

Testimony of Peter Pantuso, President and CEO

American Bus Association

Before the

United States House of Representatives' Committee on Transportation and Infrastructure

Subcommittee on Highways and Transit

"How to Improve Motorcoach and Bus Safety"

2167 Rayburn House Office Building

June 13, 2011

2:30 pm

Mr. Chairman and members of the Committee, my name is Peter Pantuso and I am the President and CEO of the American Bus Association. The ABA is the trade association for the private motorcoach industry. ABA is home to over 800 bus operating companies and 60% of all private motorcoaches on the road, who provide all manner of transportation services to the public. In addition to scheduled service operations provided by companies such as Greyhound Lines, domiciled in Dallas; Peter Pan Bus Lines in Massachusetts, Academy Bus Lines in New Jersey and Jefferson Lines in Minnesota and C & J Lines in New Hampshire. ABA member companies such as Capitol Bus Lines in Columbia, South Carolina; Abbot Trailways in Roanoke, Virginia; and Fullington Trailways in Pennsylvania provide charter and tour, airport shuttle and commuter services throughout the United States and Canada. In total, the private bus industry provides an average of 745 million passenger trips each year. In addition, ABA members also include an additional 3000 member companies and organizations which provide motorcoach passengers with services. These members include tour operators, tourist attractions, destinations, hotels, restaurants, bus manufacturers and those companies that serve bus manufacturers and bus companies.

On behalf of the ABA membership I would like to thank you, Mr. Chairman for having this hearing. The fight to make bus travel safer is one that the ABA has been in the forefront for many years. Over the last several years, I and other ABA staff have testified several times before Congress on this issue and on what is required to make bus travel even safer than it is.

I should note that the bus industry is one of the safest modes of transportation. The National Safety Council in its report "Injury Facts 2011" notes that the intercity bus transportation accident death rates for the years 2006-2008 (the latest year for which statistics are available) was 0.03 per 100 million passenger miles, which is twenty times safer than travel by passenger car. Of course, as you rightly point out, even one death is too many and we all must do everything we can to improve bus travel. ABA and its members, and certainly me, are even mindful that it is not only our customers who ride our buses but our neighbors, family, employees and friends.

Mr. Chairman, as I have indicated, ABA's proposals for increased bus safety are of long standing. A little over six years ago in a published letter to the Editor of the "Roll Call" newspaper (April 4, 2005), I noted that "not all bus companies are alike" and that customers had to beware of "...unsafe operators...who do not follow federal and state requirements, have improper registration, insurance and shoddy maintenance and who do not provide lawfully mandated service to disabled people". (A copy of that letter is attached to my testimony). Since 2005, ABA members and staff have testified in various State and Federal forums on the need for more, and more effective bus safety regulation and enforcement.

ABA has testified repeatedly in favor of a more rigorous bus operator entry policy. The current lack of entry standards and inspections allow for illegal operators to fall through the cracks. The industry has called for an end to "chameleon" carriers that evade the loss of operating authority by repainting their buses and reopening one block over. Our calls for change have gone largely ignored by the public and the media. ABA testified in support of enforcing federal bus safety rules and a month later, a Washington Post columnist extolled the virtues of an obviously unsafe operator whose driver cheerfully broke several state and federal laws while driving to New York City. ABA members report rouge buses on the road with no US DOT markings, or buses whose original name has been painted over, or operators who refuse to carry people with disabilities, yet we still see these illegal operations on the highways. Our call for national, uniform and continual inspections has been met with calls for changing the inspection process in ways that endanger drivers, passengers and vehicles. The current inspection regulations when enforced work. As evidence of this we have seen that in just the past two years without the need for roadside or shoulder inspections the number of destination or facility inspections has doubled. However, enforcement is still not uniform as legal and known operators with facilities and strong safety records are being inspected repeatedly to increase the total number of checks while illegal operators are left to fall through the regulatory safety net. We are a safe industry but there are bus operators who will, for a fare, put all ABA and its members have worked for, in jeopardy, while putting the public safety at risk. These are the operators we all need to eliminate from the nation's highways. We know who they are. They are clearly indicated in FMCSA's safety website. There are several steps that can be taken to get these carriers into compliance or get them off the roads and ensure motorcoach safety but these steps require action by federal and state authorities and by the public at large.

