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CURBSIDE OPERATORS: BUS SAFETY AND ADA REGULATORY COMPLIANCE

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HEARING

BEFORE THE

SUBCOMMITTEE ON
HIGHWAYS, TRANSIT AND PIPELINES

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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CURBSIDE OPERATORS: BUS SAFETY AND ADA REGULATORY COMPLIANCE

Thursday, March 2, 2006

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES, WASHINGTON, D.C.

The committee met, pursuant to call, at 10:00 a.m. in room 2167, Rayburn House Office Building, Hon. Thomas E. Petri [chairman of the committee] presiding.

Mr. PETRI. The Subcommittee will come to order.

I would like to welcome all of our members and witnesses to today's hearing on Curbside Operators: Bus Safety and ADA Regulatory Compliance. The purpose of today's hearing is to learn more about the curbside operator industry and determine if there are safety violations and Americans With Disabilities Act, or ADA violations. If there are, we want to hear about the extent of those violations and what can be done to bring these carriers into compliance with the law.

Recently, there has been a lot of attention in the media about curbside operators and whether they comply with Federal law and regulations. For those who are not familiar with curbside operators, they are full fare interstate buses that pick up and drop off passengers on the street, rather than traditional bus terminals. They are also referred to as Chinatown buses, because they originally served the northeast Asian communities by transporting restaurant workers from one Chinatown to another city's Chinatown.

Curbside operators now have expanded beyond their original routes and passenger and service the entire Eastern Seaboard from Boston to Albany to Philadelphia to Richmond, Virginia. They have also expanded their passenger base to include professionals, students and tourists. Something that was familiar to me as a Peace Corps volunteer over in Somalia, where there were bus or other transportation operations at a certain point, and whenever enough people lined up to fill up the bus, they would take off. But this is not the typical American approach.

In recent media reports, passengers of curbside operators have questioned whether these buses are safe to transport people. Bus fires along the interstates and horror stories of buses breaking down on the side of the road, leaving passengers stranded for hours, are rampant in the news and among the traveling public. Passengers and other interstate users have asked the Government to ensure that these buses are safe. Unfortunately, they have not

been given a straight answer as to whether they are safe and comply with the law.

However, these curbside operators have peaked the Government's interest enough to warrant a week-long safety inspection crackdown in the northeast. In late October, Federal, Sate and local authorities teamed up to inspect buses in Massachusetts, Connecticut, New York, Pennsylvania and Maryland. The Northeast Passenger Carrier Strike Force, as it became known, performed over 400 safety inspections on buses and uncovered over 500 safety related violations. As a result, 56 buses and 13 drivers were placed out of service.

The Federal Motor Carrier Safety Administration followed up on the inspection sweep in December by performing compliance reviews on 14 curbside operators. The Federal inspectors found that 176 safety related violations and 11 of these 14 carriers had violated the ADA.

Besides questioning the safety of this industry, the media has reported blatant non-compliance with the ADA. In the winter of 2004, a Boston couple attempted to board a curbside operator with their seeing-eye dog, only to be turned away due to their no animal policy. But when they agreed to leave the dog at home, they were turned away anyway. The operator refused the sale a second time because it claimed they could not take responsibility for transporting a visually disabled person without any visual aids like a seeing-eye dog.

The Attorney General of Massachusetts investigated the situation and found sufficient evidence to file suit against this curbside operator, claiming the company intentionally ignored the State's disability access law.

Today we have three panels of witnesses. The first panel is the Administrator from the agency that regulates interstate buses, the Federal Motor Carrier Safety Administration, or FMCSA. On our second panel, we have representatives from groups who have an interest in interstate bus activity. And finally, we will hear from three operators whose operations seem to be representative of the issues we are examining today.

We look forward to hearing the testimony from all of our witnesses. Now I will yield to Mr. DeFazio for any opening statement that he may wish to make.

Mr. DEFAZIO. Thank you, Mr. Chairman. Thank you for calling this hearing.

I think it is very good that the Committee is exerting some oversight over this subset of the industry and over how it is being regulated and overseen by the Administration. First, Administrator Sandberg, I understand this is your last week. Thank you for your service.

