Public Hearing

before

SENATE TRANSPORTATION COMMITTEE

“Issues related to bus safety in New Jersey”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: February 11, 1999
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Andrew R. Ciesla, Chairman
Senator Diane B. Allen, Vice-Chairwoman
Senator Henry P. McNamara
Senator Nicholas J. Sacco
Senator Shirley K. Turner

ALSO PRESENT:

Peter R. Manoogian
Office of Legislative Services
Committee Aide

John Strachan
Senate Majority
Committee Aide

Patrick M. Gillespie
Senate Democratic
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey
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SENATOR ANDREW R. CIESLA (Chairman): Good morning, ladies and gentlemen. I’m happy to welcome each and everyone of you here to the hearing on bus safety that was called as a result of New Jersey experiencing several accidents -- a couple of more in the past two days -- on the highways of New Jersey. The hearing is being held at the request of Senate President Don DiFrancesco, who has asked the Transportation Committee to take testimony from any and all interested parties in order to review the current state of affairs. Today we are hopeful that we will be able to gain some additional insight into the matters that have occurred over the past several months, which seem to indicate that there might be some corrective action which might be able to be taken legislatively in order to continue to promote safe roads in the State of New Jersey.

I want to emphasize that we're not certain that anything may need to be done, but we're here today in order to collect information and to gain testimony in order to better understand the current state of affairs.

So with that, I will call this public hearing to order and ask that our Committee Aide please take the roll.

Peter.

MR. MANOOGIAN (Committee Aide): Senator Turner.

SENATOR TURNER: Here.

MR. MANOOGIAN: Senator Sacco.

SENATOR SACCO: Here.

MR. MANOOGIAN: Senator McNamara.

SENATOR McNAMARA: Here.

MR. MANOOGIAN: Senator Allen. (no response)
Senator Ciesla.

SENATOR CIESLA: Here.

Thank you, Committee members, for taking the time out for this special Committee hearing.

The first individual to testify will actually be a group of individuals. We have the Commissioner of Transportation, Mr. Jim Weinstein; the Director of Motor Vehicles, Mr. Dick Kamin; and the Executive Director of the South Jersey Transportation Authority, Mr. Jim Crawford.

Gentlemen, please.

COMMISSIONER JAMES WEINSTEIN: Good morning, Senator--

SENATOR CIESLA: Good morning.

COMMISSIONER WEINSTEIN: --and members of the Committee. Thank you and Senator DiFrancesco--

Is this on? (referring to PA microphone)

SENATOR CIESLA: Try it, Jim. No.

COMMISSIONER WEINSTEIN: Okay. No. There's no indication lights here at all.

The microphones for the hearing are working, but not the ones for the audio -- for the hearing room.

SENATOR CIESLA: Jim, try it now, please. Nothing?

COMMISSIONER WEINSTEIN: No.

Without aid of technology, is that the-- That's fine.

SENATOR CIESLA: We'll ask someone to come up in order-- But in the interim, since our recording microphones are working, we're just
going to ask the people that are in the back of the room to, please, be as quiet as possible, and we’re going to ask that the individuals who are going to testify be as loud as possible.

So thank you.
Commissioner.

COMMISSIONER WEINSTEIN: Thank you, Senator. It’s the first time I’ve been asked to be loud.

Thank you for the opportunity to come here today. The issue before us is an issue that’s of concern to all of us. This gives me the opportunity and our Department to express our concerns, to express our condolences to the families and friends of those people who have lost their lives and been injured over the course of the last couple of weeks. It’s been an interesting couple of weeks for me as a new Commissioner.

And we have concerns, and there’s been a focus in our Department on reviewing trying to make sure that we’re doing everything that we possibly can. I want to make it clear that I think New Jersey has one of the best bus safety programs in the country. In fact, New Jersey stops and checks more buses during random roadside inspections than any other state in the nation. As a heavily traveled corridor state, this program is important, and our efforts show that New Jersey is serious about ensuring safe travel on our highways. These roadside stops are in addition to the regular inspection of almost 6000 commercial buses registered and based in New Jersey.

Today, I want to provide you with detailed information about New Jersey’s in-terminal commercial bus inspections, New Jersey’s random roadside commercial bus inspections, the recent bus accidents, New Jersey’s 65-mph
speed limit and the issue of speed differentials, our newly proposed bus safety regulations, and the issue of seat belts.

An estimated 129 million passenger trips are taken by bus in New Jersey each year. More than a quarter million commuters ride buses each weekday to reach jobs in Newark, New York City, Philadelphia, and other locations within the state. The Atlantic City Expressway, alone, last year handled more than 400,000 buses bringing an estimated 10 million passengers into Atlantic City. New Jersey also has one of the largest private sector bus industries in the country with over 400 bus and van companies in our state. Private companies operate almost 3700 buses and New Jersey Transit almost 2000. In addition, there are about 400 commercial van operations -- commercial vans in operation in our state.

By statute, the Department of Transportation is required to inspect these buses and ensure their safety. New Jersey’s buses are inspected twice a year -- once by MVS inspectors at the bus company’s garage and once by the company itself -- with the results audited by the MVS staff. If during these inspections or audits we find a bus company with an extremely high failure rate or a general indication of poor maintenance, we take immediate action.

New Jersey also conducts random roadside inspections of buses funded through a Federal program called the Motor Carrier Safety Assistance Program. During the 1997 Federal fiscal year, the last for which we have complete national statistics, New Jersey conducted over 6000 roadside inspections, representing 17 percent of the total bus inspections conducted
nationwide, through the Motor Carrier Safety Assistance Program. Almost 36,000 inspections were conducted nationwide.

The Department will commit the resources necessary to ensure the integrity of this bus inspection program. New this year through this Program, we will give our field inspectors access to computers capable of producing a 30-day report card for any bus stopped for a random roadside inspection. This year we will put three of these systems in use. Ultimately, we hope to have all of our inspectors fitted with this system.

Buses roll day and night, so we also plan to purchase new vehicles with auxiliary lighting that will allow roadside inspections to take place after dark. Currently, we perform roadside inspections during daylight hours on both weekends and weekdays.

At this point, let me address the rash of bus accidents that occurred during the holiday season. Out of the four accidents, three of the four bus drivers were not licensed in New Jersey. Two were licensed by New York state and one by Washington, D.C. Both of the interstate bus carriers have a satisfactory rating according to Federal standards. This is based on a compliance review conducted according to national standards examining accident history, roadside inspection history, and overall compliance. The intrastate bus company had satisfactory inspections and a good safety record.

Mr. Chairman, as you know, there has been some discussion about whether the speed limit should be reduced for buses. New Jersey’s 65-mph speed limit was implemented at the behest of the Legislature in 1997. While the original legislation would have required a 65-mile speed limit on all New Jersey interstates and limited access highways, Governor Whitman negotiated
an 18-month test period, which we're about a third of the way through at this point. As a result, 475 miles were designated for the 65-mph speed limit on May 19, 1998. At the end of the test period, I will submit a report to the Legislature recommending additions and deletions to the 65-mph speed zones and reporting on the overall safety and impacts of the 65-mph speed in our state.

Given the suggestions by some to reduce the speed limit for buses, I have looked into the matter and have been advised by both my technical staff and by our attorneys that there are problems. First, it is problematic to declare an emergency based on these accidents and, therefore, to differentiate the legal speed limit for buses. To do so without an emergency would also be problematic legally because State statute only permits a differential speed limit for trucks, not buses, and only by a differential of 5 mph.

More importantly and from a traffic standpoint, traffic flow is safest when traveling at uniform speeds. Posting differential speed limits in the view of the experts in my Department for different kinds of vehicles will tend to increase the speed variance of overall traffic creating more passing movements between vehicles.

Also note that reports on states that have different speed limits for different types of vehicles offer no conclusions that they are beneficial. Of the four high-profile bus accidents experienced over the holiday period, only two occurred in 65-mph speed zones. From the data we've gathered in our monitoring of the 65-mph speed limit so far, there appears to be very little difference in the before and after travel speeds indicating that motorists are traveling about the same actual speeds they were when it was a 55-mph speed.
Therefore, it is difficult to conclude that the 65-mph zone makes bus drivers travel faster. In fact, field operations from the State Police to date indicate that the traffic is traveling more uniformly in the 65-mph speed zones.

The available evidence seems to support the following general conclusions. Accidents rates tend to increase with increasing speed variance, but they do not necessarily increase with an increase in the average speed. We believe both of these are true on roadways designed to handle higher-speed vehicles. Secondly, the differential speed between 65 and 55 has no significant effect in reducing nontruck/truck accident rates and two-vehicles accident rates compared with those for the uniform speed limit. In fact, there is some indication that the differential speed limit may increase the rates of some types of accidents such as two-vehicle accidents.

The issue of bus safety regulations, which I know has been a concern to members of the Legislature, to the Governor, and frankly, to me, DOT has proposed new rules to establish a schedule of bus safety out-of-service violations and civil penalties for buses operating with bus safety out-of-service violations. These are generally consistent with national safety standards, certain Federal rules, and in particular, the out-of-service criteria of the Commercial Vehicle Safety Alliance. These rules will apply to interstate and intrastate autobuses operating on our roads and highways.

The Bus Safety Compliance Act provided for us to establish a schedule of bus safety out-of-service violations as either Category 1 or Category 2 violations depending largely on the nature and severity of the violations and the discoverability of the defect prior to a bus trip. The civil penalty for each
Category 1 violation ranges from $300 to $5000, while each Category 2 violation is up to $500.

With regard to imposition of sanctions, buses will be placed out-of-service if found to have out-of-service safety violations and will remain out-of-service until the operator makes all necessary repairs. Accordingly, the duration of the sanction is exclusively within the control of the operator. In addition, DOT inspectors may issue a summons and complaint for each out-of-service violation for the most part returnable in municipal court. Presently, neither the Federal government nor any state imposes any direct monetary civil penalties on operators for operation of a bus with bus safety out-of-service violations, which are basically mechanical safety defect, that are consistent with these violations.

New Jersey’s Bus Safety Compliance Act and the proposed rules are the first in the United States to impose specific monetary civil penalties for operating buses with bus safety out-of-service violations directly on bus operators. Four substantive provisions in these rules actually exceed Federal Commercial Vehicle Safety Alliance standards, and they are outlined in the testimony, which I’ve submitted in writing to the Committee.

Because of the thoroughness of our inspection program, we infrequently see these defects, but when we do, we feel that the substantial penalties are fully justified. In fact, the Department feels so strongly about the safety provisions and the fine schedule we are proposing that we will contact the Federal government and state officials around the country to encourage other states to follow our lead in adopting such bus safety rules and fine schedules.
As we look to the future, I think what our efforts are going to be focused on is a renewed emphasis on inspections, safety training, and aggressive enforcement, and that is exactly what we’re doing. Some beneficial changes will be occurring to our bus inspection program this year. MVS is in the process of hiring additional bus inspectors to beef up the program. We are doing this in preparation for writing summonses and issuing fines to unsafe bus operators. We are anticipating staff will be called into court when testimony is required. We do not want court appearance requirements to lower the number of bus inspections we perform.

I expect New Jersey to remain first in the nation in performing roadside bus inspections. I expect more underside inspections of buses during roadside inspections through greater use of portable ramps. I expect the roadside program to expand into nighttime operations so we can check operators no matter when they are traveling our highways. I expect all these things because the public rightly expects government to ensure their safety.

Senators, I want to thank you again for conducting this hearing. I along with my colleagues from the State Police, the South Jersey Transportation Authority, the New Jersey Turnpike, and the New Jersey Highway Authority -- all of whom have representatives here today -- want to assure you that New Jersey is one of the safest states to travel in whether by bus, car, truck, plane, or train. I also want to assure you that we have a sound industry in this state that is as concerned about these issues as I’ve found over the course of the last six weeks or so as government is concerned. They’ve worked with us. I think Executive Director Crawford will highlight some of this as he talks about some of the efforts we’ve taken in Atlantic City.
I want to assure you that I will personally continue to make improvements and devote resources to bus safety measures. Statistically, New Jersey and the bus industry come up as a fairly safe way to travel when compared to autos, but if there's something we're missing -- and that's one of the real benefits of this kind of effort today -- and there's something we can do better, we should do it.

Myself along with my colleagues are willing to answer any questions you may have.

Now I’d like to ask Jim Crawford whose agency--

SENATOR CIESLA: Before we start, Commissioner, I think we have somebody here to fix the microphones, so we're just going to take a quick break and see if we can get those wired together so everyone can hear. Bear with us for a second, please. (pause for microphone repairs)

COMMISSIONER WEINSTEIN: One of the first rules of technology is to make sure it’s plugged in. It wasn’t. (laughter)

SENATOR CIESLA: Much better.

Okay. Thank you for your patience, Director Kamin, Director Crawford. The shuttle is fixed, so we can continue.

COMMISSIONER WEINSTEIN: Thank you, Mr. Chairman.

Mr. Crawford will now offer some testimony for your consideration.

SENATOR CIESLA: Thank you.

JAMES A. CRAWFORD: Mr. Chairman and Senators, first let me thank you for calling this hearing. Before us are matters affecting the livelihoods and, in fact, the very lives of New Jersey citizens. And so as you
have quickly and clearly recognized, we do no more than exercise our duty today in considering these matters with great care.

Bus travel is the cornerstone of the foundation supporting New Jersey’s transportation system and, thus, the health of both its people and its economy. In South Jersey, buses cradle more than a million individual human lives each year. As the Commissioner has said, more than 400,000 bus trips were made on the Atlantic City Expressway alone, accounting for some 10 million visit/trips to Atlantic City. This is almost one-third of all of the visitors that now fuel the economic engine that is Atlantic City. And these numbers are recently on the rise.

While ultimately impossible to achieve, the goal of ensuring that we end all bus accidents is still a goal that we must strive. Every time we prevent a serious accident, we add to the physical and material health of our citizens. The good news in this effort is that bus accidents are already relatively infrequent, and New Jersey’s enforcement practices are strong. Indeed, New Jersey may well have the toughest and most effective bus inspection and enforcement program in the nation even today without the new regulations.

The bad news is that the bus inspections are -- too often reveal troubling violations of existing regulations. And current penalties, while already consistent with or tougher than the Federal standards, may sometimes be too light to change egregious bus company behaviors in those infrequent cases in which such behaviors appear to occur.

This is why the South Jersey Transportation Authority firmly supports the bus safety regulations proposed by Transportation Commissioner
Weinstein. We believe these regulations will substantially enhance what is already an excellent system of inspections and enforcement. But it is important also because as we have seen from recent accidents, neither the bus's physical condition nor the road’s speed limit nor other similar factors can be assumed responsible for the tragedies that ensue.

Human beings operate these buses, and no matter how experienced or how well trained, they are subject to the same human frailties that test us all. Sometimes the drivers are tense, tired, or distracted. Sometimes, despite the great responsibility they hold, they are simply not up the game at which they’re engaged.

Tackling this problem is of central importance to any program addressing bus safety. Recognizing this truth and in cooperation with the Department of Transportation, the other toll agencies, our partners at the State Police, the Federal government, and the Division of Motor Vehicles, my agency recently confronted these issues head-on in a series of Bus Safety Refresher Courses in Atlantic City. Attendance at such sessions reached approximately 1000 persons and more than 800 individual bus drivers completed the course.

In these sessions, experts from regulatory agencies and the bus industry itself reminded drivers about their responsibility under State and Federal regulations, but the experts also provided drivers with strategies to enhance their job performance. It may sound strange, but matters as simple as the food that the drivers eat during their breaks can have a profound affect on their level of alertness. I believe that education on matters like these is vital if we are to reach the next level of safety on our roadways.
Also important, the refresher courses reawakened in drivers the knowledge of their immense obligation to the souls who sit behind them. Achieving such awareness is alone a major step forward. The attitude of the driver as the single most important safety component on the bus is critical. Likewise, bus company owners and managers have a duty to assist in the continuing education of their drivers and to give them the tools needed to perform at their best. We’re pleased to see the bus company owners and managers at the recent courses, and we encourage them to enhance the level of participation in the future and to take on such activities themselves more frequently.