First, the ABA was an early and enthusiastic supporter of Transportation Secretary LaHood's Motorcoach Safety Action Plan. ABA believes that State bus inspection programs must be strengthened. ABA has found that fewer than a dozen States have effective bus inspection programs and less than half

the states have any bus inspection program at all. We agree with the Motorcoach Safety Action Plan when it declares that "a robust compliance and enforcement program is critical to ensuring the motorcoach carriers operate safely" (U.S. DOT Motorcoach Safety Action Plan, pg. 26). Certainly, ABA applauds FMCSA's actions in ensuring that the carrier involved in the accident in Virginia cannot operate again and we support FMCSA's actions to investigate the websites that seem to cater and promote unsafe carriers. ABA supports FMCSA's actions because they are aimed at the right target, the unsafe or illegal bus operator. ABA believes enforcement is the key for one reason: A review of the safety data shows that 54% of all motorcoach fatalities in the decade of 1999-2009 were accidents of either unsafe or illegal bus carriers. In other words, over half the fatalities in this period is the result of bus operators who should not have been allowed to operate under current federal regulations or bus drivers who should never have been allowed to operate a vehicle.

ABA is convinced of the centrality of enforcement to our safety efforts. In this regard we believe that FMCSA needs to undertake additional bus inspections. It is noteworthy that a news article after the fatal crash in Virginia highlighted a Virginia State Trooper's assertion admission that prior to the crash that the State "hadn't inspected buses in several years"...and "that it was hard to keep up with these buses". (*Virginian- Pilot Newspaper*, June 5, 2011, pg. 5). Clearly more inspections are needed. And better training for those inspectors would also be of help in light of the minimum time spent inspecting buses. Funding for commercial motor vehicles (CMV) inspections is accomplished via the federal government's Motor Carrier Safety Assistance Program (MCSAP). This program was established by section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 31142) to provide funds for States to inspect commercial motor vehicles (CMVs). While the program prescribes federal standards for annual inspections of CMVs, the states are largely required to complete the inspection or use a State inspection program that is comparable to, or as effective as, the federal inspection requirements. However, most states use the bulk, if not all, of its MCSAP allocation to inspect trucks. ABA's analysis of the relevant data concludes that of all the CMV inspections accomplished between FY 2005 and FY 2009 there have been fewer than 200,000 combined bus vehicle and driver inspections for out-of-service violations, compared with over five million combined truck vehicle and driver inspections. That is to say that only one out of every twenty four inspections involved a motorcoach. To combat this ABA, has in the past, recommended that a certain percentage of MCSAP funds be allocated for bus inspections and that States certify this use of the funds to the U.S. Department of Transportation. We renew that recommendation today (a copy of our statistical analysis and our previous recommendation are appended to my testimony).

In lieu of additional FMCSA staffing for additional bus inspections, ABA recommends that FMCSA hire third party inspectors for the task. ABA has also long recommended this step. The Department of Defense (DOD) has a rigorous bus inspection program which is accomplished by third part inspectors. The DOD program is considered by motorcoach operators to be the most comprehensive of any state or federal agency. In addition, ABA suggests that FMCSA should adopt the results of a DOD inspection. As it is now, many ABA members are approved by both agencies. It appears to ABA that one clearance should be satisfactory, thus freeing inspection resources for other carriers.

Third, and related to the first recommendation, ABA suggests that a portion of the MCSAP funds be withheld from States unwilling or unable to implement a bus inspection program that meets federal program standards. If you agree that bus inspections are critical to enforcement that you must agree that all States should have a bus inspection program. It is necessary that bus inspections be uniform across the country. We have to ensure that unscrupulous bus operators cannot move from a state with a "high" enforcement effort to a state whose enforcement effort is less than desirable to do so would be to compromise safety to a significant degree.

Fourth, we must raise the bar concerning who can become a passenger carrier operator. As it stands now, all one needs for FMCSA operating authority is an application fee of \$300.00, proof of an agent for service of process and proof of insurance (currently a minimum of five million dollars) and some showing that you are willing and able to comply with applicable ADA requirements. The applicant is granted authority and at some point within 18 months of that authority being granted FMCSA will visit your facility and determine your fitness to continue operations. I have to say that the FMCSA has made gains here by reducing the time for a bus safety audit to four months, but ABA believes that FMCSA should consider some kind of inquiry into the fitness of an operator prior to that individual can fully begin operations. We also fully support the application of a written test and interview of perspective new entrants so that once the operator purchases equipment and hired drivers federal inspectors can review operations before they have begun in earnest.

Fifth, with respect to the Commercial Drivers' License (CDL) process for passenger carrying drivers, ABA believes that Congress should explore requiring an applicant background check before a state can grant a CDL. Specifically, this background check would verify the information required under the "Background and Character" section of 49 CFR Part 391.21. That section requires verification of that applicant's identity and any drug and alcohol violations, verification of the applicant's work permit (if any) and history and a review of the applicant's driving history for suspensions or disqualifying conditions.

