

STATEMENT OF VICTOR S. PARRA
PRESIDENT & CEO, UNITED MOTORCOACH ASSOCIATION
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES
JUNE 13, 2011

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Chairman Mica, Mr. Rahall, Members of the Committee. I appreciate you calling this hearing today and the opportunity to appear before the committee and represent the bus and motorcoach industry in my testimony. This Committee has a long and distinguished record of promoting safety on our roadways and lies at the center of our nation's discourse on the best practices to achieve safe and efficient travel.

On behalf of the United Motorcoach Association, it is my goal to provide the Committee our perspective on the factors that contribute to our industry's notable safety record and our goal of improving that record. Founded in 1971, the United Motorcoach Association (UMA) is the nation's largest association of bus and motorcoach companies and industry suppliers with over 1,200 members located across North America. Membership represents the full spectrum of bus and motorcoach operations; from small family charter and tour - to nationwide scheduled and commuter service operations. The United States Small Business Administration estimates over 90% of all privately owned bus and motorcoach companies meet the definition of small business.



UMA is deeply saddened by the recent motorcoach accidents and we extend our deepest sympathies to the victims, their families and all those affected. While accidents in general are preventable, they are seldom predictable. Safety is defined as the freedom from the occurrence or risk of injury, danger, or loss. The bus and motorcoach industry as a matter of routine is challenged to mitigate the risk of traveling on our nation's roads and highways where over 30,000 fatalities occur annually. It is a fact the motorcoach industry possesses one of the strongest safety records in the passenger transportation industry. According to the National Highway Traffic Safety Administration (NHTSA), over the ten year period between 1999 and 2008, there were 54 fatal motorcoach crashes resulting in 186 fatalities. During this period, on average, 16 fatalities have occurred annually to occupants of motorcoaches in crash and rollover events, with about 2 of these fatalities being drivers and 14 being passengers. While every fatality is one too many, we believe the record is evidence of the industry's absolute commitment to operating safely. Like other modes of commercial passenger transportation service, severe accidents must be a rare occurrence in order to earn and maintain the confidence of the traveling public.

One of UMA's primary objectives is to promote safety and compliance among its membership. We do this through several initiatives, including the Bus & Motorcoach Academy, administered by the College of Southern Maryland, our Safety Management Seminars held at the National Transportation Safety Board Training Center, the annual UMA Motorcoach Expo and various state and

regional association meetings held throughout the nation. UMA is a member and sponsor of the Commercial Vehicle Safety Alliance (CVSA), an active participant on their Passenger Carrier Committee and a longstanding member of the Bus Industry Safety Council. Additionally, we routinely volunteer and assist the National Transportation Safety Board when investigating bus and motorcoach accidents.

With regard to recent accidents, it is incumbent upon safety professionals regarding these specific incidents to await the outcome of the work of state and federal enforcement agencies and the National Transportation Safety Board (NTSB). Motorcoach accidents with fatalities and serious injuries are generally complex; often with primary and secondary causes that are initially less obvious. The findings of thorough accident investigations by trained and skilled professionals are the backbone of future risk mitigation that leads to improved safe operations.

In 2009 the nation's 35,000 plus motorcoaches completed over 723 million passenger trips traveling over 58 billion passenger miles and over 1.7 billion service miles. The nation's motorcoach industry offers safe, dependable and affordable passenger transportation; facilitating travel to jobs, education, healthcare and leisure travel.

Studies show that America's bus and motorcoach industry's combined economic impact is over \$112 billion with combined wages over \$40 billion, directly and



indirectly employs over 1 million and pays over \$16 billion in federal and state taxes. Today's modern motorcoach fleet is the most carbon-efficient mode of transportation averaging 206 passenger miles-per-gallon while removing thousands of private passenger automobiles from the road every day. In December 2008 the Union of Concerned Scientists concluded motorcoaches are simply the greenest form of leisure travel. The motorcoach industry is an essential component in the \$700 billion travel and tourism industry and the thousands it employs.

UMA has long advocated for strong and improved enforcement of existing federal and state motor carrier safety regulations for our vehicles and its drivers.