SJTA and its partners are helping to make this possible by continuing the Refresher Course Program. We are currently scheduling additional courses on a quarterly basis with some to be held at night and on weekends in order to reach even more drivers and managers than we have already. It is our hope that one day every bus driver who heads to Atlantic City will have taken advantage of this Program at least once and learned from that the importance that they contribute to the safety of those entrusted to their care.

I would be remiss, also, if I did not point out that SJTA has another important obligation in the role of oversight of the bus industry. The South Jersey Transportation Act charges us with the regulation of the tour bus traffic in Atlantic County, which may well attract more bus traffic than any other county in the nation. We prescribe the routes which buses must travel, and we set the standards for the bus parking facilities they use. We now require that every bus parking facility provide a place for the drivers to rest as
well as a place for them to eat and to relax. Notwithstanding this, though, there is nothing that can be put into regulations that require the drivers themselves to make use of these facilities.

While primarily aimed at addressing the quality-of-life issues related to bus traffic, our regulations also allow us to assist in the successful enforcement efforts of DOT and the State Police. For example, we require that all approved bus parking lots provide facilities for safety inspections. We encourage those facilities to be used and, in fact, have written into our recent regulations a requirement that if directed by one of motor carrier inspectors to report to a Department of Transportation inspection location, a bus must do that or the driver will be subject to a direct fine for failure to show up. We also require that these lots set aside areas for drivers to rest and refresh themselves before embarking on their important charge.

Mr. Chairman, thank you again for calling the hearing. I’ll be happy to answer any questions that you or the Senators may have on this issue.

SENATOR CIESLA: Thank you, Director.

We’re going to hear from Director Kamin prior to opening up for questions.

Director.

RICHARD KAMIN: Thank you, Mr. Chairman. I only have a couple of points to make in support of the testimony by the Commissioner and the Director, and that is whether it’s through licensing or whether it’s through the inspection programs or whether it’s through training, through education,
it’s a reminder, quite frankly, that all of us when we take our positions behind the wheel how important it is to drive friendly.

SENATOR CIESLA: Thank you very much, Director.
Thank you collectively for your testimony.

But what I didn’t hear and I’m wondering statistically the number of accidents, even though we’ve had six or so in the past -- very close period of time-- How does New Jersey rank statistically with respect to the number of accidents per mile traveled for buses relative to other geographical areas of the United States, if you know?

COMMISSIONER WEINSTEIN: We rank the best. What the actual number is-- I’ve brought with me today the folks in the Department who may have the actual numbers for you on that, Senator. If you’ll give me a moment, I’ll try and get them.

SENATOR CIESLA: At this point, I don’t need to know the actual numbers; although, I would like to have them at some point in the future. What I’m trying to do is to put this in perspective in order to better understand so that the level of action that will be taken as a result of this is appropriate to the observed difficulty. So at some point, you can share that with us, but it was my suspicion that we were among the best in terms of total experience. At some point, it would be nice so that the Committee could have that.

COMMISSIONER WEINSTEIN: We’ll get that to you, Senator. Thank you.

SENATOR CIESLA: That would be great.

Does the Committee have any questions of any of the individuals?
Senator Sacco.

SENATOR SACCO: First, I’m very happy with the fact that this is being taken as seriously as it is and that there is a May deadline, I believe, for placing the regulation into effect. In 1995, the Senate and the Assembly and the Governor signed the Bus Safety Act. I can’t hold you accountable because there are all new people here today, but we’ve wasted almost four years. We knew there was a problem back then. We wanted to free up the State Police so that the DOT could do the inspections. We wanted to increase the fines, but for the most part, the Legislature was ignored. I am happy now that you’re taking this to the next step and that you’re going to be doing it. So I thank you for that on behalf of all of us because we did work hard on that legislation back then. And let’s hope that we make New Jersey even if we are the best -- make it better.

Thank you.

SENATOR CIESLA: Thank you, Senator.

COMMISSIONER WEINSTEIN: Thank you, Senator.

Can I just comment on that?

SENATOR CIESLA: Sure.

COMMISSIONER WEINSTEIN: There are no good excuses for the time that it took to implement those regulations. There were some issues that we had to deal with in going through that. We are the first state in the nation, and that’s created some special challenges of its own. There is no good excuse. That will not happen again. They will be in place in the time frame they were published, and that will not happen again on my watch, Senator.

SENATOR CIESLA: Thank you, Commissioner.
Senator Allen.

SENATOR ALLEN: Executive Director Crawford, I’d like to ask what the experience was with the bus drivers who took the certification course. Were they eager to take it? Did they indicate that they found it helpful? And of the number who didn’t take it, what do you suppose their reasons might have been?

MR. CRAWFORD: Well, I think, Senator, our experience was that we found a great deal of interest among the drivers, especially among those that I consider professional drivers, those who do this as their full-time career. They brought a lot to the sessions. They actually participated very actively in those sessions.

I think that the problems we ran into in terms of those who didn’t come fall into three categories. The first were that there are bus companies that the drivers just weren’t there for the middle of the day activity -- the people who come in late in the afternoon. That’s why we need to run evening and weekend sessions. The second group that don’t come are the-- Most of the companies represented in large numbers were the major companies coming in and out of Atlantic City. The companies that already have training programs for their drivers and where the drivers are professional.

What we didn’t see were a lot of the very small companies in attendance. Now whether that’s because of the timing of it -- January is not one of the biggest months in terms of visits by buses -- I can’t say for certain, but it is one of the reasons we want to make sure we reach out to those companies in particular for the next go-around. And the third issue that comes up in this is simply that there are some drivers who may not qualify as drivers,
know they don’t qualify, and they have chosen not to show up because we were keeping records on everyone who did come through that Program. So we want to be conscious of that, and for that reason, we’ve given to each of the bus companies a complete list of all of their drivers who have attended so that they can begin to work with those who did not attend to find out why they didn’t attend.

SENATOR ALLEN: Is there anyway to find out who the drivers are that don’t qualify, while they are there and waiting for their passengers?

MR. CRAWFORD: Probably not during that immediate time. I would suggest that what we could do is to send back to the bus companies, as we have, of all the drivers who attended and ask them to confirm that each of those drivers is a fully qualified driver.

SENATOR ALLEN: Thank you.

MR. CRAWFORD: That still isn’t going to get those who don’t show up because they know that they themselves are not quality drivers.

SENATOR ALLEN: How do you determine who a fully qualified driver is? Is that something that is apparent with a document that they carry or that can be found out through a computer?

MR. CRAWFORD: It can be found out through a computer. All the bus drivers are required to be CDL licensed, so that they would have to have that. If they’re a New Jersey driver, they would have to have a bus endorsement on their driver’s license.

SENATOR ALLEN: So it would be possible in the future to perhaps use a computer and have somebody -- that you do spot checks or
something. You could find somebody, use your computer and find out that they’re not qualified and immediately take action.

MR. CRAWFORD: The one problem is that probably half of all the drivers who went through that training are not licensed by the State of New Jersey. We have, as you would expect, a very large number of the buses that come in are coming in from New York, Pennsylvania, Delaware, Maryland; and those drivers are licensed in their home states. I’m not sure that we could do that that quickly; although, I’m certainly prepared to work with Director Kamin to see what we can come up with for the future sessions.

MR. KAMIN: There are many programs, Senator, that work beyond the state borders. There’s a commercial driver’s license information system, known as CDLIS, that we work with, and that information is shared. Even though there are the Federal requirements, we in New Jersey watch very carefully those who are registered as drivers here in New Jersey. And if there’s a very, very strong support for sharing of that information between states, so that there aren’t, for example, someone with a home state of Pennsylvania having multiple driver’s licenses, or their privileges might be suspended in one state and they would have what would appear to be a valid, commercial driver’s license in another. Those opportunities virtually are nonexistent because of the shared information, ultimately, of the same kind of benefit for the motoring public with just normal drivers by sharing that information.

SENATOR ALLEN: Just one final question. Do you think it is to the benefit of the State of New Jersey to do any kind of spot inspections on these kinds of documents and whether through the computer, or whatever, to make sure that all of the drivers are, in fact, up to where they need to be?
MR. KAMIN: Absolutely. The regulations adjust for the fines and penalties for there to have proper record keeping. There’s no better way to check the authority of a company than an on-site inspection. As you know, much of that was the thinking behind the implementation of our school bus program, as well, to be able go into the terminals not only check on the drivers, but to also check the vehicle maintenance history for the vehicles registered at that location.

SENATOR ALLEN: Thank you.

SENATOR CIESLA: Senator, they actually said you could check their smart card to find that information out. (laughter)

Senator McNamara.

SENATOR McNAMARA: Commissioner, in reviewing your testimony, I-- We seem to have a tremendous amount of bus and van companies in the state -- over 400. Correct?

COMMISSIONER WEINSTEIN: Yes, Senator.

SENATOR McNAMARA: You go through the process that when-- How many inspectors do we have?

COMMISSIONER WEINSTEIN: We have -- active inspectors at this moment -- 17, Senator, and we’re in the process of hiring 5 more. We have a supervisory staff of 4 above that.

SENATOR McNAMARA: Now, if I understand reading through this, the process is that once a year they get inspected by an inspector, and the second time the company itself inspects their vehicles.

COMMISSIONER WEINSTEIN: That’s correct, Senator, unless they in the normal inspection or in the audit they have found violations, then
it’s possible that they could be put on semiannual or a quarterly basis. And, in fact, we have approximately 60 bus companies in this state that tend to be smaller van and minibus operators who actually have inspections conducted by our inspectors on a quarterly basis.

SENATOR McNAMARA: I guess, that’s what I was interested in. How does the public find out -- maybe a way of raising awareness? If there’s some way that the public can find out, those companies that are on that quarterly inspection because they only get on there if they’ve failed and were there poor maintenance, right? It’s either safety or maintenance.

COMMISSIONER WEINSTEIN: Yes. If there’s a breakdown in maintenance and all that -- Director Kamin can speak to this--  If there’s a breakdown in maintenance, I mean, those buses are red-tagged, and they are not allowed to enter service until they meet the maintenance threshold for a safe vehicle.

SENATOR McNAMARA: But the companies themselves, you’re saying there are some 60 companies in the state -- right? -- which is more than 15 percent of those that are operating that are, in fact, on this compulsory Program because they have not met the criteria that the other companies made. What I’m saying, if the public was aware, I would think they would not choose to use those companies, and that would be a great incentive for them to spend the money in the normal course of doing business to maintain their fleets so that they get off the list.

COMMISSIONER WEINSTEIN: I think, Senator, that perhaps there’s merit in that. I just want to -- in characterizing it as 15 percent, while that is, in fact, 15 percent of the bus companies that are registered, it is not 15
percent of the service. There are companies in this state -- we all know the
names of them -- that have remarkably good safety records. They take great
pride in the maintenance of their vehicles.

SENATOR McNAMARA: Wouldn’t the public be better served, then, if they knew the ones that don’t? Those companies that may be doing 70 percent of the business may end up doing 90 percent. And if they’re the ones that do, in fact, maintain their fleet, do everything 100 percent correct, we’re all better off.

COMMISSIONER WEINSTEIN: Yes. I mean, it would be difficult to argue against what you’re positing here, Senator.

MR. KAMIN: Just to add, Senator, that our mission is, that any time a passenger -- someone from the public -- steps onto a bus, they should have 100 percent assurance that the driver’s properly licensed and trained, that the vehicle is a safe vehicle for transportation. It will be operated and deliver the passenger to where they want to go. That’s our mission 100 percent of the time. The fact that some vehicles or some companies have some failure rates and have become on our watch list does not mean that those vehicles when they’re out operating aren’t, in fact, safe vehicles. We’re holding their feet to the fire, so to speak, so they might not let things slide where -- and see if it would pass inspection. If there’s a chance of whether or not the tires might, say, be 30 percent left wear on, and they say, “Gee, maybe it will pass inspection,” and then they let it happen. Well, the incentive now will be for the companies to make those preventive maintenance decisions so that the vehicles will pass. And the fact that we can keep track of that, I think, leads
to your point. When a bus company is on our watch list, that’s not a pleasant thing for them to have to do. It’s in their best interest to follow the rules, and it’s best for the motoring public as well.

SENATOR McNAMARA: That’s good news. When they’re on the watch list, do you take the time then, also, to check the drivers in those particular ones? Because I would think if a company is well operated and conforms and stays on the self-inspection program because they do it well, they would also take the care to make sure that their drivers are the best. Those companies that are on your watch list, the 60 of them, I’d just be curious if you could get that information back to the Committee, through the Chair, as to when you check those drivers that drive for them, whether their license and credentials are all in order. It may be a place to start.

COMMISSIONER WEINSTEIN: I believe that’s part of the audit process that they--

SENATOR McNAMARA: Oh, good.

COMMISSIONER WEINSTEIN: --go through, Senator, but I’ll get a detailed response to that exactly how it takes place to you shortly.

SENATOR McNAMARA: Thank you.

SENATOR CIESLA: Thank you, Senator.

And again I apologize for the sound system. We did ask for Maintenance to come and check it, and I assume they’re on their way, so please bear with us.

Senator Turner.

SENATOR TURNER: Yes. Thank you, Mr. Chairman.
I’d like to ask the Commissioner, what are the requirements for an individual to receive a commercial driver’s license here in the State of New Jersey?

COMMISSIONER WEINSTEIN: There is a-- It’s actually both an experience and written test that they have to go through. For a bus driver, there has to be a passenger attachment to that, and it’s a fairly extensive process, Senator.

Maybe Director Kamin can give you more details on that.

M R. KAMIN: I can add as well, Senator, that there’s the requirement of physicals. There’s the requirement that the companies for which they drive to check with us and make sure that the license is valid, and that there’s extra training. That’s the passenger endorsement that the Commissioner referenced. It’s a Federal test, and then there’s the behind-the-wheel test as well.

SENATOR TURNER: Are there--

M R. KAMIN: And also -- good point, Jim reminded me -- that also there’s drug testing involved as well, and drivers can be subject to random testing.

SENATOR TURNER: Are we in compliance with the Federal regulations regarding CDL?

M R. KAMIN: Indeed we are. In fact, our laws and regulations exceed the Federal minimums. And that’s why through national associations, like the American Association of Motor Vehicle Administrators, of which I represent the State of New Jersey, and others that the Commissioner
represents the State of New Jersey as well, our Program is looked at as a model.

SENATOR TURNER: I know that the driver in one of the accidents was licensed in New York. However, it was indicated in the press that he was unable to communicate with investigating officers. They had to find a Russian interpreter. And as I read the Federal regulations, it indicated and reads that one must be able to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records. So clearly, this particular driver did not meet those standards. And then I read the 1998 edition of the New Jersey Commercial Driver’s Manual, and it makes no mention of English proficiency requirements. Now, do we in New Jersey have that requirement?

MR. KAMIN: We do. And also the importance of being able to communicate to the passengers or the public in an emergency situation. So it’s not just being able to read. There has to be the ability to communicate is required as well.

SENATOR TURNER: In English?

MR. KAMIN: Yes.

SENATOR TURNER: But you do administer these tests in foreign languages?

MR. KAMIN: We do, but in so doing, there is the requirement that the driver at least recognize international signs and what’s written in English, but the tests could be given in a different language. I know that our
driver’s test is given in 17 languages. I believe the CDL test, I think we give in 4.