Sixth, in those cases where the Secretary of Transportation has issued an out-of-service order against a motor carrier of passengers and has determined that the carrier presents an imminent safety hazard, the Secretary should notify the state MCSAP lead agency of that order. After which the State agency should ensure that the carrier has ceased operations and if the state agency finds a violation of that out-of-service order the agency will seize the license plates of the vehicle. Alternatively, FMCSA should be given the authority to shut down a company, pull the plates and impound the vehicle.

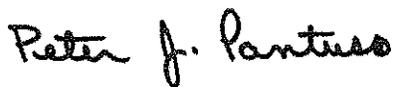
Finally, we continue to believe that there is an education process that needs to be undertaken. Too many members of the public seem to believe that price, and specifically the lowest price, is the only requirement that needs to be considered when hiring a motorcoach. Nothing could be further from the truth. ABA recommends that FMCSA and ABA undertake the development of a public awareness campaign that will explain to the public how to pick a motorcoach operator and what factors should inform that decision. This campaign should be comprehensive and include PSAs along with written and electronic material.

I would like to address one other issue that has lately been raised. The idea that somehow the hours of service a motorcoach driver operate must be changed. Less than ten years ago the FMCSA changed the hours of service for truck drivers (actually giving them eleven hours driving time) while leaving motorcoach drivers at a total of ten hours driving time. When FMCSA made the change the then Administrator announced that there was no evidence that changing the hours of service for motorcoach drivers would increase safety. If FMCSA believes that changing the motorcoach drivers' hours of service will increase safety then ABA will support such a change however, we note that as yet there is no research that would support that conclusion and in so far as we are aware, no FMCSA proposal to change our hours of service. The challenge the motorcoach industry faces is the presence of illegal and unsafe operators that do not care about current federal regulations. Simply changing the hours of service rules with adequate research may only serve to hurt good bus operators while leaving the bad to continue their operations.

Mr. Chairman, members of the Committee; ABA is a partner in safe carrier operations with anyone who wants to make bus travel safer. ABA is a supporter of H.R. 1390, a bill introduced by Congressman Bill Shuster and Congresswoman Eddie Bernice Johnson (Congresswoman Laura Richardson, Congresswoman Jean Schmidt, Congressman Larry Bucshon and Congressman Tim Holden are also cosponsors) which attempts to make motorcoaches even safer with the application of new technologies, more bus inspections and more oversight of motorcoach operators. We also have asked Congressman Shuster to consider amending the bill by adding some of the recommendations I mentioned today. We want what you want: safe and legal motorcoach operators moving around the country. We have a responsibility to the traveling public to make this happen and we want to assure you of our willingness to work with you to see that it does.

Thank you, Mr. Chairman; I am happy to answer any questions you or any members of the Committee may have for me.

Respectfully submitted



Peter Pantuso

President and CEO

American Bus Association

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: Peter Pantuso

(2) Other than yourself, name of entity you are representing:
American Bus Assn.

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

NO

American Bus Association

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

Peter Pantuso
Signature

6/9/2011
Date



AMERICAN BUS ASSOCIATION

Representing the motorcoach, tour and travel industry

PETER J. PANTUSO

President & CEO



Peter J. Pantuso is president and chief executive officer of the American Bus Association, North America's largest motorcoach, tour and travel association representing more than 65 percent of all motorcoaches on the highways, as well as private travel related businesses, state and local government travel and tourism offices, state associations and other entities involved in promoting travel throughout North America. Total membership in the ABA is 3,800 members. In addition, Pantuso is also president of the National Bus Traffic Association and the American Bus Association Foundation.

Pantuso oversees the association's daily operations, including government affairs; policy; communications; meetings and education programs; publications, including ABA's award winning magazine *Destinations*; membership programs and budgeting and personnel.

The ABA Foundation began under Pantuso's leadership, and in a few years it has grown to nearly \$1 million in funds and awarded over \$400,000 in scholarships and grants. Both the Foundation and NBTA are headquartered in ABA's offices.

Pantuso serves on the U.S. Chamber of Commerce's committee of 100 leading association executives and has previously served on the Policy Committee of the American Society of Association Executives and the Board of the Museum of Bus Transportation and the Board of the U.S. Travel Association.

A native of Bradford, Pennsylvania, Pantuso is a graduate of the University of Pittsburgh and earned his Masters of Association Management from George Washington University's School of Business and Government.