Additionally, UMA has long supported initiatives based on sound science and research that will truly improve safety, many of which are included in the common sense bill introduced recently by a Member of this distinguished Committee, Congressman Bill Shuster. HR 1390, the Bus Uniform Standards and Enhanced Safety Act of 2011 (BUSES Act). The bill is cosponsored by three other Members of this Committee, Congresswoman Eddie Bernice Johnson, Congressman Tim Holden and Congresswoman Jean Schmidt, as well as three other Members of Congress. This bill contains reasonable and obtainable timelines that enhance National Highway Traffic Safety Administration's (NHTSA) efforts to promulgate new rules that will truly improve motorcoach occupant protection as well as other provisions such as increased enforcement of regulations and provisions addressing training and testing to improve motorcoach

safety that UMA supports. We thank Congressman Shuster and the cosponsors of his bill for their strong leadership on this issue and developing a rational approach to improving bus and motorcoach safety, and stand ready to work with them and this Committee on this important issue. .

The bill directs the Secretary:

- (1) to prescribe federal motor vehicle safety standards for occupant protection systems for new and existing motorcoaches.
- (2) monitoring of the safety performance of motorcoach service providers and other commercial motor carriers of passengers; and
- (3) progressive interventions to correct unsafe practices, and if they are not corrected, an enforcement action.
- (4) Further directs the Secretary to:
 - (a) prescribe regulations to establish minimum training requirements for motorcoach drivers,
 - (b) review testing requirements for a commercial driver's license passenger endorsement,
 - (c) develop requirements for the testing of medical examiners who examine commercial motor vehicle operators for physical fitness and seek to be listed in the national registry,
 - (d) review annually the implementation of the commercial driver's license requirements of at least 10 states to assess the validity of physical examination reports and medical certificates submitted by certified medical examiners, and

(e) establish the national registry of medical examiners.

(f) requires the Secretary to review and report to Congress on federal commercial motor vehicle safety inspection standards.

(g) revises federal motor carrier registration requirements.

Today, the nation's bus and motorcoach industry, while not immune to the current economic conditions, is vibrant and competitive; offering a broad range of diverse services, schedules and amenities. One bright spot in the past few years has been short-line scheduled intercity passenger service. A study conducted by DePaul University's Chaddick School for Metropolitan Development found that for the third year in a row, the intercity bus service is the fastest growing mode of intercity transportation, outpacing both air and rail transportation. The study reports: "Intercity bus operations expanded by 6.0% in 2010, suggesting that the sector's renaissance is continuing.

The study further stated:

"Intercity bus service in the United States remained robust through 2010 as a result of rising travel demand, escalating fuel prices, and investments in new routes," DePaul University researchers said in the new study. "These and other factors propelled motorcoach travel to its highest level in years and made the intercity bus the country's fastest growing mode of transportation for the third year in the row."

The rapid rise in scheduled intercity motorcoach service is directly attributable to passenger carriers discovering the traveling public's aversion to bus terminals, a preference for convenient curbside origination and destination locations and an array of onboard amenities. The economy of bus and motorcoach travel in general often results from efficient operating cost and volume of passengers, trips, etc. Occasional reference is made to "low-cost" carriers, theorizing a possible source of unsafe operations. As in the airline industry, there does not have to be, nor should there ever be, any parallels between safety and value pricing in a competitive marketplace. Passengers' expectations of safe transportation should always be the highest priority.

In August 2007, NHTSA announced "NHTSA's Approach to Motorcoach Safety" and a series of evaluations including occupant retention, window glazing, emergency egress, stability control, roof strength, and flammability. In December 2007, NHTSA conducted the first ever motorcoach crash test. NHTSA subsequently issued a Notice of Public Rulemaking (NPRM) requiring three-point seatbelts in newly manufactured motorcoaches no later than three years after the final rule is issued. Other tests are either underway or completed and we are advised subsequent rulemaking is eminent. UMA has monitored NHTSA's crash testing and development of these regulations from the start and is on record as supporting occupant protection standards for new motorcoaches.

Under the leadership of Secretary Ray LaHood, the United States Department of Transportation adopted the Motorcoach Safety Action Plan following an analysis of safety data. USDOT identified seven priority action items that include the following:

1. Rulemaking concerning electronic on-board recording devices to monitor drivers' duty hours and manage fatigue.
2. Rulemaking to prohibit cell phones for drivers.
3. Rulemaking to require seatbelts.
4. Development of roof crush performance requirements.
5. Study stability control systems for motorcoaches.
6. Enhance oversight of carriers.
7. Establish minimum knowledge requirements for companies who seek to transport passengers.