SENATOR TURNER: In four languages?
MR. KAMIN: Right.
SENATOR TURNER: They are Spanish and--
MR. KAMIN: There may be two.
SENATOR TURNER: Two.
MR. KAMIN: English and Spanish. I think it’s only the two.
SENATOR TURNER: I think I saw two in the manual.

In view of these standards and the accidents that we’ve seen, do you believe that we have a sufficient standard of requirements for a CDL here in the State of New Jersey? Do you think there is a need to update it?

MR. KAMIN: Well, as the Commissioner mentioned, that’s why there’s the benefit for this type of a hearing. If there’s anything more that we can do and we can reasonably apply to our Program, we will. So it’s under constant review, the fact that we share information not only from the driving and learning experience here in New Jersey, but with the several states, in fact, all of North America.

SENATOR TURNER: I also recall, I think, at least one or more of the drivers had some violations on their licenses. Is that correct?

MR. KAMIN: We can get-- Those drivers’ records are public information. That would, perhaps, be-- Since those accidents are still under investigation, I might defer to Colonel Williams for those details at the appropriate time.
COMMISSIONER WEINSTEIN: That is, Senator, one of the issues, frankly, that we’ve had some discussions with the motor bus operators on how violations -- while drivers are required to report violations under the operating procedures of the companies, making sure that the operators, the company officials, management, know is an issue that we’re trying to figure out a very effective and maybe more effective way of making sure that the management of the company understands that there are issues. If there’s a violation issued, that the management knows on a timely basis.

SENATOR TURNER: I think, we, too, in the State of New Jersey in Motor Vehicles should be aware of those violations and make sure that people are not driving if they, in fact, have accumulated a number of violations, particularly driving buses where so many passengers’ safety is at stake.

COMMISSIONER WEINSTEIN: I agree with that Senator.

MR. KAMIN: We do, and I might add that South Jersey Transportation Authority, Executive Director Crawford, in fact, when tickets are issued, they have a way to communicating that to the company so that the company learns directly from the Authority that the tickets have been issued. There’s also the ability that exists now for bus companies, if they so choose, to hire a private contractor who is under an arrangement with the Division of Motor Vehicles to check on whether or not a licensed driver is in good standing. For example, if you were to go in to rent a car at Newark Airport or in the tristate region, through some vendors who are authorized to get a yes or no, the driver’s in good standing information from us, can very quickly on line check that for a small fee. So that technology is there.
Most bus companies utilize fairly regularly, check quarterly, semiannually of making sure their drivers are in good standing. There’s nothing more important to that carrier than their reputation and the people behind them. This is a service business. It’s a competitive business, so they care about their drivers.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Thank you, Senator.

Senator Allen, one last question.

SENATOR ALLEN: Once they pass the test initially and become a certified driver, other than the refresher course that you’re offering which they do not have to take, are they ever asked to pass anything again? Are they ever looked at again to see whether they continue to meet the standards?

MR. KAMIN: There’s the annual physicals, the drug requirements, and then, of course, the renewal process that we are responsible for, for the 300,000 commercial driver’s licenses here in New Jersey.

SENATOR ALLEN: What do they have to do for that renewal process?

MR. KAMIN: Pass the physical and the drug testing.

SENATOR ALLEN: So there’s none of the driving pieces are a part of it at all?

MR. KAMIN: No.

COMMISSIONER WEINSTEIN: No. I think the major operators have ongoing programs, quality assurance programs, that go to training, that go to review of their driver’s records, those things that help
assure in a management structure that they’re running a safe service and that
their drivers are well qualified.

MR. KAMIN: And as the Federal regulations change or state laws change, the driver’s responsible for having a full understanding of that. Those documents remain available to the bus companies so that the drivers, by virtue of holding that license, there are certain responsibilities and obligations that they must adhere to.

SENATOR ALLEN: But we don’t know if they do actually. You talk about the major operators, what about the minor operators? Seem to be those are the ones whose drivers, perhaps, didn’t take advantage of the refresher course, and do they, in fact, have the same kind of programs within their companies to make sure that their drivers tow the line?

MR. CRAWFORD: Senator, the answer to that would vary depending on the companies. I don’t want it to appear that just because a company is small that it doesn’t have an extensive training program because, in fact, some of the smallest companies have some of the best programs. But, yes, there are companies that do not have such programs, and the only thing they check is that, yes, this person has a CDL, that it’s a current CDL, they’ve passed their physical, and they know how to drive a bus.

SENATOR ALLEN: If you’re a bus driver and you take another job for a few years and then you decide to go back, do you have to go through the whole test, or do you just--

MR. KAMIN: If the license were to lapse, I believe, for longer than a period of three years, then there would be the requirement of the whole new test again. But as long as you keep it in good standing--
SENATOR ALLEN: Have the physical and pay the check.

MR. KAMIN: --even between states-- Yes.

MR. CRAWFORD: Senator, it should be pointed out, you don’t actually have to be actively employed as a bus driver to maintain that bus license.

SENATOR ALLEN: All right, thank you.

SENATOR CIESLA: Thank you very much, gentlemen. We appreciate the information.

MR. KAMIN: Thank you, Senator.

SENATOR CIESLA: The next individual to testify, I believe, has arrived. It’s Senate President Don DiFrancesco.

Did you come by bus?

SENATE PRESIDENT DONALD T. DI FRANCESCO: Ciesla, from Ocean County, yes.

SENATOR CIESLA: Welcome.

SENATE PRESIDENT DiFRANCESCO: I was there last night--

SENATOR CIESLA: I know.

SENATE PRESIDENT DiFRANCESCO: --looking for you.

SENATOR CIESLA: I was in the back of the room.

SENATE PRESIDENT DiFRANCESCO: I told them you were there.

SENATOR CIESLA: Welcome, Don.

SENATE PRESIDENT DiFRANCESCO: Good morning.

Is it on? (referring to PA microphone)

SENATOR CIESLA: Yes. Red means on.
SENATE PRESIDENT DiFRANCESCO: Thanks for waiting for me. I had a meeting at 10:00 with the Governor, and she's restricted in how often she can meet, so I didn’t want to adjust that. I want to thank you for being here and undertaking what I think is a very important task and a very-- And I think it’s going to be difficult because I’m asking this Committee to look at the laws, the regulations, and the standards that we have, and perhaps, that other jurisdictions have in order to see how those standards relate to bus safety in New Jersey on our roadways. So the impetus for this, you all know, goes back to December when there were three serious bus accidents leaving eight people dead, dozens injured, and a countless number of bus riders very fearful, very fearful to board buses. And, of course, wouldn’t you know it, sadly enough, two incidences occurred just two days ago, again, so that there has seemed to be an ongoing number of bus accidents.

I think we’re all in agreement that New Jersey’s road safety records are very respectable. In fact, I believe we’ve been a leader and at the forefront of transportation safety in a number of areas, but that isn’t to say, however, that we are above review and beyond calling for a comprehensive look at what, if anything, can be done to make the roads safe for buses, for its drivers, and literally, for the thousands that use the buses in New Jersey. So it’s my hope that this Committee will take this opportunity to examine what’s already in place from inspections to enforcement with an eye toward its effectiveness in keeping our roads safe.

Equally important, however, I believe, are-- I would hope that any flaws or gaps in our laws and regulations will be uncovered, and as an end result of this hearing, recommendations for change and improvement will be
provided to the Legislature and to the Governor. And you all know that as time passes, there’s always room for improvement, there’s always recognition of changing times, things that, perhaps, can be done to improve in all areas, but particularly, where we’re talking about road safety.

    Now, as a corridor state, of course, there are a tremendous number of vehicles that pass through our state but don’t necessarily have to meet our standards.

    And, of course, Hank, you being from Bergen County, you know that better than anybody.

    As such, I recognize there are limitations on how we oversee operators and others who are beyond our borders. So it would be most useful, I think, and responsible if the legislators and the regulators in our neighboring states would undertake their own safety reviews so that our roads that we share can be improved at large.

    So, again, I know that you can only do what jurisdiction you have to do, and I thank you for taking the time and the effort to bring a coherent, I think, and a comprehensive focus to an issue that was suddenly and tragically brought to our attention just a few short weeks ago.

    That’s all I have to say. I want to thank you all once again for doing this and for listening to the people that will come here. Hopefully, you will get a good feel for at least today for what we have and, perhaps, where we have to go.

    Mr. Chairman.

    SENATOR CIESLA: Thank you. Thank you, Don. Thank you for your comments and thank you for the opportunity to look at the situation
in New Jersey, which obviously, as you correctly state, continues to change and probably can be improved in some way. Hopefully, as a result of this hearing, and perhaps others that are going to come, we’ll be able to make some recommendations to you, put it in legislation, and make New Jersey even better than it is today.

SENATE PRESIDENT DiFRANCESCO: Now, it was my understanding back then, Senator, that the Federal authorities were going to do a lengthy investigation, but that it would take six months, not unlike their other investigations that have a high profile like airplane accidents, before they would actually put into writing recommendations. Now, I don’t know if that is accurate, but that’s what I was told. So, again, I’m hoping that these same Federal authorities will cooperate with you in giving you information that they have gathered so that you can utilize their expertise in drawing these conclusions, too.

I’m not sure -- perhaps, the Commissioner knows more about that part of it than I do -- but they have not had contact with me since that time in December. So, hopefully, they will be helpful to us. I know they have people in New Jersey, as they do all over the country, and that they’ll be a very useful resource to this Committee.

Thank you.

SENATOR CIESLA: Thank you. Thank you, Senate President. I know from third parties that they are here in New Jersey. They haven’t shared any direct information with me as the Chairman of the Committee. I am, also, looking forward to whatever their findings are. Hopefully, we can incorporate it into whatever we’re going to recommend to
the Legislature. Again, I’m certain that whatever we do, it’s going to make it a little bit better than what we currently experience.

SENATE PRESIDENT DiFRANCESCO: Thank you. Thanks.
SENATOR CIESLA: Any Committee comments? (no response)
Seeing none, thank you very much.
SENATE PRESIDENT DiFRANCESCO: Thank you.
SENATOR CIESLA: I appreciate your taking the time to come and share your thoughts with us.
SENATE PRESIDENT DiFRANCESCO: Thanks.
SENATOR CIESLA: Our next witness will be Colonel Carl Williams with the New Jersey State Police.

Colonel.

Good morning.

COLONEL CARL A. WILLIAMS JR.: Good morning, sir, and Senators. Before I begin my testimony, I’d like to introduce the two troopers that are with me today. To my left is Lieutenant Ron Small, who is the Unit Supervisor of our Commercial Vehicle/Bus Inspection Units, and to my right is Sergeant John Herman, who is the NCO in charge of the Carneys Point CVI Inspection Station, down off of 295 in South Jersey, and he is also a renown commercial vehicle/bus inspector, who has gone throughout the United States offering testimony and also teaching other CVI inspectors how to do their job. They will be available to answer any of the technical questions that you might have at the end of my testimony.

SENATOR CIESLA: Thank you.
COLONEL WILLIAMS: Our purpose this morning is to address not only the December 24, 1998, fatal bus crash involving a New York-registered motor coach on the Garden State Parkway, but also the subsequent motor coach crashes, including two which occurred on Tuesday night of this week. While only one fatality occurred as a result of the later crashes, a significant number of people sustained various levels of injury. These events concern me greatly and remain the focus of enhanced enforcement and investigative attention by the New Jersey State Police.

From an enforcement point of view, I can assure you that safety is our primary goal. The New Jersey State Police, along with the Division of Highway and Traffic Safety, has several crash reduction programs in place. They are the Aggressive Driver Enforcement Program, which is designed to detect anyone who operates their vehicle in a manner which creates an unsafe driving environment, and the 65-mph Speed Enforcement Program with the overall objective to ensure compliance with the new 65-mph speed limit.

The State Police have also initiated numerous other programs which are more traditional in nature such as patrols, our tactical patrols, our use of unmarked vehicles and stealth vehicles, our saturation and increased holiday enforcement activities, and weight enforcement and safety inspection details directed at commercial vehicles and motor coaches. Additionally, the State Police Traffic Bureau has put in place various programs which specifically target commercial vehicles and motor coach enforcement.

As the New Jersey Department of Transportation has already indicated in their presentation, New Jersey has one of the best bus safety programs in the United States. In fact, New Jersey always has been in the
foreground of commercial vehicle enforcement. As early as 1992, we realized the need for an increased commitment to motor coach safety. Indeed, New Jersey was one of the five pioneer states to use Motor Carrier Safety Assistance Program funds for the purchase of portable inspection ramps to conduct full-scale Level I roadside inspections of motor coaches. The other states being California, Idaho, Nebraska, and Pennsylvania.

The result of this initial inspection program was a 30 percent increase in the out-of-service rate for roadside inspections. When I refer to out-of-service, I mean a mechanical condition which likely cause a commercial vehicle to crash or to breakdown.

The New Jersey State Police and the New Jersey Department of Transportation conduct enroute inspections on motor coaches year-round on the Garden State Parkway and the Atlantic City Expressway, the main traffic corridors to Atlantic City. Additionally, the Great Adventure Amusement Park and the Meadowland Sport Complex provide additional sites for inspections, due to the fact that they are primary motor coach destinations. Both the State Police and the DOT conduct inspections at these locations when they are in operation.

One of our more intense operations takes place in Atlantic City, where destination inspections are performed at two locations along Route 322. Many motor coach owners and operators confuse these inspections with the Herbertsville enroute inspection operation on the Garden State Parkway. Because New Jersey conducts more motor coach inspections than any other state, we are the recipient of many complaints from the industry. Some members of the industry feel that we are interfering with their commercial
ventures in and out of Atlantic City. This could not be further from the truth, since passenger safety and crash avoidance are our primary goals.

During a destination inspection, the passengers have already been delivered to their destination. In June of 1999 (sic), during an operation in Atlantic City, inspection teams developed information that some motor coach drivers were remaining in the city after dropping off passengers to avoid being inspected. Generally, drivers proceed to locations other than the downtown area and park until it is time to pickup their passengers. Members of the Commercial Carrier Safety Inspection Unit went into the Atlantic City area and escorted those vehicles to the location where the inspections were being conducted.

I might add, this behavior is not typical of carriers as a whole, but it is indicative of those companies with less than satisfactory compliance histories. I would like, also, to point out that just as these operators network to avoid inspection, other carriers have a network of communication through CB radios designed to thwart speed enforcement efforts of the New Jersey State Police and other enforcement agencies. We will endeavor to find new methods of combating these and enhance our enforcement results.

Even before this recent unfortunate series of crashes, the State Police was reviewing a plan to create a dedicated motor coach inspection squad. Presently, members of the State Police Commercial Carrier Safety Inspection Unit perform in dual capacities conducting commercial vehicle inspections and weight enforcement for trucks and motor coaches. The proposed new squad would channel its efforts toward motor coach activity and compliance review. Our Carneys Point Weigh Station in South Jersey, which
opened in September of 1999 (sic), provides us with the capability for inspecting motor coaches, as well as weighing and inspecting trucks.

Finally, as in any area of law enforcement, our job is made easier when we have cooperation, and I underline that word, cooperation. In this case, we need cooperation from industry and the public, namely, motor carriers and the passengers who ride those motor coaches. It has been alleged that passengers tip drivers in order to entice them to drive faster so they will arrive at their destination more quickly. If this is true, this practice should be stopped at once in that it may enhance the violation of motor vehicles laws and compromise safety.

The New Jersey State Police will continue to work with both Federal, State, and local agencies to further enhance our commitment to safety. We will continue to review our existing enforcement strategies and will develop new programs, as necessary, to enhance and remain proactive.

Thank you very much, sir, and we're open for any questions.

SENATOR CIESLA: Thank you, Colonel.

Senator Turner.

SENATOR TURNER: Yes, thank you, Mr. Chair.