We are concerned, at least Ranking Member Oberstar and I, that as far as I know, there is still not a nominated successor. That is an ongoing concern. Hopefully if any of the minders, the political minders down there at DOT are listening in, they will remind the Secretary that it would be, we think, imperative that a permanent replacement soon be nominated.

I appreciate the fact that you did undertake last, I guess it was last summer, the Northeast Passenger Carrier Strike Force inves-

tigation. I think the results of that are quite startling and I would only reflect, I am new in this position on this subcommittee. But I have more expertise in aviation. If we had had a sudden inspection over and above our regular regulatory regime which uncovered anywhere near those numbers of violations in serious ways, it would be reverberating still throughout the industry and the press.

Just because we are dealing with people of lower incomes and in a less high profile industry does not mean that we should allow, with our regulatory role over interstate commerce, these sorts of problems to continue to not be addressed. Our staff has reviewed from the SAFESTAT program your scoring. They found that 6 of the 25 major curbside folks had problems and very poor scores, but only 3 were marked for review. We would be very curious why the other three were not and why we are not seeing more robust, ongoing monitoring. Perhaps it reflects problems that are even bigger than curbside buses that go to other areas of jurisdiction under your department.

I think the Congress certainly has expressed its concern in this area by the very robust increase in funding that we put into the SAFETEA-LU bill. It is actually almost a 20 percent increase over the last five years. So I think that you have there certainly a vision and a strong indication by Congress that we would like more ongoing inspections and scrutiny of all aspects that fall under your division. Because it is not just the people who are either on the buses or driving the trucks who are at risk, but also the rest of the traveling public who is being put at risk, should there be a major accident involving defective vehicles or drivers who are not fully in compliance with all the regulations for their license.

With that, I look forward to your testimony. Again, I thank the Chairman. I think hopefully we are getting ahead of the problem here. We are not going to have a tombstone mentality. And we are going to prevent some tragedy from happening.

Mr. PETRI. Are there any other opening statements? Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman, Ranking Member, for bringing us together today on a discussion of our Nation's most traveled transport system. According to the American Bus Association, private buses transport almost three-quarters of a billion passengers a year. That is more than Amtrak and all the airlines put together.

Overall, it is the safest mode of travel on our Nation's highways and currently the most affordable. However, I am deeply troubled by some recent reports of safety violations by some of the carriers. Low cost transportation options should be available to consumers all along the corridor, but even if the dollar amount is small, the actual price is safety. It is far too high a cost.

I am concerned also to learn that some companies may be denying disabled persons travel on their bus lines. In fact, there is an article in the Washington Post today, very troubling. Non-compliance with the Americans With Disabilities Act is a serious infraction and a violation of American civil rights. I am hopeful that the Subcommittee will gain a more complete understanding of the situation here today and look forward to working with all the parties to ensure the safety and security of all private bus line passengers.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Any other opening statements? If not, we will begin with the first panel, Annette Sandberg, Administrator of the Federal Motor Carrier Safety Administration, United States Department of Transportation.

Welcome. You know the drill and we look forward to your summary statement.

TESTIMONY OF ANNETTE SANDBERG, ADMINISTRATOR, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Ms. SANDBERG. Thank you, Mr. Chairman, Ranking Member DeFazio and members of the Subcommittee. Thank you for inviting me to discuss the Federal Motor Carrier Safety Administration's oversight role of curbside bus operations.

Motorcoaches are one of the safest forms of commercial transportation. According to our licensing and insurance data base, approximately 3,900 interstate motorcoach companies operate 35,000 motorcoaches in the United States. There are approximately 120,000 motorcoach drivers who have commercial drivers licenses with passenger endorsements.

For the previous ten calendar years, there has been a yearly average of 22.4 motorcoach occupant fatalities. The Federal Motor Carrier Safety Administration has established a National Motor Coach Safety program with emphasis on six areas. One, increase the number of motorcoach compliance reviews, which are the investigation of a company's safety practices. Two, develop and implement a separate CR prioritization system for motorcoach carriers. Three, establish formal motorcoach inspection programs within all the States. Four, improve safety data. Five, reduce motorcoach fires. And six, expedite safety audits of new motorcoach carriers.

