

STATEMENT OF
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FEDERAL HIGHWAY ADMINISTRATION
BEFORE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
SUBCOMMITTEE ON SURFACE TRANSPORTATION
UNITED STATES SENATE
ON
MOTOR CARRIER SAFETY ACCOMPLISHMENTS

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Mr. Chairman and Members of the Committee, I am pleased to be here today to report on the significant achievements of the Federal Highway Administration in the area of motor carrier safety. Our motor carrier activities have proceeded at a rapid pace since your last oversight hearing.

For example, we completed the implementation of the Motor Carrier Safety Act of 1984 and have met or exceeded every deadline in the Commercial Motor Vehicle Safety Act of 1986. In addition, we are on schedule with the five-month-old Truck and Bus Safety and Regulatory Reform Act of 1988.

These actions have been possible, in part, because of your assistance in providing needed financial support, which allowed us to add to our staff in terms of both quantity and quality in pushing forward on these important safety measures.

In addition, we have developed a close working relationship with the States individually and through organizations, such as the American Association of Motor Vehicle Administrators and the Commercial Vehicle Safety Alliance.

Here is a summary of what we have done to implement the major requirements of the recent motor carrier legislation and some of our other significant activities.

I. MOTOR CARRIER SAFETY ACT OF 1984

The Motor Carrier Safety Act of 1984 directed us to revise the entire body of the Federal Motor Carrier Safety Regulations, to improve the compatibility of all state and Federal regulations affecting interstate truck and bus transportation, to establish a procedure for determining the safety fitness of carriers, to require a periodic inspection program for commercial vehicles, and to bring private bus operations under the safety regulations.

Revision of Regulations

With the publication of the last of the new rules last year, we have reissued all the safety regulations.

Part 390 of the regulations contains the general provisions, including the applicability requirements. This part was thoroughly overhauled to make the regulations clearer. Definitions scattered throughout the regulations were consolidated. The statutory definition of a commercial motor vehicle

contained in the 1984 Act clarified which operations are covered by the safety regulations. Part 390 contains several selected exemptions that are established either in the law (such as government vehicles and school buses in certain operations) or through rulemaking (such as emergency vehicles).

This revision also eliminated the 50-year-old commercial zone exemption from most of the safety regulations and required marking of private commercial motor vehicles with a DOT identification, similar to the Interstate Commerce Commission requirement covering for-hire carriers.

Part 393, dealing with equipment standards, was revised to reflect ever-changing vehicle technology and to be more consistent with the vehicle standards of the National Highway Traffic Safety Administration (NHTSA), which apply to newly manufactured vehicles. The compatibility of NHTSA vehicle standards for new vehicles with the FHWA standards for vehicles in operation was a major goal of the revisions to this part.

One noteworthy example was our revision of Part 393 to require operational brakes on all wheels of commercial vehicles manufactured after July 25, 1980, and to require many others to be retrofitted. Our rule on front brakes is now fully consistent with NHTSA's requirements.

Part 394 was revised to specify additional accident-reporting requirements.

Part 395, dealing with hours of service of drivers, underwent some revisions aimed mainly at clarification and reducing the paperwork burdens associated with recordkeeping.

Part 396 deals with inspection, repair, and maintenance. In December 1988, we issued a final rule requiring that such vehicles undergo an inspection at least annually.

Review of State Regulations

The 1984 Act established the Commercial Motor Vehicle Safety Regulatory Review Panel charged with achieving uniformity among Federal and State motor carrier safety requirements affecting interstate motor carrier operations. In February, we sent a letter to the Governor of each State reporting the Panel's initial findings. Slightly over half of them were informed that some of their safety requirements would need changing in order to be compatible with Federal regulations. We will use the responses from the Governors to help develop a final report.

Carrier Safety Ratings

The 1984 Act also required that we establish a safety fitness process for motor carriers. The purpose of the new safety fitness procedures is to assess a carrier's safety management system to ensure that a carrier is complying with the regulations and to assign a safety rating. We have developed specific programs to complement the safety fitness procedures and we have included in our Fiscal Year 1990 budget request an additional 185 staff positions to assist in implementing these programs.