I’d like to ask, in view of the fact that most of the buses it seems have Atlantic City as the destination point, would it make sense to have a facility located in Atlantic City rather than having it located in Brick, which is off the beaten path, so to speak, and you have all of these passengers on that bus, and the drivers have a lot of downtime waiting in Atlantic City? Would it not make sense to open a facility there to accommodate these inspections?
COLONEL WILLIAMS: Senator, we do have two facilities in Atlantic City off of Route 322 where we actually do the buses. Those are when we do the destination-type inspections, when the bus has already arrived at Atlantic City. We do it right there at that point. So we do have two locations in Atlantic City where the DOT and our troopers do inspect the buses.

The one on the Parkway is more or less a ride-through type of inspection where the bus is brought over and a quick visual and a check of the credentials is made, but the bus is not tied up so it allows the passengers to reach their destination. But like I say, once they do get to Atlantic City, we do have those two facilities where we bring them back out.

SENATOR TURNER: In your inspections, how often is it that you find that the buses have some mechanical problems or some violations?

COLONEL WILLIAMS: How about if I let Sergeant Herman answer that.

SERGEANT JOHN HERMAN: Senator, when we do Level II inspections, which are a complete inspection, other than the undercarriage of the vehicle, a driver check, and a walk-around inspection of the vehicle, the out-of-service rate is between 8 percent and 10 percent. When we inspect the vehicles using the portable ramps where we elevate the bus and inspect the frame and the undercarriage of the bus including the entire braking system, it rises to between 30 percent and 35 percent out-of-service rate.

SENATOR TURNER: Thirty-five percent out of service?

SERGEANT HERMAN: That’s correct.

SENATOR TURNER: And what do you do in those cases?
SERGEANT HERMAN: When those vehicles are placed-- in Atlantic City area where we have the destination inspections, Senators, the driver is allowed to make a phone call. Usually they have a cellular phone, or we make arrangements to escort the driver to an area where he can contact his company, and they are provided that window of four to six hours to either provide another motor coach for the transportation of their passengers or to take necessary corrective actions.

SENATOR TURNER: On that level, 35 percent, is that more the exception than the rule in terms of buses being that deficient?

SERGEANT HERMAN: I would think, Senator, if you looked at the statistics over the last six months, which we don’t have yet, you’d find that that’s probably gone down. The inspections that we’re performing have had a result in Atlantic City, and we’re finding a little bit less. When we do use the ramps, I would say that you’re going to find that that would be the exception. About 30 percent is a good figure of the bus being placed out of service.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Are there any other questions? (no response)

Colonel, I have one question, and it has to do with the rate of speed because I know that that will be a topic today. Just giving my casual observations from driving on the Parkway -- everybody, obviously, has them -- it seems that when the speed limits were raised to 65, there actually was a net decrease in the speed on the Parkway because of, I would imagine, your directive to enforce close to a zero tolerance rule. Since that time, it seemed to have crept up again, and I’m wondering if there is any recommendation
from your office as to whether or not speed is something that needs to be addressed by this particular body as it relates to differential between buses and vehicles that use the roadways?

COLONEL WILLIAMS: Well, Senator, in conversation with our traffic people, we-- At this time, we are not in favor of a differential between different sizes of vehicles, different types of vehicles. We feel that we're in the middle of our test period for the 65-mph speed limit statewide, and that we need some more statistics to look at. It's a program that we think is working in New Jersey, and we'd like a little more time for it to go its roots, so to speak, and have some more statistics available before we make a decision. But as I said, amongst ourselves--

Lieutenant Small can chime in here with regards to the differentiation in speed. When you put several different vehicles out on the road and you have one moving at one speed and another at another, I think you're, in my personal opinion, asking for a little more havoc on the highway.

Ron.

LIEUTENANT RONALD SMALL: As far as the differential with speed, it also has to do with driver attitude. A lot of times since we've seen the 65-mph program instituted, the drivers are able to move along sort of, like, with the speed limit, cutting down on the frustration. The other thing has to do with the signage on the road. It seems like when they get into an area where the signs indicate a difference in fines, they seem to obey the limits a little more closely.

SENATOR CIESLA: One last question. There was some reference in your testimony to caravanning, using CBs in order to avoid enforcement for
speeding. With the introduction of cellular phones and other technology, has that been -- do you experience that as being an impediment as well? In other words, one driver leading a convoy, in effect, notifying the balance of your location.

COLONEL WILLIAMS: You’re correct, Senator.

Sergeant Herman can speak to that directly.

SERGEANT HERMAN: Senator, as the Colonel addressed, during the summer of 1998 in June, we were set up on U.S. 322, and as a result of information from drivers that we were inspecting of other drivers loitering in the Atlantic City area when we were set up, we came back within a day or two and went into the city, and we actually pulled out some of these buses that were parked on the side of the road that appeared to be in need of inspection. We did find that there were avoiding us.

We also found out that when we run the commercial vehicle aggressive driving details, which we run on random times through the year out of the Commercial Carrier Safety Inspection Unit, that the troopers in the Commercial Carrier Unit equipped with CBs do hear a networking of their setup, as has always been the case. That’s not something that’s new, but it becomes more prevalent that there’s a certain group of drivers that are more than willing to comply with the speed limit, and then there’s the attitude group that Lieutenant Small was talking about that want to get there quickly and regardless of their cargo, which is in this case human lives, are willing to compromise by use of cellular phone, by use of the CB, by use of the radar detectors.

SENATOR CIESLA: Thank you very much.
Senator.

SENSOR TURNER: Yes. In view of these recent accidents, there has been considerable discussion regarding seat belts, whether or not commercial buses should be required to have seat belts. What research or what is your opinion regarding mandatory seat belts on commercial buses?

COLONEL WILLIAMS: Lieutenant Small will answer that.

LIEUTENANT SMALL: There's always an issue of requiring seat belts of enforcement. I'll defer to Sergeant Herman. He'll tell you some of his experiences with the seat belts and the requirements of seat belts on motor coaches, as well as possibly even school buses.

SERGEANT HERMAN: Senator, in September of 1994, New Jersey instituted one of the toughest seat belt policies for their school buses. Any new buses that came out of a manufacturer, the children are required to be equipped with seat belts. A discussion came up of concern among the drivers -- I spoke at several school districts -- and the concern for the drivers was, who's responsible if there's an accident and children aren't wearing their seat belts? Not all of our districts can afford the student aides. It also becomes a question in motor coach as -- that would have to be addressed by the Legislature if they wanted to enforce mandatory seat belts that -- where would the enforcement lie? Would it be an obligation on the carrier to make sure before he proceeded that all of the passengers had their seat belt? If they belted them up before the enforcement agent got on the motor coach, it's obviously a very good idea if we have everybody restrained in their seat. That would be ideal, but the enforceability of it comes into question as to who is
responsible and then the legal liability if they’re not wearing them. So it’s something that would have to be looked at and studied in extent.

SENATOR TURNER: Thank you.

SENATOR CIESLA: Thank you, Senator Turner.

Thank you, gentlemen. We appreciate your testimony.

COLONEL WILLIAMS: Thank you, sir.

SENATOR CIESLA: Senator Joseph Vitale.

Good morning, Senator.

SENATOR JOSEPH F. VITALE: Good morning. How are you?

SENATOR CIESLA: Good. Thank you.

SENATOR VITALE: Good to be here and to see all of you.

I just want to, first, thank obviously the Chair and Senator DiFrancesco and all the members for being here today and addressing what is in response to a series of crashes involving passenger buses and, in general, discuss the process by which the State ensures overall passenger and driver safety. In addition to other steps the State must take to ensure safer roads, I urge you to consider the possibility of lowering the speed limit for school buses, other passenger buses, and the large trucks that travel upon our limited-access highways and interstates.

So on the outset, I would like to recognize one main concern that some transportation advocates, including the Commissioner and Superintendent of State Police, express regarding split speed limits. That is that variances in speed, for example, cars limited to 65 mph and trucks limited to 55 mph, interact at dangerous levels. I believe that in part my testimony
and documented information that I have provided to you this morning will begin to address that very important concern.

When the Legislature raised the speed limit from 55 to 65, the State not only raised the limits for competent drivers with safe cars, it also raised it for poor drivers, chronic offenders, and the most inexperienced drivers, teenagers. Similarly, we raised the speed limit for trucks and buses. Now, all types of drivers with varying degrees of ability in automobiles, in trucks, and buses with random degrees of performance are thrown together on the highways of our state.

I recognize that there is very little sentiment at this time to revert to the maximum 55 mph for all vehicles, but I believe it is reasonable and responsible to consider doing so for buses and large trucks. I believe that all of us have a large degree of common sense when it comes to the physics of size and speed. As New Jerseyans, we spend a great deal of our time in our automobiles observing the driving habits and speeds of all vehicles, and so our opinions are more than just anecdotal. They are based on real experience as well as technical data. Therefore, I don’t believe that I’m going out on a limb when I say that we can all agree that buses and trucks cannot stop as quickly, avoid other vehicles in emergency situations as competently, or perform in inclement weather as capably as passenger cars. And, unfortunately, when they do crash, it seems that the price is higher in injury and death.

To support my position on split speed limits, I have provided to you a technical summary by the U.S. Department of Transportation, Federal Highway Administration, and a listing of states with split speed limits and with same speed limits. Those states with split speed limits -- it’s a tongue twister --
are Arkansas, California, Texas, Oregon, Washington State, Michigan, Indiana, Florida, Ohio, and Connecticut. Montana, which does not have a speed limit for passenger cars, at least has the common sense to have a limit for buses and trucks.

The primary purpose of the research by the Department of Transportation was to determine whether differential speeds are more beneficial to transportation safety and traffic operations on interstate highways. The summary was issued in May of 1994 and is the most recent Federal study available. Within the study’s summary, four important conclusions stand out.

For states with different speed limits for cars and trucks, the percentage of car into truck rear-end accidents was 26 percent greater when compared to uniform speed limit states. However -- and I think this is an interesting statistic -- in states with similar speed limits, truck into car accidents were greater for rear-end collisions by 57 percent, sideswipes by 41 percent, and other collision types by 103 percent. The analysis of accident severity showed that uniform and differential speed limit states have the same fatal accident proportion; however, the injury accident proportion was 18 percent greater in uniform speed limit states. And lastly, the 65-55 speed limit does result in fewer trucks exceeding 70 mph. And I would just add that that may very well apply to buses.

I have provided a draft of legislation that provides the specific details that will lower the speed limit for passenger buses and other commercial vehicles. Briefly, the proposed legislation breaks down this way: “Commercial motor vehicle means a motor vehicle or combination of motor vehicles used or
designed to transport passengers or property on a highway and includes a motor vehicle: having a gross vehicle weight rating, GVWR, of 10,001 or more pounds or displaying a GVW rating of 10,001 or more pounds; having a gross combination weight rating of 10,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,001 or more pounds; designed to transport 16 or more passengers including the driver; designed to transport 8 or more, but less than 16 persons, including the driver and used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment; or transporting or used in the transportation of hazardous materials and required to be placarded in accordance with the rules of the Department of Transportation or displaying a hazardous material placard.”

This legislation does not include recreational vehicles or other vehicles exempted by rule or regulation.

In closing, I would like to add that any reduction in speed limits for buses and trucks is not a reflection on the abilities of those who operate them, the vast majority of whom are extremely competent individuals who will go about their trade safely and professionally. It is, though, as I stated earlier, a matter of passenger, bus, and large trucks’ ability to perform at higher speeds in all situations.

Just an addition. I had earlier comments and had some conversations with some of the professionals, and some had indicated that their states were considering rolling back their split speed limit to a uniform speed limit. The states that I’ve contacted, including Michigan and Ohio and Connecticut, their departments of transportation, they’re pleased with the way
that their process works just in terms of passenger and driver safety. So I just thought I would throw that in as an add on, as I’ve heard the testimony earlier.

SENATOR CIESLA: Thank you, Senator.

Certainly some interesting information, and I know information that will be considered as we continue to move forward. Thank you for presenting it.

SENATOR VITALE: I just want to say that -- I appreciate just another second -- I understand that the Superintendent and the Commissioner and others honestly -- they believe that varying speed limits are not helpful. And I just think that this at some level starts to engage the dialogue because, if the Federal government is saying that it works, let’s look at the information honestly, and I think they’re honest men. Clearly, members of this Committee work hard, and we’ll sort of sum it all up and see if we can come up with a real solution to this issue and others that you’ve talked about today.

SENATOR CIESLA: We agree with you, Senator.

Senator Allen.

SENATOR ALLEN: The Commissioner cited a number of studies that indicated that differential speed limits might increase a number of different types of accidents. I note that two that he cited were prior in date to the one that you cited. My guess is that there are others. Are you intending to gather every study that’s been done? And if you have done that, or are doing that, could you provide them all to the Committee?

SENATOR VITALE: Sure. My conversation with the Department in Washington, yesterday, they indicated they’re just about to undertake a new study using Michigan as the model. They’re another state
with split speed limits. We’re happy with their speed limits, but they are part of that government study -- the Federal government study -- that’s about to be undertaken shortly.

SENATOR ALLEN: Thank you.

SENATOR VITALE: Sure.

SENATOR CIESLA: Did you ever drive in Montana?

SENATOR VITALE: No.

SENATOR CIESLA: It’s an interesting experience.

SENATOR VITALE: I’m sure. Well, if you have a tank in Montana, you can drive at any speed you like -- carte blanche. (laughter)

SENATOR CIESLA: Thank you, Senator.

SENATOR VITALE: Thank you.

SENATOR CIESLA: Carol Katz from the New Jersey Motor Bus Association.

CAROL KATZ: Good morning, Mr. Chairman, members of the Committee.

SENATOR CIESLA: Good morning.

M.S. KATZ: Thank you very much for this opportunity. I’m Carol Katz from Public Strategies Impact. I’m here on behalf of the New Jersey Motor Bus Association. With me is John Solomita, Independent Bus Company, and Gary Mariano, President of Suburban Transit, which is a Coach U.S.A. Company. I will deliver a brief statement, and John will make some brief comments, and we’ll all be available for your questions.

SENATOR CIESLA: Very good.
M.S. KATZ: The New Jersey Motor Bus Association, which represents the private motor bus operators, believes that good safety practices and the vigilant practice of bus maintenance are vitally important. That’s why we’ve always supported and we continue to support active and aggressive enforcement of bus safety regulations. Thousands of New Jerseyans ride our buses every day to work and play. Buses are key to a thriving tourism industry, and they bring thousands of people to Atlantic City who might not otherwise come. Once more, they help the State to meet increasingly strict clean air requirements by encouraging people to leave their cars at home.

We are proud of our members’ excellent safety records. In fact, in terms of passenger miles traveled, buses are the safest vehicles on the road, and I will—Attached to our statement, we have included some statistics from the U.S. DOT, which show that the occupant fatality rate for all buses in 1996, which is the latest year on this DOT chart, was 0.9 fatalities per 100 million vehicle miles. This is nationwide.

We did a rough, back-of-the-envelope calculation this morning, and if you figure there are about 40 passengers per bus, which I’m told is a pretty good estimate, that’s 0.9 fatalities, our estimate, per 4 billion passenger miles in 1996. Every fatality is a tragedy, and we’re always eager to identify opportunities to enhance our safety practices, but those statistics are pretty remarkable.

You’ve already heard from the State DOT about our inspection and maintenance requirements. Buses are subject to twice yearly inspection by the DOT. For operators with a good safety history, that usually entails one inspection by the DOT and one self-inspection. Some companies are inspected
twice yearly by the DOT. Our members, who also incur the cost of aggressive
maintenance programs, supported a significant increase in bus inspection fees
in 1993 when the inspection program was threatened in order to keep that
program going. In spite of the fact that such fees place an added burden on
private operators, we supported them because we do believe in frequent and
thorough inspections by the DOT.

