

**Remarks by Rose McMurray
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National School Transportation Association
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Introduction

Good morning everyone. Thank you for this opportunity to join you today and speak about pupil transportation, safety and your industry.

Back in April, our new Administrator Anne Ferro spoke to a group of school bus leaders in Washington.

Like the rest of our agency, she has a deep appreciation for your industry's commitment to high safety standards for school bus drivers and for keeping our children safe whenever they travel by school bus.

Your responsibility is great as you are entrusted with the most important of all road users—our nation's children.

And because of that, my agency and others within the Department of Transportation want to work with you to make what is already an impressive safety record even safer.

Safe and well-maintained vehicles, safety-conscious and fit drivers and competent companies that continually examine their safety practices are the cornerstones of maintaining that success.

For those of you who may be unfamiliar with the Federal Motor Carrier Safety Administration, let me explain that we are the federal oversight agency that:

1. Establishes the policies,
2. Writes the rules,
3. Develops the programs and
4. Oversees the safety performance

And as you know, because school buses meet the definition of a commercial motor vehicle, school bus drivers are subject to commercial driver's license requirements, including ensuring that drivers are tested for controlled substances and alcohol.

However, school bus operations are exempt from the remaining FMCSA regulations in two important ways.

Number one, school bus operations that transport school children only from home to school and from school to home are exempt from these other rules.

Number two, transportation by government entities are exempt from FMCSA regulations.

Since many of the companies represented here this morning are for-hire school bus contractors that transport school children not only to and from school but also across a state line and outside of the routine and daily home-to-school and school-to-home trip, you are subject to our requirements.

FMCSA Core Priorities

Our mission at the Federal Motor Carrier Safety Administration is just that safety – the safety of trucks and motor coaches, the safety of those who are behind the wheel and the safety of those who are on the road with them.

Each day an average of 93 people die in crashes on our nation's roadways—about 13 of those deaths involve a commercial vehicle.

As you know, school buses are among the safest vehicles on our nation's highways. Children are safer in the big yellow bus than they are walking, biking or riding in a passenger car to school.

In fact, every year, approximately 800 school-aged children are killed in motor vehicle crashes while traveling to and from school.

Fewer than one half of one percent of accident victims are school bus occupants. The rest are primarily and, unfortunately, victims travelling in passenger vehicles.

When I worked in traffic safety in our DOT sister agency—NHTSA—I was responsible for the pupil transportation program.

We focused mainly on how to help school districts protect children:

- From injury getting on and off the bus
- Reducing the hazards walking to and from school and
- Finding ways to convince parents not to drive their children to the school or worse, allow their teenagers to drive themselves and their friends to high school.

These continue to be some of the greatest risks.

I commend you and your industry for school bus safety's high marks. But there is always more we all can do to protect our children and meet the challenges of our overall safety mission.

There are three main ways my agency approaches our safety responsibilities at the federal level.

As our Administrator has directed,

- The first is we look for ways to raise the safety bar to enter the motor carrier industry in the first place.

- Second is identifying programs and oversight systems that companies and drivers need to meet to be able to remain in the industry; and

- Third is to remove high risk operators from operating when they flaunt or don't take seriously their safety obligations.

Let me briefly describe the specific activities we are undertaking to improve road safety and meet our priorities.

Raise the Safety bar

As I said, FMCSA must continue to raise the bar to entry not only for all motor carriers but especially for the passenger carrier industry.

FMCSA will continue to hold all passenger carriers to a higher standard of safety performance than general freight carriers.

I know this industry knows why this is the case.

One way we're doing this is by ensuring that new drivers—entry level drivers—receive mandatory training both in understanding the rules of the road and our regulatory requirements, but as well behind the wheel training.

A final rulemaking in this area is expected to be published by March of next year with the compliance date three years later in order to allow time for states to modify their information technology systems and for the driver training industry to develop and begin offering accredited training.

This requirement will only affect new CDL holders & those drivers who's CDLs have been revoked or had expired more than 4 years earlier.

