capabilities of CVISN (Commercial Vehicle Information Systems and Networks). And we will begin fleet tests of advanced technology collision-avoidance systems on trucks as part of the Intelligent Vehicle Initiative.

#### LEGISLATIVE PROPOSALS TO IMPROVE SAFETY

The Administration welcomes the opportunity to work with the Committee to enact a bill that will enable the Department of Transportation to achieve its goal of reducing fatalities resulting from large truck and bus crashes by 50 percent. The Administration's bill seeks additional authority and resources to improve commercial motor vehicle safety and address highway-rail crossing safety. Chairman McCain's bill, S. 1501, includes a number of provisions that are similar to those in the Administration's bill, including reforms to the CDL program, increased funding for motor carrier safety, and improved data collection. We believe there is broad agreement between the Administration's bill and S. 1501 in several areas.

Commercial Drivers Licenses. Driver error remains a major contributing factor in most crashes, including those involving large trucks and buses. The Administration strongly supports changes to the Commercial Drivers License program that would improve commercial driver behavior and remove risk-taking drivers from the road. We support provisions in S. 1501 requiring States to notify the Secretary of Transportation and the CDL-issuing State of any traffic violation committed by a CDL holder, including those committed in non-commercial vehicles; requiring that all convictions for traffic violations be recorded on the CDL record; prohibiting issuance of a special license to operate a commercial motor vehicle to an individual disqualified from operating a commercial motor vehicle or whose individual driver's license is revoked, suspended or canceled; and requiring a State, before issuing a CDL, to request the driving record from any State that has issued any driver's license to the individual seeking a CDL.

Improved Data Collection. Recent reports by former Congressman Mineta, the Inspector General of the Department of Transportation, and the General Accounting Office (GAO), all signaled the need for improvements in data collection and analysis, particularly crash data, to manage the motor carrier safety program. The Administration believes that a program to improve collection and analysis of data on crashes involving commercial motor vehicles, similar to that in S. 1501, should be conducted. The Administration proposed such an improved crash data analysis system, to be administered by NHTSA, in S.1559, including a provision that driver citation and conviction information be incorporated into the data system. While S. 1501 mentions crash causation as part of the improved data collection program, it does not separate out the effort. We believe that to collect valid crash causation data, a separate detailed study must be conducted. As mentioned above, the FHWA has already initiated a joint effort with the NHTSA in this area. The Administration sought funding for this crash causation study in its Fiscal Year (FY) 2000 supplemental budget request and will need additional resources to complete the project.

Increased Funding for Motor Carrier Safety. The Administration commends Congress's willingness to substantially increase funding for motor carrier safety and agrees that additional

funds are required to implement the new initiatives and program improvements that respond to the OIG, GAO, and Mineta recommendations. Authorization provisions in S. 1501 parallel those in our bill requesting an additional \$50 million per year from the Highway Trust Fund for fiscal years 2001 through 2003 for MCSAP grants, improved data collection, and implementation of the PRISM program.

*ADDRESSING UNREGISTERED FOREIGN MOTOR CARRIER OPERATIONS*

The Office of the Inspector General (OIG) recently analyzed roadside inspection data and found reports of 68 Mexican-domiciled motor carriers inspected in locations throughout the U.S. This has prompted the FHWA to conduct its own analysis of inspection data, which confirms that over a period of 30 months as many as 105 Mexican carriers were operating outside the Southern border States without authority. Even more disturbing, the out-of-service rates for these carriers' vehicles are substantially higher than the national average out-of-service rate, raising serious concerns about the safety of these vehicles.

The Department has been discouraging foreign carriers from entering the U.S. without authority through actions for civil penalties, but more stringent efforts are hampered by gaps in authority for "on-the-spot" enforcement. The findings of the FHWA and the OIG indicate that much stronger action must be taken immediately to ensure that carriers operate only within the bounds of their authority and comply with motor carrier safety regulations. To begin, the assistance of States to detect carriers beyond the commercial zones without registration will be essential. In addition, Federal enforcement personnel can and will be deployed at strategic locations outside the commercial zones.

We should note that a limited group of Mexican carriers have authority to operate outside the commercial zones. The Department does not have licensing or registration jurisdiction over foreign carriers traversing the United States to another foreign country, but these carriers must comply with Department of Transportation insurance filing requirements and safety regulations. In addition, a small number of Mexican carriers obtained authority to operate in the U.S. before the issuance of the moratorium established in the Bus Regulatory Reform Act of 1982, and

U.S.-owned, Mexican-domiciled carriers are permitted to operate in the U.S. if carrying cargo under certain circumstances. Finally, Mexican passenger carriers conducting international charter and tour bus operations may operate in the U.S. pursuant to the first entry provision of the North American Free Trade Agreement.

*AREAS FOR STRENGTHENING S. 1501 TO IMPROVE MOTOR CARRIER SAFETY*

The Administration believes that S. 1501 could further strengthen the CDL program by including the following: a requirement that new CDL applicants have alcohol- and drug-free driving records for the three years prior to applying; a requirement for in-vehicle training for new drivers; clarification of the treatment of CDL applicants in States prohibited from issuing CDLs because of noncompliance with the CDL program, as mandated in S. 1501; and replacement of the withholding penalty for State noncompliance with the CDL program with a provision authorizing transfer of up to 5 percent of a State's Federal-aid highway funds to its MCSAP grant. This last provision offers the possibility of other motor carrier safety improvements if, for some reason, a State does not fully participate in the CDL program.