It’s important for the State to ensure that all buses are held to the
State’s stringent maintenance standards, and they are stringent, and that those
standards are enforced actively and evenhandedly for all operators, whether
they’re public or private, regulated or unregulated, and whenever they run and
wherever they go.

In addition to garage inspections, buses are subject to random
roadside inspections. Since passage of the Bus Safety Compliance Act, the
DOT has stepped up both the frequency and the randomness of the roadside
inspections. The DOT is aggressively inspecting Atlantic City-bound buses at
the inspection stations set up at Exit 94 of the Parkway, and the station is
opened, I think, three or four times per week; and all buses must stop there
when it’s open.

We’re especially pleased about the more random nature of the
inspections, as that’s something we had specifically suggested when the
Legislature was considering the Bus Safety Compliance Act. Prior to the Bus
Safety Compliance Act, the DOT inspected buses on the Parkway only on
weekday mornings, but the current system allows for inspection of most of the
unregulated operators who go to Atlantic City on Friday and Saturday nights.
It's actually more urgent for those buses, which in many cases are not subject to the State's inspections, face random inspections.

We've maintained our support for the roadside inspections in spite of the fact that we would have preferred to see more inspections take place in Atlantic City after passengers are dropped off, rather than on the Parkway or the Atlantic City Expressway, where our passengers do have to wait for the completion of the inspection; and when a bus is taken out of service, where they have to wait for a new bus to be sent for.

We believe that it makes eminent sense to flag down buses not at a DOT facility fixed at one location on the Parkway, but as they enter Atlantic City itself. State Troopers could hand out summonses to buses on a random basis as they enter the city requiring them to report for inspection after discharging their passengers at the destination. If the bus fails inspection, the company would have time to send a replacement without delaying the passengers, and buses that don't report for inspection should be penalized appropriately.

Conducting these inspections in Atlantic City after the passengers are dropped off wouldn't just minimize the inconvenience to our passengers, but it would also ensure that buses that travel on roads other than the two major arteries to Atlantic City are also inspected. In addition, and this is really important from a safety perspective, the State would be able to conduct more inspections and more thorough inspections if they did more in Atlantic City.

We'd also like to point out that all of our members ensure that their drivers are in compliance with all applicable Federal and State safety regulations, and that they receive proper training prior to starting employment.
This process includes a road test, a written examination, a physical examination, a drug and alcohol test, previous employment reference checks, Motor Vehicle driver abstract reviews, and classroom and road training.

According to Federal law, companies must require and drivers must complete prior on-duty statements to monitor their working hours. Unfortunately, the U.S. DOT compliance inspections are extremely rare. We believe that the State would benefit greatly from the establishment of a regulatory group to audit driver safety compliance, such as logs, hours of service violations, medical exams, etc., at individual bus companies. At present, there is no manpower for this function.

We think there may be opportunities for other improvements to bus safety through technological innovations that would allow the DOT or State Police to flag down buses that are more likely to have violations than others with a clean record. We have been told that this may be possible using scanning equipment. I’m not terribly familiar with this technology, but we have heard about it, and it may be something that the Committee might find valuable to look into.

In addition, new technological developments of the DOT may allow it to provide bus companies with lists of drivers whose licenses are suspended. Currently, we run a driver’s history periodically, most of us do it quarterly. But if a driver’s license is suspended in the interim and he doesn’t tell us about it, we’re not currently notified. The DMV has welcomed our suggestions on this front and is working with us to try to accomplish it.

We would like to comment briefly on two other possible measures that have been discussed. We would not object to requiring seat belts in new
buses if the independent agencies studying them conclude that they are necessary and can be properly engineered to be effective. We do understand that some serious questions about their necessity or effectiveness have been raised, and that other safety features such as a bus’s size and seat engineering may matter more. We would also not like to have the driver be required to see to it that passengers are wearing their seat belts, as he should be concentrating on the road, not on passengers’ behavior. And we don’t think that they would work on local transit buses, which -- where buses travel slowly anyway and where people sometimes have to stand.

Nor would we object to a 55-mph speed limit if you should determine that it would, in fact, make the road safer. We are somewhat concerned that an uneven flow of traffic with buses traveling at 55 and others traveling at 65 might cause more accidents than it would prevent. And we would also ask you to keep in mind that if buses are considered by the commuting public to be a slower alternative than cars, they may opt to use their cars more frequently. That could work against the State’s goals not only for cleaner air, but for safe roads if our highways become even more congested, but if your analysis proves otherwise, we wouldn’t oppose this lower speed limit.

The overwhelming number of buses operate responsibly ferrying thousands of passengers in safety and comfort to go to work or to enjoy Atlantic City and other parts of our state every day.

We thank you very much for the invitation to speak today, and we would be happy to answer any questions.
And I’ll let John just briefly talk about the DOT inspections and some statistics.

**JOHN SOLOMITA:** Good afternoon.

Carol spoke about our concerns, and obviously, it’s no comfort to anybody to have a tragedy in their family to point to statistics. Certainly, things that are happening out there are tragedies when they do occur. From a statistical point of view, buses appear to be one of the safer modes of transportation in the country. Of the fatalities recorded in 1997, less than one quarter of 1 percent of buses; certainly 0.9 for every 4 billion passenger miles is obviously something very specific and significant. With other modes of transportation, their numbers, according to the United States Department of Transportation, are much higher. We have trucks having over 5000; passengers cars over 32,000 fatalities.

Certainly, we would like to talk about briefly the idea of the vehicle versus the driver. Certainly, I think anybody who is familiar with the DOT in the State of New Jersey could really have a lot respect for this organization, as a company that operates buses. We have every transit-type bus in the north part of the state. The DOT does an remarkable job. They are extremely thorough. They’re fantastic in what they’re doing to protect the people of this state. There are times sometimes when you might be putting on a new brake lining, something’s that brand-new going on the bus, and they will come out and sometimes see a manufacturing problem that you would be totally unaware of. I think from a hardware point of view, if I could use that word, the New Jersey Department of Transportation does really a remarkable job.
From our point of view, as providers of public transportation, I’d just like to make a point that besides providing a service, you know, with ourselves, we’re also consumers of the service. I live up the block from Senator McNamara. My sons are out at Eisenhower School. They’re going on field trips all the time. One time when they had to go on one of those a few days, I dropped my son off, and I was looking to see what buses were there. And to be perfectly honest, if they had an out-of-state license plate, I may have been reluctant to let my son get on it, but they had top-of-the-line buses, and from that point of view, I felt very secure to let my son on it. Of course, as parents, you’re not going to be that comfortable anyway when they’re away for three days. But we do use the service going to sporting events with our kids. So from that point of view, it’s not like we’re just putting a bus out, we’re trying to ignore it, and just make money off the system. We use the service as well. We have to be concerned from the point of view of ourselves and our families.

Well, it seems that a lot of problems on these particular accidents that are the subject of these meetings are, it seems to me, as driver related. Now, I don’t have any more information about these than you would have just from reading the reports in the paper, but I happen to sitting in the car waiting for my son yesterday and I reading the Bergen Record. It’s almost amusing when the Record is reporting accidents. I think they’re doing a good job of the reporting, but it’s always a brake problem with the bus.

In our company, if somebody has an accident, they’re going to report it to me personally, and I would just love to see a situation where somebody comes up and says, “John, it was my fault. I did it.” But it’s always the brakes, which of course you’re going to test the same way the DOT does,
and it seldom is the brakes. I think the problem or a lot of the problems are drivers. And the problem we have right now is with the differential of salaries between the privates and State agencies. And a lot of that is based on lack of fair increases going a long ways. It’s the driver who is trying to get into the State system, to drive part-time for the State and full-time for us, and you’re relying on the driver to honestly record his hours. We have really no means of checking that out other than the driver. Hopefully, he’s reporting honestly.

You could have situations where maybe they’ve been on the road too much. I think a situation like that could used to be addressed. I think the buses themselves are very safe that originate in New Jersey.

Thank you.

SENATOR CIESLA: Thank you, Carol.

Are there any questions from the Committee? (no response)

Thank you very much.

M.S. KATZ: With my testimony, we’re attaching a piece about seat belts from the United Motor Coach Association that you may find interesting, and some of the statistics that I referred to that we found from the U.S. DOT.

SENATOR CIESLA: Thank you.

M.S. KATZ: Thank you very much.

SENATOR CIESLA: Christopher Rotondo, U.S. DOT Federal Highway Administration, Office of Motor Carriers.

CHRISTOPHER ROTONDO: Good afternoon.

SENATOR CIESLA: Good afternoon, Mr. Rotondo.
M.R. ROTONDO: Chairman Ciesla, Committee, the United States Department of Transportation, Federal Highway Administration, Office of Motor Carriers, under the direction of the Secretary of Transportation, Rodney Slater, is charged with the responsibility of regulating and enforcing safe operations of commercial motor vehicles that operate in interstate commerce.

Commercial motor vehicles are defined as both heavy vehicles, trucks, and buses with a seating capacity over 15. The regulations that govern the safety operations are the Federal Motor Carrier Safety Regulations. The Federal Motor Carrier Safety Regulations include vehicle standards such as commercial motor vehicle components; driver standards such as medicals and hours of service regulations; motor carrier responsibilities such as licensing, insurance, controlled substance and alcohol testing; and state requirements such as inspections. For the most part, all of the Federal Motor Carrier Safety regulations apply to buses and trucks alike. There are some of the regulations specific to each industry, such as sleeper births and (indiscernible). Some major requirements are the hours of service regulations, which apply to all commercial motor vehicle drivers.

A commercial motor vehicle operator cannot drive more than 10 hours without having 8 hours off duty. And after being on duty for 15 hours, must also have 8 hours off. Drivers also cannot exceed the 60-hour rule in seven consecutive days or the 70-hour rule in eight days.

Next is the Federal inspection requirement which requires all commercial motor vehicles to be inspected annually. Some states, such as New York and New Jersey, have a much more rigorous standard, which mandate
vehicle inspections every six months. Many inspections are funded via Federal grants to the states under the Motor Carrier Safety Assistance Act. In 1998, there were approximately 33,000 motor coach inspections and of the drivers. New Jersey led the nation with over 6700 of these inspections. Some of these inspections are done at origins, some at destination points, and an example of that would be what you heard earlier today in the Atlantic City area. They’re done by the New Jersey State Police and the New Jersey Department of Transportation. The Federal Motor Carriers Safety Regulations prescribe the minimum standards that states must follow in implementing testing for commercial drivers licenses. The Federal Motor Carriers Safety Regulations have such requirements as age of driver, physical health, knowledge requirements to obtain a commercial driver’s license. The state is responsible for issuing the CDL license and has the authority to revoke it as well.

As far as the regulations applicable to the carrier, paperwork requirements such as the driver’s logs, hours of service regulations, physical exams, drug and alcohol testing, vehicle inspection reports, and so on, and so forth, are all part of a safety management program that the carrier must have. The Office of Motor Carriers has instituted a performance-based selection program for carriers to undergo a compliance review. Accident, driver, mileage histories, and other relevant data are compiled. And those with indicators of poor performance are selected, and a thorough compliance review, which is a safety investigation, is conducted on the entire motor carrier operation. A rating is then provided based on the results of this investigation. If the carrier does not receive a satisfactory rating, they’re allowed 45 days to bring their
entire operation into compliance. At the end of the 45 days, if these deficiencies are not corrected and the carrier maintains an unsatisfactory rating, enforcement activities more severe than initial penalties can be taken, such as closing down that portion of the operation.

Recently, we've heard much about seat belts for the buses and the speed limits. Seat belts and speed limits are not a Federal requirement. There have been no comprehensive studies as to whether seat belts would increase safety, but it is clear that one objective in the safety arena is true, and that is to keep the occupants of the motor coaches inside the vehicle. Speed limit requirements are set by the state. There are some states that have differential speed limits for cars and commercial vehicles. In 1995, the United States Congress repealed the national maximum speed limit of 55 miles per hour. That left the standard up to the individual states to set speed limits.

Interstate bus travel is extremely safe. Between 1993 and 1997, there was approximately six bus occupant deaths per year. Buses were involved in about 30 fatalities or 30 fatal crashes. When compared to the annual road fatalities nationally of 42,000 highway deaths, it makes a very strong case that this industry is safe. However, safety initiatives are not to remain stagnant. The Office of Motor Carriers, our state partners, other Federal agencies, and the industry are working very hard toward the reduction of crashes. The Secretary's mission for a crash-free environment is going to be accomplished.

No highway fatality is acceptable. We and all of our partners are working very hard to ensure that that comes to fruition.

There were some comments earlier made about the investigations done by our agencies. They are called compliance reviews, and whether or not
the number or the frequency of them meets perception, a compliance review is a thorough investigation into the entire operation of a motor coach operation or a trucking company. These are very thorough investigations and extremely time consuming. Something that may have been done over the course of three days years ago might now take us more than a week or two given the new data and all of the technology that’s been implemented.

Crash rates have also come up. We’ve heard this discussion. New Jersey does lead the nation in doing motor coach inspections -- 6700 approximately last year. New York and New Jersey and Pennsylvania, our neighboring states, our rate is commensurate. We’re about average. We are a little higher than the national average due to the diverse area we are in and the amount of truck travel and bus travel through our highways.

The out-of-service rate for the motor coach industry is approximately for the vehicle 10 percent, for the driver 2 percent. In New Jersey, we’re slightly higher. The New Jersey statistics are higher due to the technical proficiency of the State Inspectors, the State Police, the State Department of Transportation, and the volume of commercial motor vehicle traffic.

That concludes my statement.

SENATOR ALLEN: Any questions from the Committee? (no response)

I do have one question. We have a number of studies that have been given to us this morning. One in full from you folks from 1994 on speed limit differentials, and we’ve also have had others cited, and they seem to say
different things. I wonder if there is anything since your 1994 study on speed differentials, and if there really has been a case made one way or the other?

MR. ROTONDO: Speed limits, as I stated earlier, are up to the state. There are studies that the Department of Transportation in Washington, D.C., has conducted. That is not my agency. The Office of Motor Carriers is responsible for truck and bus safety, not setting speed limits. When Congress repealed that national speed limit of 55 mph, what they did was they, in turn, gave that to the states. It probably would not be wise if I commented on them. I’m not aware of their study. I have not read it.

SENATOR ALLEN: This study is from the U.S. Department of Transportation, Federal Highway Administration.

MR. ROTONDO: That’s correct.

SENATOR ALLEN: But you don’t have any knowledge of that.

MR. ROTONDO: No. That study is-- There are two portions, actually three primary programs within the Federal Highway Administration. This is Federal Aid, which is the portion that grants and helps build the highways and the bridges. There is the Office of Motor Carriers, who is responsible, as I stated earlier, for truck and bus safety, for regulations and enforcement of those rules -- the Federal Motor Carrier Safety Rules and Hazardous Materials Rules. And then there’s the Federal Lands, which is for the national lands and parks.

SENATOR ALLEN: All right. We’ll go to another arm to get further information then.

Thank you.

Any other questions? (no response)
I will call Daniel O’Connell, the State Legislative Director of the United Transportation Union next.

SENATOR ALLEN: Mr. O’Connell, welcome.

DANIEL J. O’CONNELL: Thank you. Good morning or good afternoon.

Is this on? (referring to PA microphone) Am I on?

SENATOR ALLEN: If the red light is on.

MR. O’CONNELL: Now it’s on.

My name is Dan O’Connell. I’m the State Legislative Director for the United Transportation Union. You’re now receiving our testimony for the record, and in the interest of time, I won’t read the statement, but would rather touch on a couple of the points that we’d like to bring to your attention. Accompanying me today is our Alternate Director, Mr. Ralph Styverson from Rockland Coach.