Through the Educational and Technical Assistance Program, the FHWA provides motor carriers guidance to improve their knowledge of the Federal safety

regulations and effective safety practices, as well as to gain carrier compliance with the safety requirements. An on-site safety review is the focal point of this program and provides the basis for the safety rating. We have conducted over 40,000 reviews in the past 2 years.

Under the Selective Compliance and Enforcement Program, the FHWA conducts a compliance review of motor carriers receiving a "conditional" or "unsatisfactory" safety rating. The goal of the program is to correct unsafe practices and achieve compliance with Federal safety requirements, so the motor carrier may earn a "satisfactory" rating. The FHWA focuses its resources on carriers and hazardous materials shippers having the greatest need for improvement. Approximately one-quarter of the carriers are subject to enforcement action. We take enforcement action and levy penalties for continued noncompliance. We collected approximately \$2 million in fines during fiscal year 1988 resulting from these enforcement actions, more than twice the amount we collected in 1985.

Private Buses

In February, we published a notice of proposed rulemaking to bring private bus operations under the safety regulations. We propose to apply the regulations as uniformly as possible. However, we recognize there are different types of private passenger operations which must be accommodated. We can strike a reasonable balance. Private carriers of passengers with hired drivers would comply with the same regulations as for-hire operators. Carriers with volunteer or occasional drivers would be required to meet the

vehicle safety requirements. Driver requirements would be met through the commercial driver's license program. The comment period closes on June 19.

II. COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Commercial Driver's License Program

The Commercial Motor Vehicle Safety Act of 1986 created the Commercial Driver's License (CDL) program, which will significantly improve the safety of commercial vehicle operations for years to come. Very simply, the Act made it illegal for drivers to hold multiple licenses and established a uniform classified license system. The Act required that all commercial drivers demonstrate knowledge and skills necessary to operate their vehicles competently and safely.

The single license requirement took effect July 1, 1987. One year later, we issued the final rule establishing minimum standards for State testing and licensing of commercial drivers. The CDL system represents a major change for many states and requires complex implementation guidelines under tight time frames; nonetheless, we finished the rulemaking on time, and the states are implementing it on schedule. On January 3 of this year, California issued the first CDL. Twelve States have passed legislation to implement the program and we are expecting a majority to have done so by the end of this year. We expect 22 States to be linked to the clearinghouse by year's end and the rest by early 1991.

In developing the clearinghouse, we worked closely with NHTSA, which operates the National Driver Register, and with the American Association of Motor Vehicle Administrators, which is operating AAMVAnet, an electronic telecommunications network through which the States access the clearinghouse. This network provides and preserves the integrity of the single-license, single-record concept of the CDL program.

We have allowed States the option to exclude operators of firefighting and emergency vehicles and most farm vehicles from the CDL requirements. We have also exempted military vehicles operated by uniformed military personnel.

Driver Disqualifications

Over and above the testing and licensing requirements, the Act places other responsibilities on the States. For example, a State must disqualify a driver convicted of serious traffic violations, such as excessive speeding and reckless driving. Two convictions in 3 years bring a minimum 60-day disqualification; 3 convictions bring a 120-day disqualification. To help the States apply these disqualifications uniformly, we published a proposed rule defining serious traffic violations. We plan to issue a final rule this summer.

Blood Alcohol Content

The Act also required DOT to establish a blood alcohol content threshold above which a commercial driver is deemed under the influence of alcohol and

subject to CDL disqualification. The final rule, published October 4, 1988, set 0.04 percent as the level for DUI. The standard for CDL disqualification is in addition to other state laws providing licensing sanctions and criminal penalties for DUI violations. The CDL standard will serve to underline the importance of strong DUI laws and regulations in deterring individuals from driving under the influence of alcohol.