Our bill proposes another funding incentive to States for safety by distributing a share of unused Federal-aid obligation authority only to States that achieve at least a 5 percent commercial vehicle-related fatality reduction from the previous year. We would propose this incentive as an additional amendment to S. 1501.

As proposed in the Administration bill, we would seek amendments to S. 1501 to extend the current penalty provisions of the motor carrier safety program to any person who knowingly aids, abets, or otherwise induces, a violation of the safety regulations. Shippers and others in the freight transportation chain must be deterred from placing unreasonable demands on drivers without regard for safety consequences. We would also propose requiring new motor carrier owners to complete a training program on the Federal Motor Carrier Safety Regulations before obtaining operating authority. Finally, we would augment NHTSA's heavy vehicle safety research program.

*AREAS FOR STRENGTHENING S. 1501 TO IMPROVE HIGHWAY-RAIL CROSSING SAFETY*

Further, we would seek to add to S. 1501 the three crossing-safety provisions at Sections 202-204 of the Administration's bill. Although highway-rail crossing accidents have decreased significantly, these crossings consistently claim the lives of hundreds of motorists each year, and as the March 15 grade crossing collision in Illinois that claimed the lives of 11 Amtrak passengers underscores, train occupants are also at grave risk in highway-rail collisions. To prevent this needless loss of life, the Administration's bill aims (i) to foster prompt notification of railroads concerning signal malfunctions and other crossing emergencies by facilitating expansion of the existing Federal program to establish "1-800" notification systems, (ii) to deter violations of grade crossing signals by requiring the Secretary to develop a model State law with stiff penalties for violations, and (iii) to identify the highest risk crossings by requiring States and railroads to submit current information for the National grade crossing inventory.

Section 202 of the Administration's bill would revise the present statutory provision concerning the Federal program to promote the establishment of systems for notifying railroads, by means of toll-free telephone numbers, about grade crossing signal malfunctions or other emergency problems at grade crossings. Current law contemplates expansion of the program by State, by using either a single national telephone number or a series of statewide telephone numbers. Section 202 would facilitate expansion of the "1-800" systems by railroad. Some of the major railroads have been installing their own systems for emergency notification of grade crossing problems that direct calls directly to train dispatchers, using a telephone number for the particular railroad. Currently, about 78 percent of crossings with automated warning devices (flashing lights and/or gates) are already covered by "1-800" notification systems. The larger railroads appear to be making excellent progress, and we do not want to replace their railroad-based toll-free number systems with State-based toll-free number systems. The Secretary has determined that it would be more efficient to build on the existing systems and to expand emergency notification systems by railroad, instead of by State, especially to the small railroads. The existing statutory provision has been recrafted accordingly.

Section 203 of the Administration's bill would require the Secretary to write model State

legislation on grade crossing signal violations. Almost half of all grade crossing accidents occur at crossings that have active crossing signals, often because people ignore the warning devices. Some States have very low penalties for violating grade crossing signals. The model legislation would encourage States to adopt tougher, more uniform penalties for violating grade crossing signals and more effective enforcement methods in order to promote signal compliance, such as automated photographic enforcement.

Finally, Section 204 of the Administration's bill would mandate initial reports and updates of key data elements to National Highway-Rail Crossing Inventory by both the States and the railroads. Currently, information is provided on voluntary basis. Some information is missing, and some is out of date. Requiring these reports to the National crossing inventory would mean more complete, accurate, and up-to-date descriptions of highway and train traffic through crossings. The section would provide a better basis for identifying high-risk crossings that should be improved or eliminated and that should therefore receive Federal crossing safety funds. Passage of this provision would allow us to use those funds in the most cost-effective manner to improve crossings with the highest risk first.

#### *NATIONAL MOTOR CARRIER ADMINISTRATION (NMCA)*

Recent reports by the Office of Inspector General (OIG), by the General Accounting Office (GAO), and by former Congressman Norman Mineta; a series of Congressional hearings this year; and findings from recent crash investigations, have pointed out deficiencies in the existing motor carrier safety program and identified the key areas for improvement. We agree that stronger enforcement, more effective regulation, and improved data collection must be the major safety objectives. We believe that creation of a stronger, higher profile motor carrier division within FHWA, substantially as recommended in the Mineta report, is one way to achieve these objectives. Instead of creating an additional Federal agency, we would elevate the motor carrier program within FHWA by appointing a new Deputy Administrator solely responsible for the motor carrier program. We do not believe a second high level official would be necessary to achieve a stronger organization. We will change the reporting structure of the motor carrier

office to separate it from other program areas and ensure effective oversight by the new Deputy. And, with the support of Congress, we will increase the resources available to carry out the motor carrier safety program.

Long-term trends in highway crash, injury, and fatality statistics indicate that the FHWA motor carrier program has reduced the rate of crashes, injuries and fatalities. By strengthening the motor carrier function, with Congressional assistance, we can improve overall highway safety and reach the Administration goal of reducing truck-related deaths by 50 percent over the next ten years.

### CONCLUSION

We look forward to working with this Subcommittee to improve the effectiveness of our motor carrier safety programs and highway safety. That concludes our testimony. We will be glad to answer any questions the Subcommittee may have.