Safety is an area of responsibility for the State Legislative Boards of the UTU across the country, and it’s also an area of concern. We realize that we’re here because of the recent accidents and fatalities, but we do want to make the point, as was made earlier today, that this is a safe industry. But we’d like us to take a look -- all of us, all of us that are involved -- at what we’re doing that’s right, and what we can do to make things better.

In our statement, you’ll see we focus on two areas: fatigue and regulatory oversight. Fatigue is an issue in all modes of transportation right now. And there’s been a move in Washington to amend the hours of service that bus drivers can work. United Transportation Union opposes those changes. It has opposed them in the past, it will oppose them in the future.
We’ve attached a statement from our Assistant General Counsel for your information.

As far as regulatory oversight, we noted Congressman Franks’s recent remarks about, perhaps, moving the jurisdiction of Office of Motor Carriers from DOT over to the Federal Highway Administration. We don’t know whether that’s proper or if there’s a problem where the jurisdiction lies right now, but perhaps we should take a look at it and perhaps even take a look at having State regulatory oversight along those guidelines to assist our bus drivers and our bus carriers.

I guess in closing what we’d like to say is we’re here today. It was a very interesting hearing. I took quite a few notes. I got quite an extensive education here on bus operations in our state. The UTU stands ready to work with the Committee and with whomever to improve this industry to make it better and to ensure its safety for not only the public, but for also our members. And if you’d like, I may be able to answer any questions, I’d be more than happy.

SENATOR ALLEN: Thank you.

Any questions from the Committee? (no response)

Thank you very much.

MR. O’CONNELL: Could I make one more statement?

SENATOR ALLEN: Yes.

MR. O’CONNELL: I noticed something when they talked about the refresher courses in Atlantic City. I noted, “Is that the only place that we’re offering refresher courses?” Perhaps, we ought to take a look at doing
something in other parts of the state. Our buses are obviously operating with more destinations than just AC.

SENATOR ALLEN: Exactly right. I don’t see Director Kamin here at this moment, but we’ll pass that information on to him.

M R. O’CONNELL: And there was one other thing. I was just passed a note this morning about so-called gypsy operators in the area of Fort Lee Bridge Plaza that operate from our state and into New York and into Port Authority. There’s some question as to what regulations these people fall under, as you were told today about commercial driver licenses for our operators, insurance and liability, and tax issues. We’d like the Committee to, perhaps, take a look at what kind of enforcement efforts are being done because we think a lot of this stuff is under the radar screen and could perhaps be impacting our bus carriers and our membership also.

SENATOR ALLEN: Good point. We’ll pass that on as well.

M R. O’CONNELL: Thank you very much.

SENATOR ALLEN: Thank you.

Senator Sacco, you have a comment.

SENATOR SACCO: Yes. I have a statement from Congressman Bob Menendez, who is on the Committee on Transportation and Infrastructure in the House. I’m going to enter this into the minutes. I’m not going to read the entire statement, but after calling for hearings and discovering what the problems are, his conclusion is, and I will quote him:

“I believe the Federal government can play a positive role to prevent future bus accidents in New Jersey by moving oversight and regulation of bus travel from the United States Department of Transportation’s Office of
Motor Carriers to the National Highway Traffic Safety Administration. The Office of Motor Carriers is doing an insufficient job of inspecting buses. In fact, bus inspections declined from 10,000 inspections earlier in the decade to 4500 last year, accounting for only 25 percent of all bus companies. And we need to make certain that we provide the funds necessary to rigidly enforce the laws we already have in place to promote the safety of bus travel. I look forward to working with the New Jersey State Senate and Assembly to make our roads and highways as safe as possible. Thank you.”

SENATOR ALLEN: Thank you very much.

I would now like to call Norman Littler, United Motorcoach Association.

CHARLES N. LITTLER: Good morning. My name is Norm Littler, and I’m the Vice-President of Government Affairs with the United Motorcoach Association. We have two other members from the United Motorcoach Association here with us this morning, and we’d like to present as a panel, if possible.

SENATOR ALLEN: That’s fine.

MR. LITTLER: I’ll start off. First of all, we’d like to express our sincere appreciation to the New Jersey Senate Transportation Committee, the Chair, and to the honorable members of the Committee for allowing us to speak this morning on behalf of nearly the 800 professional motor coach company members of the United Motorcoach Association. UMA is a national association based out of Alexandria, Virginia, across the river from Capitol Hill.
The motor coach industry recently made aware of the New Jersey Senate’s interest in certain bus safety issues. And I will primarily speak to the issue of seat belts this morning.

On my immediate right is Mr. Stephen Sprague. Steve is our Chief Operating Officer. He is also the Executive Director of the Bus and Motorcoach Research and Education Institute, and he will take any questions that you may have on some of the other related issues.

On my extreme right is Mr. Godfrey Lebron. Mr. Lebron is Chairman of our Legislative and Regulatory Committee. He is also the owner of Paradise Travel, a smaller motor coach company based out of Elmont, New York. He is an owner that travels through this area frequently. He has indicated he would be pleased to take any questions you may have relating to company owners and certain areas relating to scheduling or related issues.

Now, the request that you’ve made to hold these hearings is not surprising given the nature of the recent tragic bus crashes, the emotion involved. And first of all, on behalf of the United Motorcoach Association and the entire industry, we wish to express our sincerest condolences to the families of the victims.

I’ve heard it brought out more than once this morning that this is a safe industry. We will say yet again we believe that that is true. For the large part, this is a very safe industry.

To get to the specific issue of seat belts, however, which has been coming up more and more often, I’ve had quite a lot of experience in this particular issue; and I’m hopeful that I can answer some of the questions that have been floating around, and I’ve heard posed this morning. The issue of
whether motor coach-type buses should be equipped with seat belts is not new. It's an issue I've had experience with, and I have been employed in the commercial bus industry for over 20 years. Seventeen of those years employed with the largest motor coach manufacturer in North America, the Motorcoach Industries. I'm also a holder of -- Associate and Risk Management designation from the Insurance Institute of America, so I have had hands-on investigative experience in major bus crashes, including one that I'm sure many people here were familiar with back in 1992 -- the sensational Golden Sons crash outside of Action Park in Vernon, New Jersey.

During my career, I have been called on by the National Transportation Safety Board on a number of occasions to assist in their investigations, including on-scene investigations, as I mentioned in the Golden Sons crash. Inevitably, the question whether passengers would have been provided enhanced protection if seat belts had been available arises. The problem that the regulatory enforcement and bus industry all face is that there's a lack of clear, compelling, empirical data either for or against the use of seat belts. As a matter of fact, a representative from the National Highway Traffic Safety Administration was recently quoted in the New Jersey Star-Ledger. He stated that NHTSA has expressly determined that there is no safety benefit provided by requiring buses to be equipped with seat belts. This is the Federal agency responsible for setting all U.S. vehicle safety performance standards.

I know that this has been their position and has been their position for many years. What is the justification for this position? Let's put commercial bus safety into perspective. And I think we've heard certain
statistics brought out this morning. Again, we'll look at them not simply from the stats that apply to New Jersey, but to the national picture, and I have some, I think, more recent statistics that have been brought out.

The National Highway Traffic Safety Administration, the Federal Highway Administration, and the National Safety Council statistics all indicate that travel by bus is the safest mode of surface passenger transportation. In fact, it is equal to that of the school bus industry. Commercial buses account for over 28 billion passenger miles in 1996, the last year for which statistics are available. During that year, there were just two passenger deaths reported, and I have a copy of the National Safety Council bus statistics with me if copies are requested or required. While this number appears to be very small when compared to the 42,000-plus annual highway deaths on the nation’s road, it is one that is supported. Over the past 20 years, Federal data shows that between four and six commercial bus-passenger deaths occur on an annual basis. This equates to less than one-tenth of 1 percent of all fatalities that occur annually on the nation’s highways. Stated differently, you are almost 100 times more likely to be fatally injured while driving in a passenger car than in a motor coach.

Secondly, the installation of seat belts appears on the surface to be a relatively simply procedure. They have been employed in passenger vehicles for over 30 years, and no one argues that when they are employed in this manner they do save lives. However, buses and passenger cars are not the same when it comes to a collision. Passenger vehicles are lighter and seat far fewer persons than a commercial bus. The National Highway Traffic Safety Administration requires seat belts in passenger vehicles because, given the high
crash forces encountered in serious collisions, they have been found to provide the greatest level of protection to the vehicle passenger. NHTSA has also determined that because of the large numbers of passengers that a bus carries and the much lower crash forces produced in most highway crashes, the compartmentalization of the passenger compartment is the most effective means of providing protection in the majority of crash situations.

This is why NHTSA expressed its willingness to preempt the state of New York in 1992, under the provisions of the Supremacy Clause of the Constitution, when it attempted to legislatively mandate seat belts into commercial buses. Congress specifically designated the U.S. Department of Transportation as the agency responsible for promulgation of motor vehicle safety performance standards when it passed the National Highway Traffic and Motor Vehicle Safety Act of 1966. In Section 30103, “Relationship to other laws,” Congress addressed the issue of preemption over states by the following language: “When a motor vehicle standard is in effect under this chapter, a state or a political subdivision of a state may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States government, a state, or a political subdivision of a state may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter.”

Simply put, a state is prohibited from mandating belts or any other safety system or device regulated by NHTSA if the vehicle is not directly
owed or operated or funded by the state. And this throws us back to the question of NHTSA and its position with respect to seat belts in buses.

Lastly, the National Transportation Safety Board is currently in the final stages of completing a three-year study on bus crashworthiness and passenger protection. During their investigation, the issue of seat belts and other passenger protection options were reviewed in great detail. Sixteen expert witnesses from around the world were assembled and questioned with respect to the best means of protecting passengers in a range of crash scenarios. As one of those witnesses, I had the opportunity to outline the same issues that I bring before you this morning.

During the NTSB hearing, it became quickly clear that no empirical crash data is available, let alone data that would either justify or refute the benefits of installing seat belts in buses. Real-world crash data is so sparse that no meaningful conclusions can be drawn without the risk of potentially placing the public at increased risk. It is anticipated, however, that the NTSB in its conclusions and recommendations may call on the National Highway Traffic Safety Administration to conduct crash testing on commercial buses to determine if there are any public benefits to be gained by incorporating passenger protection enhancements, of which seat belts are one option. It is expected that the NTSB report will be adopted and published sometime toward the end of either this month or next month.

With respect to this Committee's examination of seat belt use in motor coach-type buses, I have attached a number of documents to my testimony that may be useful in your deliberations. These include letters from NHTSA refuting the usefulness of belts, and their refusal to provide voluntary
installation guidelines to the industry including manufacturers. And that would be anybody voluntarily wishing to install these. They will not provide guidance. Also, a copy of their letter stating their legal opinion with respect to preemption. I have also included a copy of supplemental comments to the NTSB following a public hearing they held last summer in bus crash worthiness. These comments examine the issues relating to the lack of data and the technical problems relating to the vehicle structure.

This concludes my statement, and I'll be happy to take any questions on this. I will pass this over now to other members of this panel to examine some of the other issues that you've detailed this morning.

SENATOR CIESLA: Thank you.

Yes, please.

STEPHEN G. SPRAGUE: My name is Steve Sprague, and I'm Chief Operating Officer of the United Motorcoach Association; and I also have a second title which is Executive Director of the brand-new Bus and Motorcoach Research and Education Institute formed in the state of Virginia in 1997. We've begun applying programs and analyzing data that we think has been missing from this industry for a long time. One thing that I can tell you, though, is that the motor coach industry of professionals is extremely proud of its safety record and its service record. There is a very tragic irony in the fact that these recent mishaps have occurred in a state which, frankly, we as an industry hold out as an example of strong cooperative enforcement.

The State of New Jersey has for a long time led the way in the number of inspections done, in the thoroughness of the inspections done, and it was not many years ago, I recall, that our Association actively involved itself
when the Safety Inspection Program was being threatened, as I recall, by budget cuts. We stepped in and supported that very ambitiously. We have also stepped in and recommended to a number of operators from around the country that if they wanted a thorough inspection, they should drive through the State of New Jersey. That has actively taken place a number of times. Because of some of the requirements of your neighboring state of New York, it was advantageous where operators in states where no inspections take place. Yes, there are still those states. Twenty-four states still have no annual requirement for commercial bus inspections.

We invite you on behalf of the responsible motor coach community to encourage every state to ambitiously pursue at least an annual inspection of the level that the State of New Jersey and the Federal government require. Where those operators had no proof of inspection, we recommended that they drive through the State of New Jersey and solicit an inspection from your teams. As such, it is tragic irony. However, there are problems in the inspection numbers. They are numbers only. The responsible motor coach community wants everyone reviewed equally. Small operators and large operators are equally susceptible to inspection at roadside. They are not all, because of geography, equally susceptible to inspections at their terminals. But there has been in our belief and in the statistics presented to us through the Commercial Vehicle Safety Alliance, which you heard of earlier today -- there has been much too much concentration on the hardware. Frankly, responsible motor coach operators will prepare their vehicles. They will maintain their vehicles, whether or not there are inspection requirements. But once that vehicle is out of their shop, once it’s on the road, as much trust as we have in
the driver corps, it is the driver in the human element which in most circumstances leads to problems.

CVSA’s numbers have indicated that as much as 95 percent of the commercial vehicle accidents -- that’s motor coach and truck alike -- are human error problems. Less than 5 percent of the commercial vehicle accidents in the United States are caused by actual mechanical errors. There has been a great deal of concentration on hardware because hardware is the easy thing to find. Hardware inspections consume three to four times as much as driver inspections. As a recommendation, I believe, from United Motorcoach Association, we would suggest that if the State of New Jersey wishes to improve highway safety, they spend less time inspecting hardware, give greater reliability to the fact that responsible operators will prepare the hardware properly, and spend more time inspecting drivers and drivers records along route.

Drivers are the human element. Just as not everybody can get a sound system right, not everybody can have a good day on the road. We have strongly encouraged, and this is where the Institute comes in, greater training capabilities, refresher training for drivers. It’s with some pride I can say that the Motorcoach Institute has been in contact with South Jersey Transportation. We applaud the refresher courses that have been given in Atlantic City, and the Institute has commissioned a course of study -- actually a three-hour refresher course -- to be prepared right now for presentation to the South Jersey Transportation Authority.

It’s our hope that through some of the cooperative agreements that we have already discussed that the community can help provide sites. We’ll
provide instructors and courses of instruction, and we would be happy to have everyone in the industry participate in that. From what we've seen, the community is extremely willing to step up to the plate and pay for whatever instructions are necessary and to help solicit the drivers to those courses.

We’ve also suggested to them that they be scheduled on a regular basis, if not quarterly, certainly semiannually. We’d like to see it done on a monthly basis, and we’d like it to be free to the drivers. We’d also like to encourage other drivers to tag along. Let’s remember that every time a driver leaves the garage he is on a time clock. The hours of service rules that are in place right now allows certain amount of time to be driving and a total amount of time on duty. While the driver attends the training course, he’ll be considered on duty. If an off-duty driver tags along on the coach and attends the courses and his entire duty time for that day is while he’s attending those courses, we see that as a much more feasible way of reaching more and more drivers. We are stunned with the numbers of drivers who have attended the courses so far -- the refresher courses so far -- only because the notification period was so short. I think that says a great deal about the motor coach community, certainly the local motor coach community, and the Atlantic City Bus Owner’s Association for bringing those numbers out.

