U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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June 10, 2011

MEMORANDUM

TO: Members of the Committee on Transportation and Infrastructure
FROM: Committee on Transportation and Infrastructure Staff
SUBJECT: Hearing on "How Best to Improve Bus Safety on Our Nation's Highways"

PURPOSE

The Committee on Transportation and Infrastructure will meet on Monday, June 13, 2011, at 2:30 p.m. in Room 2167 of the Rayburn House Office Building to receive testimony on "How Best to Improve Bus Safety on Our Nation's Highways." According to the Federal Motor Carrier Safety Administration (FMCSA), motorcoaches are one of the safest forms of travel. However, recent high-profile bus accidents have called into question the FMCSA's effectiveness in keeping unsafe "rogue" bus operators off the nation's highways.

BACKGROUND

An over-the-road bus, also known as a motorcoach, is defined in law as a bus that has an elevated passenger deck located over a baggage compartment. Over-the-road bus services generally include bus charter services, bus tour and sightseeing services, and bus passenger transportation over regular routes and on regular schedules, such as airport shuttle services, commuter transportation services, and scheduled intercity and rural transportation services.

According to the Motorcoach Census Update 2010[1], more than 35,000 buses provided 723 million passenger trips and traveled more than 58 billion passenger miles in 2009. The services offered by this industry are diverse. Nearly all motorcoach companies (96 percent) provided charter service in 2007, just over 50 percent provided tour service, 17 percent provided sightseeing, 14 percent provided airport shuttle, 12.5 percent provided scheduled intercity and rural transportation services, 11 percent provided special operations, and 5 percent provided commuter service. Nearly half of motorcoach service mileage was for charter service and about one-quarter was for scheduled intercity and rural transportation services.

[1] The Motorcoach Census Update 2010 is a study commissioned by the American Bus Association to update with 2009 figures key statistics in the Motorcoach Census of 2008. The Motorcoach Census of 2008 measured the size and activity of the motorcoach passenger transportation industry in the United States and Canada.

The over-the-road bus industry has a wide range of companies in terms of size. In 2007, the vast majority – about 95 percent – of motorcoach companies were small companies (operating fewer than 25 motorcoaches) and accounted for about 40 percent of motorcoach mileage. Midsized companies (operating 25 to 99 motorcoaches) had 20 percent of the industry's motorcoach mileage. Large companies (operating over 100 motorcoaches) provided 27 percent of the industry's passenger trips and 39 percent of the industry's motorcoach mileage.

FEDERAL REGULATION OF THE MOTORCOACH INDUSTRY

Federal Motor Carrier Safety Administration

The Federal Motor Carrier Safety Administration, a modal administration within the U.S. Department of Transportation (USDOT), is the Federal agency responsible for commercial truck and bus safety. According to FMCSA, the agency's primary mission is to reduce crashes, injuries, and fatalities involving commercial motor vehicles. FMCSA oversees approximately 4,000 motorcoach companies. FMCSA sets minimum safety standards that motorcoach companies must follow for the buses they operate and the physical qualifications and operating rules for their drivers. These safety regulations include rules to ensure that the motorcoach is in proper working condition and is systematically maintained, the driver is physically qualified and licensed, and the driver maintains accurate logs of hours-of-service.

As part of its Motorcoach Safety Action plan, the FMCSA and its state and local law enforcement partners conducted more than 3,000 surprise passenger carrier safety inspections over a two-week period this May that resulted in 442 unsafe buses or drivers being removed from the nation's highways. The surprise inspections, called the "strike force," issued out-of-service citations to 127 drivers and 315 vehicles during the unannounced inspections. In addition to the strike force inspections, the FMCSA and state safety investigators initiated 38 full safety compliance reviews on commercial passenger bus companies. According to the FMCSA, over the past five years, it has doubled the number of unannounced bus safety inspections and comprehensive safety reviews of the estimated 4,000 over-the-road bus companies. Roadside safety inspections of motorcoaches jumped from 12,991 in 2005 to 25,703 in 2010, while compliance reviews rose from 457 in 2005 to 1,042 in 2010.

National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration (NHTSA) is charged with improving safety on our Nation's highways by reducing the number of accidents and the consequences of those accidents that do occur. According to NHTSA's 2009 Traffic Safety Facts FARS/GES Annual Report, 0.6 percent of all traffic crashes involved motorcoaches and according to FARS data, there were less than 50 fatalities involving motorcoaches. Although the agency does not regulate the operation of motorcoaches, NHTSA is responsible for issuing and enforcing Federal Motor Vehicle Safety Standards, which set performance criteria that every new motorcoach must meet. These standards include crash avoidance protection measures and occupant restraint systems.

RECENT MOTORCOACH ACCIDENTS

On May 31, 2011, a bus crash on I-95 30 miles north of Fredericksburg, Virginia, killed 4 passengers and wounded 53 others when the bus rolled over. The bus veered off the interstate, across the shoulder, over rumble strips, then into a cable barrier before over-correcting and causing the bus to turn over and finally come to rest upside down. Sky Express of North Carolina, the company operating the bus, offers transportation from Charlotte to lower Manhattan at low fares. Sky Express had been reported for numerous safety violations: 17 for unsafe driving, and 46 for fatigued drivers. On April 12, 2011, FMCSA issued a proposed unsatisfactory safety rating to Sky Express. Under the law, Sky Express had 45 days to respond to this rating before FMCSA could proceed to put the company out-of-service. Within that time period, Sky Express responded with a corrective action plan that FMCSA did not deem to be satisfactory. FMCSA extended the appeal period for Sky Express in order to inspect the company. The Virginia accident occurred during that 10-day extension. Sky Express was placed out-of-service after the crash, but continued to sell tickets for their bus services under a different name, causing the Department of Transportation to issue a cease-and-desist order on June 3.

On March 14, 2011, a bus crashed on the New Jersey Turnpike killing the driver and one passenger, in addition to injuring many other passengers. The bus was travelling southbound on the Turnpike returning to Philadelphia from the Chinatown area of New York City when it went off the road and into the grassy median before colliding with a concrete overpass support. Super Luxury Tours of Wilkes-Barre, Pennsylvania, the company operating the bus, was placed out-of-service on March 30, prohibiting it from operating in interstate transportation services. Super Luxury was on FMCSA's "high-risk list" due to poor rankings regarding unsafe driving, driver fatigue, and vehicle maintenance.

On March 12, 2011, a bus crashed on I-95 in New York City resulting in 15 passenger fatalities and 18 injuries. The bus was travelling south on the interstate from a casino in Connecticut when the driver crossed over the shoulder and collided with a roadside barrier. The bus then flipped onto its side, causing the windshield to strike a support pole for an overhead bridge sign. The pole ripped through the bus along the base of the passenger windows, tearing the roof off of the bus for nearly its entire length. World Wide Travel, the company operating the bus, had two buses taken out of service by Connecticut inspectors for safety reasons, one in 2005 and another in 2010. World Wide Travel had a "satisfactory" rating in their most recent FMCSA compliance review in 2008.

WITNESS LIST

The Honorable Anne S. Ferro
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation

Major David Palmer
Texas Department of Public Safety
On behalf of Commercial Vehicle Safety Alliance

Mr. Peter Pantuso
President and CEO
American Bus Association

Mr. Victor S. Parra
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United Motorcoach Association

Ms. Jacqueline S. Gillan
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