Our agency also is required to ensure that only medically fit and properly licensed drivers should be allowed to operate heavy vehicles.

In the past several years we have materially upgraded our medical oversight programs.

These changes range from requiring testing to our training standards for medical practitioners who conduct dot physicals, to revisiting the current list of medical requirements for drivers.

It had been decades since the agency critically looked at medical standards in light of new treatment options and the epidemic of certain diseases and conditions.

Commercial drivers sit for long periods behind the wheel, often eat fast food while they are driving and get very little exercise. This lifestyle doesn't make for the healthiest outcomes.

One of those medical standards that have garnered a great deal of industry interest is the area of fatigued driving and sleep disorders.

I'm sure you would agree that drowsy drivers have no place operating heavy vehicles and especially transporting passengers.

We asked our medical review board to offer us recommendations for how we might proceed with finding a fair and competent way to assess whether a driver may have a sleep disorder.

After several months of research, the medical review board identified a # of risk factors they believe are indicators of risk—neck size, weight and body mass index.

While these indicators of a possible sleep disorder are fairly agreed upon by sleep experts, the cost of having drivers receive sleep disorder screening can be quite expensive.

Our challenge is to establish standards on this and the full range of medical requirements that promote safety but which do not unnecessarily disenfranchise drivers.

Currently we are poring over the research and evidence but haven't decided if we will propose a new requirement. If we do, the public will be able to "weigh in" on anything we might propose.

Two other measures we have instituted in the past two years is more thoroughly scrutinizing a new entrant's request to enter the motor carrier business before we issue them operating authority.

This has helped us keep out companies with histories of unsafe operations.

We also have accelerated our audit of new companies and raised the standards for passing the audit to ensure the company has the right safety controls in place.

Maintain High Safety Standards

Our second focus centers around ensuring we keep high risk operators off the road.

One area of escalating risk is the burgeoning use of cell phones by the general population and the peril they pose to safe driving.

In 2008, nearly 6,000 people died in crashes involving a distracted driver and more than half a million were injured. NSTA is to be singled out as having been active and aggressive in calling for your members to prohibit cell phone use by your drivers.

Thank you for your recognition that a driver transporting children has to maintain 100 percent attention to their duties. Such a policy is fundamental to keeping our children safe.

Secretary of Transportation LaHood in fact is on a mission to rid us of distracted driving sooner rather than later.

Last fall, the Department held a summit on distracted driving. This September he is holding a second one.

So far, 31 states plus DC. and Guam have texting bans covering all drivers. That's a good start, but we've got to do journey on and continue to curb risky driving behaviors.

For commercial drivers, our agency has been active in this area. We are using our existing authority to prohibit commercial interstate truck and bus drivers from texting while driving, using a handheld cell phone or other device.

This past spring, we issued a proposed rule to ban texting for commercial vehicle drivers with a final rule expected out by the end of the year. We expect to issue a proposed rule on cell phone use also by the end of the year.

Our research shows that drivers who send or receive messages take their eyes off the road for an average of 4.6 seconds.

It may not seem all that long but count those 4.6 seconds off and I'm sure you'd agree that not looking at the roadway for 5 seconds is a significant amt of time in which to encounter a hazard such as stopped traffic or being cut-off by another vehicle.

I urge you to go to distraction.gov. It's a web site sponsored by the department is a national clearinghouse for information on distracted driving.

I invite you to use the information on the site to educate and raise the awareness of your employees about the dangers of distracted driving.

Removing High-Risk Carriers/Drivers

Fatigued drivers with a pattern of hours of service violations are high risk and so are the companies that permit their drivers to exceed driving limits.

To get at this, FMCSA issued a new final rule this year to require the use of electronic on-board recorders in vehicles for companies that have serious patterns of hours-of-service violations.

We are committed to cracking down on carriers and drivers who put people on our roads and highways at risk.

Carriers found with 10 percent or more hours-of-service violations during an audit will be required to install EOBRs in their vehicles for a minimum of two years.

This rule goes into effect in 23 months. In the meantime, we expect to publish another EOBR rule on the broader use of EOBRs by the end of the year.