Four of the seven items have either pending or final rules.

In December 2010 the Federal Motor Carrier Safety Administration (FMCSA) launched the long-awaited Comprehensive Safety Analysis 2010. Now referred to as Comprehensive, Safety, and Accountability (CSA), FMCSA and their state partners now have the capability to more readily identify non-compliant carriers and target specific problematic areas. Just months into implementation UMA concludes CSA is already altering behaviors and producing results. We are most satisfied this program will serve the long-term needs of the enforcement community. UMA has consistently supported FMCSA's development of CSA

through consultation with the Agency and promotion and education of our members. These mutual efforts continue.

UMA has deep reservations regarding legislative efforts that could unintentionally harm small entrepreneur's entry as new carriers. While some often use the term "illegal" or "rogue" carriers" and "new entrants" in the same reference; there are no direct parallels UMA is aware of that would signify "new entrants" afford a disproportionate risk to the traveling public and indeed anecdotal evidence suggests otherwise.

According to FMCSA, from 2008 to 2010 there have been 2,426 new entrant passenger carrier applicants of which 1,755 of those were approved (282 were pending). 352 were dismissed with no response and are likely applicants that chose not to enter the business. 35 applicants formally withdrew their application. Only 1 passenger carrier applicant was officially rejected by FMCSA. Despite approval of 1,755 new entrant passenger carriers, FMCSA advises the actual number of interstate passenger carriers remains relatively constant, between 3,600 and 3,800. While I assure you few bus and motorcoach companies welcome more competition, it is clear we need new entrant passenger carriers to expand our markets and create jobs to better serve the passenger transportation community. UMA enthusiastically supports the Secretary's efforts to "establish minimum knowledge requirements for companies who seek to transport passengers" and have steadfastly recommended

classroom and exam requirements followed by compliance audits within 45 days after conditional operating authority is granted.

UMA shares industry concern regarding those few passenger carriers who either lack knowledge of or disregard the Federal Motor Carrier Safety Regulations and support cogent efforts to arrest those motor carriers that compromise the efforts of enforcement agencies and the industry.

Significant rules have been recently developed that apply to motor carrier management and bus and motorcoach manufacturers. Legislators and enforcement agencies must recognize however that despite motor carrier policy and training efforts, drivers for the most part often operate great distances from the direct supervision of their employers. Motor carrier employers are largely dependent on highway enforcement agencies to identify and mitigate unsafe behaviors. While UMA continues to support limiting driver and vehicle inspections to terminal and destination locations that do not interfere with passenger safety or schedules; we do not and have never supported allowing drivers or vehicles to continue operating in an unsafe manner; however we remain concerned about random roadside inspections. Just this past week a 76-year-old Minnesota woman died when the car in which she was riding hit the back of a motorcoach that had been stopped alongside I-94 by a state trooper. The trooper narrowly escapes injury. Fortunately no passengers on the motorcoach were seriously injured; but, a larger vehicle such as a long-haul truck would have surely resulted

in a much worse accident. Congress has wisely protected motorcoach passengers from roadside accidents and those protections should remain.

UMA generally concludes that under USDOT Secretary LaHood's leadership, FMCSA and NHTSA have set in motion renewed enforcement efforts, proposed and final rules and testing based on sound science and practical applications that will serve the traveling public and the nation's bus and motorcoach industry for years to come.

However, UMA has deep reservations regarding imposition of additional mandates that may not improve safety to the traveling public while needlessly jeopardizing the financial stability of an industry with a strong safe operating history. Additional considerations to increasing the cost of motorcoach travel must be afforded those individuals, often with limited financial resources, that depend on access to an affordable means of travel. Congress should consider that the most likely alternative to bus and motorcoach travel is the private passenger automobile, an inherently less safe mode of travel than bus or motorcoach. Mandates result in increases in costs that are ultimately passed along to passengers and groups who use the services of buses and motorcoaches. Can anyone say that safety was improved when a local bus and motorcoach company goes out of business or fare increases compel people to choose a private passenger automobile, the single largest source of highway fatalities?

The United Motorcoach Association appreciates the opportunity to submit testimony regarding these matters and stands ready to contribute to on-going efforts to enhance the safety of bus and motorcoach operations.