



March 13, 2006

Dear Subcommittee Member:

I am writing to express transportation labor's continued concern over the prevalence of low-cost intercity bus companies that operate in violation of federal driver and vehicle safety standards, do not comply with the Americans with Disabilities Act (ADA), and remain on the road despite egregious, repeated infringement of traffic laws. We commend Chairman Petri and Ranking Member DeFazio for holding the March 2 subcommittee hearing on these "curbside operators" which shed light on the many critical, chronic problems that have yet to be addressed by the Federal Motor Carrier Safety Administration (FMCSA).

At the hearing, outgoing FMCSA Administrator Sandberg unveiled a new National Motorcoach Safety Program. While we strongly support an increase in program and enforcement resources dedicated to buses, we question whether the agency has the capacity to implement this ambitious program. More importantly, this is a broad program that does little to adequately target the unique and disturbing problems posed by curbside operators.

First, real enforcement of federal safety regulations is very difficult with curbside operators since these bus companies generally do not operate out of a terminal, and instead pick up and drop off passengers on city streets. FMCSA confirmed that its inspectors only check compliance on paper – by reviewing insurance documents and driver logs – since these operators are not required to provide information on where their bus fleets are stored or maintained. Actual adherence to federal safety regulations, including almost all vehicle regulations, is left up to states during random roadside inspections. Under its new safety plan, FMCSA will "encourage" states to increase roadside inspections but offers no plan to help states identify potentially unsafe carriers for scrutiny.

Second, driver qualifications remain a real concern among curbside carriers. As laid out in the testimony of Bruce Hamilton, President of Local 1700 of the Amalgamated Transit Union (ATU), drivers for Greyhound, Peter Pan, and other legitimate carriers undergo extensive, hands-on training prior to employment and attend frequent refresher courses. This is in sharp contrast to the lack of any evidence of driver training at these start-up operations. The hearing also clearly demonstrated that many curbside carrier employees may not have the English language skills needed to read road signs and communicate effectively with passengers and law enforcement officers. This fact, and the repeated violation of traffic laws by many drivers, calls into question the validity of the commercial drivers licenses (CDL) of these drivers.

Third, FMCSA continues to abdicate its responsibility for enforcing the requirements of the ADA. While the Department of Justice (DOJ) must investigate any discrimination claims filed under the ADA, the installation of wheelchair lifts on buses is a requirement being phased in under the law and FMCSA is absolutely responsible for ensuring compliance with this

Transportation Trades Department, AFL-CIO

888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • www.ttd.org
Edward Wytkind, President • Michael A. Ingrao, Secretary-Treasurer

mandatory change to bus fleets. Allowing curbside bus companies to operate without lift-equipped buses is unfair to the legitimate carriers that have invested in this required modification and unjustifiably limits the transportation options available to persons with disabilities.

Fourth, curbside operators are difficult to bring into compliance because even when FMCSA locates these carriers, identifies violations, and begins corrective action, they often choose to go out of business and emerge under a different name or owner. The ease of entry and exit into this market is aided further by the fact that FMCSA does not look at a motor carrier's financial information to determine fitness to operate. In other modes of transportation, poor financial fitness is widely viewed as a good indicator of where safety problems are most likely to occur and it would be particularly useful to track for curbside operators who run their companies on a shoestring.

Finally, FMCSA still does not have a grasp on the pervasiveness of safety problems that curbside operators pose. While the agency has a rough number of carriers in operation, Administrator Sandberg could not answer what percentage of curbside operators have been inspected at either the federal or state level or whether any carriers have been shut down due to poor safety performance. This comes as no surprise given the FMCSA process of registering carriers. As explained by the Administrator a bus company only needs to fill out an hour's worth of paperwork online and provide proof of insurance to be granted operating authority. A registered carrier can then operate for 18 months before FMCSA conducts even a paper-based compliance review. While the new safety plan proposes to shorten this lag time to 9 months, any length of time fringe operators are permitted to travel on our roads completely unchecked is too long.

Clearly, there are persistent and troubling problems with curbside operators and FMCSA has not yet done an adequate job to ensure that the carriers it approves for operation fully comply with federal laws and regulations. Unfortunately, Congress will have to step in to provide the necessary oversight to guarantee the safety of the traveling public and the accessibility of bus service for those with disabilities.

Transportation labor looks forward to working further with you and other members of the Subcommittee to put a stop to this dangerous trend in bus transportation. If you have any further questions, please contact Helena Zyblikewycz with TTD at (202) 628-9262.

Sincerely,



Edward Wytkind
President

cc: Warren S. George, International President, Amalgamated Transit Union