Removing high risk carriers requires strategic and targeted efforts.

With state law enforcement officers, we have been conducting unannounced state and regional “strike forces” targeting passenger carriers.

For the pupil transportation industry, inspectors are most likely to come into contact with you when we conduct drug and alcohol or other specialized strike forces.

The most recent strike force activity spanned 14 states from Virginia to Maine.

Nearly 8,700 passenger carriers were stopped and inspected. Of these, about 1,000 were school buses.

We are also targeting high risk passenger carriers for future compliance reviews in the Southwest corridor and in Texas in particular.

Let me end by updating you on what is the most challenging but exciting program we are working on and which corresponds with our three priorities.

We know this project has the attention of everyone we regulate. And for good reason...

It is our new enforcement business model that we began building seven years ago.

Contrary to some people's views of government, our interest is not to fine or penalize people, it's to provide a means for us to identify the companies and drivers who have poor safety records and then find remedies to improve their performance.

CSA or Comprehensive Safety Analysis 2010 was born out of a need to "work smarter" – not unlike the challenges small business owners like you face all the time.

We simply had an overwhelming number of companies we had to oversee, a rigid and labor intensive oversight process, and the inability to truly know the current and up to date safety condition of those thousands of companies.

We set out to find that “better mousetrap”- one that would capture a fuller picture of a company's on the road performance of both its vehicles and drivers.

One that could allow us to have contact with more companies from those companies with high risk safety profiles to companies having issues in a single area because we know that contacts between us and you increase safety performance.

We will now use operating information, mainly from a greater use of roadside inspections that will convey a company's operations on seven measures, instead of the four we use today.

CSA 2010 will give us early indicators of specific shortcomings in these seven areas and will provoke us to contact you and remind you of your obligations to operate safely.

This intervention can range from a simple warning letter to a formal notice of claim proposing a civil penalty. The intervention correlates with the number and severity of the violations.

We will be able to monitor over time whether you have taken steps to improve any weaknesses and, if you haven't, you will be subject to more serious scrutiny and penalties.

Every month your safety record will be updated and you will be able to see your safety results. So will your customers and insurance carriers.

In the case of your industry, school districts and vigilant parent groups that do their due diligence in contracting transportation services will be able to look at your safety performance information.

We hope this will motivate you to maintain good company safety practices.

As we developed this CSA concept it was important that we did this openly and with public input.

We had eleven listening sessions where you reacted to our early ideas.

On the basis of that feedback we made adjustments to our model and then adjusted even more during our 9 state operational model tests.

So-how do you, as a business owner, prepare for CSA 2010?

Obviously attention to safety is a key component.

But there are several suggestions I offer this group:

Go online to our FMCSA website and review the data we have on file for your company. Follow the directions and get corrected any data that is in error

Most importantly, ensure your drivers clearly understand that their actions will now reflect more directly on your company's safety rating.

That's because every violation, including vehicle maintenance issues uncovered at the roadside or during terminal or destination locations will count, not just out-of-service violations, which is currently the case.

Make sure your drivers are trained, medically certified and properly licensed.

So, simply put-there is nothing to fear about this new system-provided you hire safe drivers, maintain your vehicles and monitor your roadside inspection reports for accuracy and follow-up corrective actions.

We also have available to you a new information system that allows you to check the driver records of prospective drivers, called the pre-employment screening program, it gives you valuable insight information to help you make more informed hiring decisions.

We want to help you get ready for CSA 2010.

Please contact your FMCSA division office as a go-to resource. Know the FMCSA division phone number in your state. Call them for answers to any questions. Our safety investigators travel throughout the state and can arrange to travel to your business if an in-person visit would clarify questions for you and your drivers.

We know that some carriers don't typically have a dedicated safety director on staff. Small carriers might consider banding together and pooling resources to hire a contractor who could periodically make safety visits to multiple carriers at once.

As I close I want you to know that we value the work you do in taking our children to school – safely. Thank you for the opportunity to join you here today. ###