A couple of other recommendations, I think, though, that from the conversations that we’ve heard today we would like to leave with you from a national perspective, and certainly we’d like to leave you with beliefs that you could turn to us at any time, so take advantage, if we can do such, give the experiences of other states and localities, other organizations around the country who have faced some of these questions.
The question of a speed differential, I think, is a very dangerous one. Both Norm and I participated in the National Transportation Safety Board hearing on bus crashworthiness in August of last year or July of last year. One of the comments that we heard from panelists from Europe is that the severity and the number of motor coach accidents in Europe was much greater than those in the United States. And they attributed the reasons to a sometimes vast speed differential. The severity of crash avoidance techniques at a much greater difference in speed in Europe was attributable for many of the accidents there and most of the fatal accidents and rollover accidents. We would encourage you to look very carefully at a speed differential if you put that on your list of things to look at.

Maybe the last thing that I’d like to suggest to you is an area where the state and the communities can become very active, and that is to encourage your riders, your consumers, and your destinations to share the message of importance of safety of operators. I don’t care how many dollars the State of New Jersey or the Federal government has, you will never hire enough enforcers to purify the roads of fatal accidents. The only way bad operators, unsafe operators will be taken off the roads is if the buyers refuse to patronize them. Share consumer safety tips, buying tips, and safety records liberally and encourage everyone who gets on a motor coach destined for New Jersey or through New Jersey to check on the safety of that company first. It makes a difference.

Safety costs money. An unreputable motor coach operator can put a new paint job on the bus rather than new brakes in the bus. Many times the passenger won’t know the difference. He can keep the money in his pocket or
he can put it back into the vehicle. A rider happily sometimes is going to catch a problem before the coach leaves. But what the reputable motor coach operation community wants, frankly, is to have everyone carry the safety standards that we do.

Our organization has a Web site where consumer tips are listed, where there are links to the safety ratings systems which exist in the country today, and certainly, we want to be part of the answer. The answer is good consumer safety. Using a line from the commercials of past, “An informed consumer is the best buyer.” That’s one place the State can be involved. It’s one place -- certainly Atlantic City -- can lead.

Godfrey.

G O D F R E Y   L E B R O N: Thank you. Once again, on behalf of the United Motorcoach and my company, I want to express deepest regrets for the tragedies that happened around Christmas.

There’s one thing that I want to make sure that everyone in this room understands. Safety is a culture. I don’t care how many regulations we pass, and I’m in a state -- the state of New York -- which we have an inspection criteria that mirrors yours, and they don’t allow us to do self-inspection. We have the Article 19A law that the state informs us every time a driver gets a violation. We’re forced to have examiners constantly check on our drivers. All of this is good, but if the company itself doesn’t instill safety as a culture, everything that we’re about to do is (indiscernible). As a small-business owner, I usually hear that, “Well, it’s the small operators’ problems.”

But there are two types of carriers. There are carriers that care, and then there are carriers that are looking to make a quick buck. Paradise is
celebrating its 12th year right now, and believe me, there’s not a quick dollar in this industry. My biggest investment if you look at the balance sheet would appear to be equipment. We just ordered two coaches that are going to cost us close to $1 million, but the true investment is in my people. The accidents that occur, everyone is always going to look at speed, a factor of, is there something wrong with the vehicle?

Driving a motor coach is something that requires a tremendous amount of responsibility. If you don’t have a responsible person behind the wheel with a responsible attitude and a positive one, there is no regulation that you’re going to be able to pass that’s going to help ensure that person is at his best when he comes in to perform every day. That doesn’t mean that I say I don’t believe in regulations. I mean, there are certain things that I do that both Federal and state regulations help in my (indiscernible). But when a state inspector inspects my vehicle, we don’t do anything special for that coach for that day. The coach is presented to him -- sure, it’s gone over -- but every day the vehicle has to be looked at. It’s a culture that the entire organization has to have from the person who cleans the vehicle, to the person who operates the vehicle, the mechanic who repairs the vehicle. One of the things that we need to keep in mind, as Stephen had mentioned, is consumers have to know.

One of my biggest problems is with school districts, governments, everything is bid. They want to chop, chop, chop. If an employee isn’t getting proper compensation, part of that culture -- one of the things that we do-- Most Atlantic City runs, the people pay a flat rate for, so automatically a driver thinks, “Well, I’ve got to come in at six. I’ve got to pick up my passengers. I’ve got to drive to Atlantic City.” And in my instance, they have to get out of
New York. I didn’t do that this morning. I spent the night in Edison, New Jersey, so I could have that hour and a half just to get to this beautiful state. But now automatically, what do you think is going through this individual’s mind? Now, he gets to Atlantic City, and there’s a backup. There’s 15 coaches there. So whether it’s at the beginning of the day, at the end of the day, your best person is going to be prone to try to rush it a little bit. Part of that culture and one of the things that we do, we evaluate our drivers on a quarterly basis. Their bonus program isn’t one that it’s not -- look at it at the end of the year, as even New York state has us do, and it helps keep us in tune. The master driver concept. It gets back to the people instilling take your time, relax.

Unfortunately, you’ve got bad people in your employ, and then, you can also have bad clients. There are certain businesses that you have to be careful of. We’ll get calls for someone who’s going to want a trip that’s going to travel through the night, and okay, that business you’ll accept. You have to watch how you schedule it, but you have to make sure that they’re not going to sit there and try to lure your driver into saving dollars at the other end because, “Well, you know, you’re supposed to sleep eight hours, but if you can get us in six, I’ll give you $50.” Well, they realize in my business should this be discovered, they’re gone. They’re out a good job where they get benefits, vacation pay, and holidays, and this means something.

I think it’s very important that we look at that aspect and try not to penalize the many both large and small carriers that do a good job and make sure that we all understand. Yes, the equipment -- it’s important. There’s such
a learning curve right now that also inspectors have got to constantly be retrained, but the focus has to be on the people.

Are there any questions? I would be more than happy to answer.

SENATOR CIESLA: Thank you for your information. I agree with you that core competency of any business really is their people, so I completely understand.

Senator Allen.

SENATOR ALLEN: Two very brief questions. The first is, would mandatory refresher courses be a positive thing?

M.R. SPRAGUE: It's entirely possible whether mandatory can, indeed, be mandatory as a question not for us to decide. Each state because Federal Motor Carrier Safety Regulations are imposed and the state receives the Motor Carrier Safety Assistance Program funds in return -- each state's requirements of its resident drivers maybe somewhat unique as long as they fit into the big picture.

As Godfrey has mentioned, New York state's 19A Program, which is a bus driver certification program, has been proven to be unenforceable in interstate commerce, which means that you can only require your resident drivers to take that kind of course. We truly believe that more available training will be used by the drivers. It need not be mandatory. And there are certain periods in a driver's career when he or she is more susceptible to feeling smug and confident and less attentive in a number of years. Early drivers and late drivers are generally your best than those with five, six, seven years of experience sometimes or simply forgetting some of the basics. So refresher training availability is the key to it I believe, not necessary a mandate.
SENATOR ALLEN: Thank you.

The other brief question I have is you mentioned 24 states that do not inspect at all. I wonder if you could provide a list of those states to us.

MR. SPRAGUE: I would certainly be happy to provide that. The Office of Motor Carriers is responsible for certifying a state’s inspection standards, whatever those are, as the equivalent of the Federal standard. We know that 24 states have not submitted their inspection requirements. Some have no inspection requirements. Those operators in those states, by the way, are allowed to self-certify, to self-inspect their vehicles under a Federal Motor Carrier Safety Regulation, which we have suggested be removed for a number of--

SENATOR ALLEN: Do you know if looking at national statistics those carriers that have more accidents based on hardware come from states that don’t inspect?

MR. SPRAGUE: It’s an unfortunate fact of life that national statistics are vague and difficult to find in many cases. I would challenge you to find a reliable definition of a bus in the Federal system that we could all agree on. Unfortunately, there are many identifications in Federal standards and particularly at roadside enforcement points trucks, but a bus seems to be a bus is a bus is a bus. It can be a school bus. It can be a different body style or motor coach, a transit bus. All of which are different body styles. It can be a motor coach which is in private service and not commercial service.

Just as an aside, I heard earlier that some of the regulations being proposed might apply to commercial vehicles but not to private and recreational vehicles. Allow me to suggest that if someone outfits a commercial
motor coach as a private vehicle, it still weighs the same amount and it takes up the same space in traffic; and frankly, if it is a nonprofessional operator behind the wheel, it might bear greater inspection.

SENATOR ALLEN: Thank you.

MR. SPRAGUE: We'll provide you that list.

SENATOR CIESLA: Thank you very much for your information. We appreciate you taking the time to share it with the Committee.

MR. SPRAGUE: Thank you.

SENATOR CIESLA: Mr. Robert J. Strutton, is it? Mr. Strutton, please.

There are two additional people beyond Mr. Strutton.

ROBERT J. STRUTTON: After what I heard this morning, I think I got in over my head here.

SENATOR CIESLA: I’m sorry.

MR. STRUTTON: I said, after what else I’ve heard this morning, I think I might be over my head.

Distinguished members of the Committee, ladies and gentlemen, my name is Robert J. Strutton. I live in Hazlet in Monmouth County, New Jersey. I work for several bus companies and have driven buses since 1969. In addition, I am a retired suburban municipal police officer. Since 1995, I’ve also been a trainer with various bus companies that I’ve worked for. I came here as an individual, not to represent any group, any company, merely to relate some incidences, to make some comments in general about the driver point of view.
It’s my understanding these hearings have been called because of a series of accidents that occurred over the last two months, all of which I have become very well familiar with. I am concerned that it appears drivers were not initially considered to take part in this forum, and I think the drivers at this point should have a voice in these hearings.

Bus drivers are taking a bashing in the press and other media as a result of these collisions. In one instance, a report of a bus accident for which the driver had no control over the event started by saying, “Another bus accident.” This automatically raises the flags and the people who are listening to this media are not hearing the rest of the story.

I do not assume to defend bus drivers in this forum. There are some very, very bad bus drivers out there. I have had personal experiences with several of them as a trainer. It is unfortunate now that the good are being made to bear responsibility for the few who were not good bus drivers. In 30 years of driving, I’ve met many good professional, conscientious drivers and some bad. Most of us drive for a living, not because we can’t get a real job, but because we love the work, the freedom, and the contact with people that it provides. Unfortunately, most of these good drivers have moved on to other endeavors.

All bus drivers know they are required to adhere to New Jersey Title 39 traffic laws as well as New Jersey POC and DOT regulations. In addition, Federal regulations covered in 49 CFR concerning operation of a commercial motor vehicle, hours of service, vehicle equipment and inspection, and controlled substance regulations. Add to this, the required interpersonal relations skills, scheduling mandates, and the fact that we are constantly under
pressure dealing with all types of people under frequently difficult situations usually in high-density traffic situations, I believe we already have more than enough regulation. The fact is the public should be impressed that there are not more serious accidents.

Bus transportation is about the safest method of travel currently available. The fact is that we must look at each situation in terms of disaster only because of numbers of people involved. In terms of incidents, bus drivers are by far the safest drivers on the road.

I worked for three of the companies that have had collisions in the past two months. I’ve also worked for other companies that do not have near the accident rates of the three. I have been an instructor for two of these companies. My personal experience is that the driver violation and company accident experience is directly in proportion to how the company treats its drivers.

When I began driving buses in 1969, drivers were expected to prove themselves before gaining increased responsibility. Usually, one was assigned the worst of the available equipment and the least desirable work assignments. One either developed his skills as a driver and agent of the company, or he didn’t enjoy the benefits of higher paying assignments, better equipment, or advancement in the company. In short, he didn’t last. These policies were in effect and effective in assuring a safe driving history for the driver and his company, and the bus industry came into its own as the companies with the best services and drivers grew.

With the combined advent of deregulation in Atlantic City casinos, anyone and everyone who could secure a contract was able to purchase
equipment and commence operations. There are so many small companies now that competition for business has demanded established companies reexamine their rate schedules and operating expenses. This has resulted in the stagnation of economic reward for their drivers. Coupled with an attitude that drivers are an inexhaustible pool of lower-class, blue-collar workers, there is little wonder that the best of them move on or out of the industry.

The bus companies of this region differ tremendously in their operating philosophies, and the safety records of each reflect the value they place on their drivers. It appears that the larger the company, the less respect for the driver, and the higher the loss rate, in this one, the largest of them have difficulty providing adequate service for their customers. Some companies habitually fail to maintain their buses in satisfactory condition, as demonstrated by numbers of road failures they experience. Despite specific regulations concerning the keeping of records, there is no uniformity in the recording devices used.

Of the three companies that I have been employed, all have different inspection report forums. Despite the known deficiencies of maintenance programs, the buses almost always seem to pass inspections. What kind of impression should a driver assume when this happens? What is his incentive to do the right thing? I have seen buses refused by drivers reassigned after their driver left the property. I have seen unfavorable defect reports disappear. Drivers are routinely told by dispatchers that they are required to make out logs in favor of the company rather than according to actual experience. Truckers are alleged to keep two logs. Bus drivers are less resourceful pursuing great works of fiction for the benefit of their employer.
Reports in the media of drivers working 10 hours for $80 are not exaggerations. They are constantly abused by their superiors for attempting to operate within the law, trying to provide contact with their families, maintaining homes and families, or even their own health.

Of the three companies of which I have been employed, none permit vacations between Memorial Day and Labor Day when they can spend time with their children. We’re not permitted weekends off and, frequently, are required to work seven days a week. We understand the nature of the business and accept it within reason. Commuter companies claim an eight-hour day, but these are split shifts between which drivers are generally stuck away from home.

A typical trip to Atlantic City takes two hours and fifteen minutes from New York. Upon arrival, they unload and must proceed to a parking facility usually away from the city’s center. For instance, one company parks their buses 20 minutes outside of Atlantic City. The required stay in Atlantic City is usually six hours. No New Jersey or New York company authorizes the driver to go to bed during this time, so rest would be at the driver’s expense. As a result, they often nap in the bus. Has anybody ever tried to sleep on a bus seat? It’s not easy. More often, they hang out with other drivers, go for meals, or return to Atlantic City.

The scenario I just described takes 10 and a half hours. This does not take into account reporting time to his terminal, travel time to the pickup point, waiting time for the group, which never leaves on time, and the equivalent on the return trip. It is rare that the actual working time is less than 10 to 12 hours, not including the 6-hour wait in between. The result is usually
a minimum wage or less, as most companies pay a flat rate for this type of work. When drivers complain about how they are paid, they are told bus companies do not come under wage and hour laws concerning overtime and minimum wage. Historically, laborers have always tried to minimize the hours worked when a flat rate is involved. Drivers use speed to do this.

There is great inequity in the manner in which promotions are made. Drivers who display increasing proficiency in their skills are relegated to a life behind the wheel, while the incompetent are raised to higher levels. Drivers who try to balance their personal and work lives never get an opportunity to advance, and driver’s who insist upon staying legal are deprived of the best assignments and equipment. As the bus companies grow larger, they accept more and more work orders. Drivers are often pressed into service for 15 hours of actual work.

DOT regulations currently allow a driver to log off duty at destination points, and the companies try frequently to use this to their advantage. It’s not uncommon for a driver to take 20 to 24 hours to complete 15 hours of on-duty service.

Several New Jersey companies will take orders as long as the phone rings, and terminal managers are not permitted to refuse work, regardless of their staffing ability. This places an undue burden on the driver who is required to take multiple assignments in a day. Wages are set to prevent the driver from balking at these demands in order to make a living.

It has been my experience that most bus accidents are the result of driver fatigue. Despite the regulations, no one can work 15 hours a day consistently without burnout. The best drivers do not stay with any one
company for any length of time, instead going where they can make the most money in the shortest time. As a result, companies are populated by less conscientious drivers who cannot move around with the same ease. This does increase the accident experience of the larger companies as a matter of averages.

Most of the training resources, publications, and programs for commercial drivers are directed at the trucking industry. We sometimes feel ignored in our need for industry unity. Virtually, all bus publications, organizations, etc., are for the benefit of owners and company managers. There are very few outlets outside of the Internet to address the needs of bus drivers.