Motor Carrier Safety Assistance Program

The 1986 Act bolstered the highly successful Motor Carrier Safety Assistance Program (MCSAP). The program received a substantial funding increase and is now funded at \$60 million annually through FY 1991. Approximately \$13 million is earmarked this year to support the CDL program.

In FY 1988, MCSAP funded 2,800 State personnel nationwide who conducted 1.2 million roadside vehicle inspections. These resulted in 470,000 vehicles and 83,000 drivers placed out of service for serious safety violations.

Some vehicles placed out of service may not be repaired. We have initiated a study to determine the magnitude of the problem. We reported on this work in a January 9, 1989, letter to the Senate and House Appropriations Committees. As we stated then, we will complete the study and determine whether the situation justifies spending resources on it.

III. TRUCK AND BUS SAFETY AND REGULATORY REFORM ACT OF 1988

Commercial Zone Exemption

The Truck and Bus Safety and Regulatory Reform Act of 1988 removed the exemption for motor carriers conducting interstate operations within commercial zones. It permanently grandfathered persons who legally operated in a zone and would otherwise be unqualified to drive because of a medical or physical condition. We amended our regulations to reflect the new grandfather provisions.

Driver Fatigue

The 1988 Act also directed a study of the hours-of-service regulations to determine their relationship with fatigue and serious accidents. We have initiated a multi-year study of driver alertness and fatigue. We sponsored a two-day public forum in Washington last November and will be collecting additional information on driver fatigue and ways to improve driver alertness. We will use the results of these efforts to report to Congress next year.

Unique Driver Identifier

The 1988 Act directs us to establish a biometric identification system for the CDL program. We are initiating pilot tests of digitalized fingerprinting and retinal imaging.

IV. OTHER PROGRAMS

Drug Testing

Last November, we issued requirements for motor carriers to test drivers for controlled substance use. Five types of testing--preemployment, periodic, reasonable cause, post-accident, and random selection--are required. The U.S. District Court for the Northern District of California has imposed a preliminary injunction prohibiting post-accident and random testing. We are considering the reinstatement of the post-accident testing portion of the regulations, in view of the Supreme Court's decision upholding the Federal Railroad Administration's post-accident testing rule. The random testing portion of the regulation is awaiting a Supreme Court decision. The other three types of tests will go into effect as scheduled.

Truck Size and Weight

The National Truck Network, established as a result of the Surface Transportation Assistance Act of 1982, now consists of 181,000 miles of highways on which the states must allow longer trucks. Last December, we published proposed regulations that would establish a 5-mile minimum standard of reasonable access off the Network without compromising safety. The Transportation Research Board (TRB) is completing a congressionally mandated study. We will provide the comments to our rulemaking docket to TRB and will consider the results of the TRB report before proceeding to a final rule.

Organizational Changes

Last fall we established a Hazardous Materials Division to strengthen enforcement of the hazardous materials regulations. We are training 180 of our field investigators, and we have added nine full-time regional hazardous materials program managers.

Last fall we also established a new senior position to coordinate all bus safety matters and serve as liaison with the bus industry. We recognize the important role buses play in this country and that bus safety issues are often unique.

We are proud of the achievements made in the motor carrier safety program over the past few years. Just 4 years ago, the FHWA reorganized its motor carrier functions under the Associate Administrator for Motor Carriers. The initiatives we are implementing now--the Commercial Driver's License Program, MCSAP, safety fitness procedures, and our drug and alcohol provisions--are the foundation for the future of motor carrier safety. We are committed to making these initiatives work.

The 1986 Act was an important turning point. We made organizational changes and devoted special resources to carry out the mandates. We met every deadline. We established a partnership with industry and the States. The States are revolutionizing their testing and licensing practices and are as committed as we are to meeting the objectives of the law.

I am pleased to meet with you and discuss our accomplishments. Thank you for sharing the draft legislation with us. We will provide our formal views on it soon. I look forward to responding to your questions about our program.