Every state requires driving instructors to be licensed. In this industry, there's no standard for driver trainers acting within the company to train drivers nor are there any standards for what should make up a driver training program. The worst training programs are the driving schools licensed by the states, who are only interested in obtaining a license for their client.

As a trainer, it was my experience that anyone coming to us from a drivers school had to be taught basic driving fundamentals before we could even put them in a bus. Yet, they possess a license that if able to secure employment would have very little besides fortune to keep them accident free. Not only do most companies have in their employ as safety managers and trainers people with little or no driving experience, I have been witness and victim of companies dismissing safety and training personnel to employ persons without driving experience.
I mentioned earlier that once bus drivers were required to work their way into better assignments and equipment. Now, it is the practice in some companies to give the choice as to newer drivers in the hope of sealing their loyalty to the company. This has had a profound effect on the attitudes and professionalism of the drivers. New drivers shortly believe that they are in the top of their trade and, though untried, adopt the attitude that they can do nothing wrong and are surprised when they do. Discipline is arbitrary according to the season or the individual driver. There is no longer in this business anything to aspire to.

Whenever a bus has an accident, road failure, inspection failure, or hours of service violation, the driver is held responsible. It's never taken into consideration the probability depending on the season that he was coerced into working the hours or taking the vehicle on threat of his livelihood. The ones who usually fall victim to this are the same ones who would have a difficult time finding other satisfactory employment and least likely to be able to afford the citation. In every major city in North America, law enforcement and bus drivers are constantly at odds.

In Washington, D.C., for instance, while there are a few parking spaces for buses, none are in close proximity to the attractions, hotels. Frequently, drivers are ticketed in the process of loading their buses. We are chased from place to place; and when we do manage to find standing or parking room, we often find DOT inspectors waiting for us there. It seems the states want the business but also value the added benefit of not having buses there or, at best, preying on the drivers. Rarely is there adequate
accommodation for the buses that provide the revenue resource. What are we supposed to do?

New laws are not needed. A closer monitoring of bus company operations with appropriate sanctions to both companies and drivers would better serve the public. Standards for training and improving the skills of the workforce, a complete and total professionalization of the industry, would be my view of correcting the current problems.

Thank you for giving me this opportunity to speak with you, and are there any questions?

SENATOR CIESLA: Bob, thank you for your testimony. I think that your recommendation is consistent with some of the things that have been said before with respect to establishing a regulatory group to monitor existing regulations, so your testimony certainly underscores that recommendation.

Are there any questions? (no response)

Thank you very much.

M R. STRUTTON: Thank you.

SENATOR CIESLA: We have two additional individuals. Joshua N. Bennett from the Atlantic City Bus Operator’s Association, and I’m going to ask that Pete Pantuso also come up at the same time.

Thank you.

J O S H U A N. B E N N E T T: I would also ask, Senators, to allow me to have with me Mr. Ron Waller, who is a Vice President of Prevost Car, a bus manufacturing company. He has also represented other manufacturers in the past selling used and new buses as well. Peter Pantuso is the President of the
American Bus Association located in Washington, D.C., and I'm Joshua Bennett, the President of the Atlantic City Bus Operator’s Association.

Our Association was established in 1981. Our mission is to promote safe and enjoyable travel by motor coach to the casinos located in Atlantic City, the No. 1 destination in New Jersey. We presently have, as membership, over 70 commercial motor coach operators, operating over 2000 buses. We receive very good support from the Atlantic City casinos.

I am also President of Capitol Trailways of Harrisburg, Pennsylvania. I have been involved in the operation of various intercity bus companies for nearly 30 years. My highest priority has always been to assure traveling public a safe journey. As evidence of my advocacy and as a result of the efforts of my management and drivers, our company has one of the safest records in the industry. That’s according to our insurance company and the audits that we receive from the Federal and State governments on an annual basis.

I am here today to tell you that the commercial motor coach industry is one of the safest forms of transportation available to the traveling public. And having heard everyone else say the same thing, it sounds so redundant, but it is something that I am very proud of. To bolster that statement, I recently read a quote in an article in USA Today newspaper on Thursday, February 4, 1999. According to Steve Barber, Coordinator of the Federal Department of Transportation’s National Motorcoach Program, he was quoted as saying, “Interstate bus safety is very good.” He further stated, “The frequency of bus accidents occurring in 1998 was an anomaly.” An anomaly is defined as a irregularity, something abnormal, not a trend. I do not believe
the frequency of accidents involving buses in the State of New Jersey recently was anything more than an anomaly. I am here to tell you today the owners and drivers of commercial buses operating into and within the State of New Jersey have in the past and will in the future do everything in their power to prevent bus-related accidents.

In evidence of our veracity, ACBOA, in coordination with South Jersey Transportation Authority, held four bus driver safety refresher seminars in Atlantic City, New Jersey, during the month of January. Over 1000 drivers and other attendees participated in the three-hour seminars. You’ve heard various statements from the Director of the South Jersey Transportation Authority and other members who attended these seminars on how well they were received. I can tell you that we had very little time to put these together, and we were very pleased with the number of bus drivers that arrived. We were very pleased with their interest and comments. I can tell you that we intend to continue to promote these refresher programs.

I have spoken recently with Jim Crawford, the Executive Director of the South Jersey Transportation Authority, and have expressed my enthusiasm regarding the continuation of these programs. I’ve heard other representatives state that they will continue to be involved in these. I think it’s a great opportunity to continue to focus our drivers and management of bus companies on the essence of driving safety.

I’m trying to deviate a little bit from my prepared statement because of the time. I will state that in accordance with Federal Motor Carrier Regulation 390.3 and various sections, “Every employer shall be knowledgeable of and comply with all regulations contained in the subchapter, which are
applicable to the motor carrier’s operations. Every driver and employee shall be instructed regarding and shall comply with all applicable regulations contained in the subchapter. Every driver can, by reason of experience, training, or both, safely operate the type of commercial vehicle he or she drives.” In my opinion, the training of a driver begins at the company. It is the company’s responsibility to assure the traveling public that the drivers are well trained and cognizant of the safe driving on the highways in America and New Jersey.

The commercial bus industry is heavily regulated. You’ve heard much testimony regarding that. Your rules, as been repeated heretofore, are stricter than many other states’ rules. I will say in Pennsylvania we are under the same kinds of regulations. Our bus companies are audited from time to time regarding the driver’s logs, the driver’s physicals, buses, bus safety. I recently went through a Department of Defense audit. It’s been 13 months since my last audit of our company and continue to receive the highest rating in the industry. We welcome these audits as an opportunity to find any deficiencies that might occur within our company so that we may correct them. And it also gives us an opportunity to find out how well our employees do their jobs.

One of the things that I must remind everyone is that every year every bus company must review the motor vehicle records of their bus drivers for any accidents or violations that may occur. Many bus companies increase that review to quarterly, and I think that’s a great opportunity to call out the drivers that are not professionals.
We discussed here today roadside inspections. New Jersey does have a very complex and sophisticated program of roadside inspections. My company has had a number of roadside inspections. One of the recommendations that I will repeat is that I believe that it is better to have these inspections occurring at the parking lots in Atlantic City rather than on the roadside for a number of reasons. It is somewhat unsafe to have the vehicles pulling off the highway. I’ve seen our buses pulling off right after the interchange. It does create some traffic congestion. The passengers need not be inconvenienced during the inspection. They should be at their destination to enjoy their day. If there’s any problems with the bus that is a little more difficult to deal with, a vehicle that’s been red tagged at a roadside inspection, it would be easier to deal with the vehicle, red tagged, at a parking lot. And as Executive Director of the South Jersey Transportation Authority stated, there are methods by which we can assure that bus companies -- the buses are inspected while in Atlantic City. And I think the program has been pretty effective.

I recently did a study of the various major arteries in New Jersey to determine whether or not there was any perceptible increase in accidents involving buses. My study has shown that the regard to the New Jersey Turnpike and the Garden State Parkway, the Atlantic City Expressway that the number of bus accidents occurring are consistent with traffic volume increases and are very small. Somewhere in the neighborhood of 1.5 percent to 2 percent of all accidents are bus related.

You’ve already heard testimony regarding the fact that there are very few fatalities as a result of bus accidents and very few occupant fatalities
involved in bus accidents. One fatality is too many, but certainly these accidents do not appear to present a trend of increased commercial bus accidents over the prior years, nor do the statistics represent any reason to believe that travel by bus is dangerous. Certainly there are more fatalities occurring as a result of travel by automobile and truck. I will remind you that one busload of passengers is equal to 22 cars on the highway. Every bus does reduce congestion on the highway. There are over 400,000 buses traveling to Atlantic City alone. You can multiply 22 times 400,000. You can see that there’s a substantial reduction in vehicular traffic as a result of the buses.

The fatalities that occurred on the Garden State Parkway in late December 1998 certainly have been a wake-up call to the commercial bus industry. Commercial bus operators and drivers must focus on what can happen is the rules of safe driving are ignored or abused. It is my position, the average bus driver is a careful, considerate, and professional commercial motor vehicle operator. He is aware of the inherent dangers, and he is aware of his or her responsibilities to the traveling public. Every driver I’ve met understands that responsibility and understands the laws governing the operation of commercial motor vehicles. They want to operate the vehicles in accordance to the laws, having the knowledge gained in over-the-road experience and in safety training programs such as those recently offered by South Jersey Transit Authority.

I will interject comments regarding the previous witness. I don’t know that he represents the majority of drivers insofar as his views are concerned. Certainly in my 30 years of involvement with the bus industry, I have met very, very professional drivers. I certainly have been involved with
some that are not professional. They don’t last in this bus industry. Every bus company when hiring a driver must go through a certain reasonable amount of prior investigation of that perspective employee’s prior employment. It requires a review of the MVRs in a state. The commercial driver’s license has reduced the potential for multiple driver licenses and has been a very good law regarding our ability to control the hiring of bad drivers.

We can be proud of the bus industry’s safety record. In fact, the National Safety Council, along with other government agencies, has agreed that travel in motor coaches is the safest form of passenger transportation. This is especially impressive since there were 10 million passengers traveling by bus to Atlantic City each year and over 400,000 buses with millions more traveling safely by bus to other popular tourist destinations throughout the United States and Canada.

In summation, it is my opinion and the opinion of ACBOA that the current level of regulatory oversight has proven to be sufficient to assure the traveling public a safe journey. I believe safety regulations and oversight procedures currently in place assure compliance. It is a matter of enforcement, and we support the efforts of the agencies charged with compliance assurance. Because so many buses operating with the State of New Jersey emanate from other states, any change in the driver and bus operator safety regulations must come from the Federal government. Changes made of the current safety regulations must come as a result of strict studies and must be uniform in enforcement regardless of the origin of the motor coach trip.

I will continue to urge motor coach owners and management, and especially ACBOA members, to convert the adversity resulting from this recent
unfortunate series of bus accidents within New Jersey into an opportunity to heighten their awareness and resolve to increase the industry’s effort to drive safely. It is up to bus company management to train the drivers. It is up to the driver to sharpen his or her safety knowledge and to strive to be the safest driver on the road. By these efforts and with the industry’s assistance, traveling by motor coach will continue to be the safest mode of transportation.

Those are my comments. I would like to see if either of my compatriots here would like to make a comment regarding this matter.

**PETER J. PANTUSO:** I would.

Mr. Chairman, I’ll keep my remarks brief. I’m very cognizant of your time. I am Pete Pantuso. I’m the President and CEO of the American Bus Association. We represent about 700 bus operators around the country. Those 700 operators represent approximately two-thirds of the motor coaches and passengers who travel by motor coach across the U.S.

Safety is the No. 1 issue bar none for this industry: safety for our operators, safety for their passengers, safety for their drivers and employees. The record, I think, of the industry bears out the fact that we have been very successful in moving safety to the highest plane in this industry. The fact that there are so few incidents, and while one fatality maybe too many, the National Safety Council’s record that this industry has 0.018 fatalities per 100 million miles traveled, and that’s in over 200 billion passenger miles, bears out an impeccable record that is equal to none, including the airline industry.

Well, there have been accidents here in the State of New Jersey in the last few months. They have been very high profile, and they’re so high profile because they’re so unusual. During that same period, there have been
tens of millions of motor coach passengers moving across the United States traveling hundreds of millions of miles. And in addition to New Jersey, there have been only one other incident that we are aware of where there’s been a serious accident in all those numbers of passengers and miles.

Accidents since December, obviously, are currently under investigation, as was presented earlier, and there’s also been some discussion about seat belts and hours of service. The industry understands that the hours of service rules are currently under review. They’re Federal rules. They work well as they are, and we recommend no change at the Federal level. As far as seat belts go, it was presented earlier by the United Motorcoach Association. We would concur the passengers are very, very safe now. They’re very much encapsulated in the seat with a seat in front of them that has some flexibility that moves, and we’re afraid that putting seat belts or requiring seat belts not only disrupts interstate commerce, but it also has the potential to harm the individual more than help them in the end.

In closing, the ABA and the industry remain fully committed to safety. We would welcome the opportunity to work certainly with this Committee, with members of the New Jersey Legislature. We also believe that standards and performance and criteria and regulations for our industry that operates in all 50 states and across all 50 state borders and North American borders should be addressed at a national level as well.

I’d be pleased to answer any questions that you might have. I’d like to put one aside, if you will. New Jersey, obviously as was mentioned, does roadside inspections. Forty percent of the passengers that travel by motor coach are over 55; 40 percent are under 25. In essence, the bulk of the
industry moving by motor coach are students and seniors. We have a great
deal of concern with roadside inspections. We fully support inspections, but
we support them at destinations where the passengers are safe in addition to
the fact that you have a better ability to capture those motor coaches who are
coming in and out of the destinations, as opposed to having them skirt, if you
will, traffic and roads setups on their way to and from.

We also want to just confirm that this is a very professional
industry. The industry safety record is impeccable, and again reiterate that we
look forward to working with you in the future.

SENATOR CIESLA: Thank you.
MR. PANTUSO: Thank you, sir.
SENATOR CIESLA: Yes, sir.

RON WALLER: Thank you. My name is Ron Waller. I’m a resident
of New Jersey, and I am also the Vice-President of Sales for Prevost Car.
Prevost is the second-largest manufacturer of motor coaches in North America.
I am fortunate to represent one of the safest forms of transportation known
today. That’s the intercity motor coach industry. However, you as
representatives of the public, this is your No. 1 concern, and these concerns are
also extremely important to us, the industry professionals.

Several studies have been done on the subject of seat belts. I have
been asked just to make sure that we are aware of some of those conclusions
which have been inconclusive. The MTSB has stated that seat belts would not
help. It is difficult to determine if lap belts would have reduced the overall
severity of injuries. A study by New York state has similar conclusions.
Finally, a report done by Indiana University expressed concern that seat belts
on intercity coaches could have a possible negative impact. As a manufacturer, we want to do the correct thing, not only for our customers, but their passengers. Studies on the use of seat belts in motor coaches are inconclusive and benefit analysis has not been done. We want to be sure that the safety benefits outweigh any possible disadvantages. In addition, we believe that any such mandate should be done on an international level, including Canada and Mexico, whose buses also travel our highways.

Ladies and gentlemen, thank you very much for your patience and your time. We would respond to any questions.

SENATOR CIESLA: Thank you very much.
Are there any questions of the panel? (no response)
Thank you for your time.
MR. WALLER: Thank you.
SENATOR CIESLA: Final comments? (no response)
Batting cleanup, Dan O'Connell, State Legislative Director of the United Transportation Union. Dan here?
He spoke already? I’m sorry. Okay.
Well, thank you very much then.
Thank you to the Committee for taking the time to hear the comments of the public, and as we progress, we’ll certainly request your additional assistance.
Thank you.

(Hearing concluded)