I would like to quickly outline each of these areas. One, motorcoach company compliance reviews. Our agency has planned an increase in the number of compliance reviews conducted on motorcoach companies. In fiscal year 2005, FMCSA and our State partners conducted 457 motorcoach compliance reviews, surpassing our established goal of 375. Our fiscal year 2006 goal is 450, a 20 percent increase over our previous year's goal. And we anticipate that we will surpass that goal as we did in 2005.

Two, passenger carrier compliance review prioritization system. Our agency chose to develop a separate system for prioritizing motorcoach carriers for two reasons. One, the availability of motorcoach safety data is more limited than that of property carriers because of infrequent roadside safety inspections and fewer compliance reviews. And two, the belief that motorcoach companies should receive more program attention and enforcement resources.

This approach aligns our selection criteria with the National Transportation Safety Board recommendation that we revise the SAFESTAT system to compare passenger carriers with one another. FMCSA will implement the passenger carrier CR prioritization system during this calendar year.

Three, motorcoach inspections. While all States conduct motorcoach inspections, not every State has a formal motorcoach inspection program. By way of memorandum, our agency will require State agencies that receive MCSAP grant funds to revise their com-

mercial vehicle safety plans to include a bus inspection program. FMCSA will conduct a meeting with our MCSAP partners in early May to discuss this issue.

Four, improved safety data. Safety data are important to our agency to employ our resources effectively and efficiently. In the past three years, there have been significant improvements in the timeliness and quality of our motorcoach safety data, largely through a series of recent inspection and compliance review strike forces. Having accurate and complete data about the bus companies we regulate is vital for our safety mission. Additionally, we are conducting a bus crash causation study mandated by the Motor Carrier Safety Improvement Act (MCSIA) to determine the reasons for and factors contributing to serious bus crashes.

Five, motorcoach fires. Another important aspect of our safety program relates to the problem of motorcoach fires. Presently, our agency is taking action to address bus fires. To this end, we have approached the National Highway Traffic Safety Administration (NHTSA) about a coordinated data sharing program between our two agencies to more quickly identify and correct vehicle safety problems. We are working together with NHTSA to identify the causes of these fires, and once they are identified, our agencies will take appropriate action.

Six, new entrant passenger carriers. Of the 40,000 to 50,000 new carriers that enter interstate commerce each year, several hundred of these are new entrant passenger carriers. We have implemented a new policy that makes passenger carriers a greater safety priority. New entrant passenger carriers are now subject to an on-site safety audit within nine months of beginning operations, instead of the usual 18 months for other coach carriers.

Finally, we are working on a proposed rule to strengthen new entrant program standards across the bus and truck industries. In September of 1998, the Department of Transportation amended its ADA regulations to require accessible over-the-road bus service. The regulations ensure accessible, timely over-the-road bus service for passengers with disabilities, including wheelchair users. These regulations apply to inter-city and fixed route bus operators and to demand responsive or charter operators. Non-compliance with the ADA regulations is an issue throughout the bus industry. It is not limited to curbside bus companies.

Based on the hundreds of telephone calls we received from bus companies about ADA regulations, we have found they frequently do not understand the responsibility to provide timely, accessible bus service to individuals with disabilities. While the Department of Justice is the only entity with the power to enforce violations of the ADA regulations, the Department of Transportation has done much to assist its efforts. In addition to reminding motorcoach operators about their annual reporting requirements, we compile data and submit the industry data to the Department of Justice, as well as complaints.

Our safety partnership with the motorcoach industry is vital toward making our highways safer. Each motorcoach company's effort is needed to improve the safety of our highway passenger transportation.

Mr. Chairman, during my tenure at FMCSA, I have worked hard to accomplish the goal of increased safety for our Nation's traveling public. I want to thank you for giving me the opportunity to briefly outline some of the work we have done to make this segment of transportation safer. I would be happy to answer any questions.

Thank you.

Mr. PETRI. Thank you very much for your summary.

Mr. DeFazio, do you have questions?

Mr. DEFAZIO. Thank you, Mr. Chairman.

Ms. Sandberg, I appreciate the ongoing efforts. But given the fairly dramatic increase in funding that we put forward in SAFETEA-LU, could you just focus a little bit more on the new initiatives, or how you are augmenting the ongoing safety program? And in particular, obviously to the subject of the hearing here, given the number of violations found and the other issues that were raised by your scoring system.

Ms. SANDBERG. Certainly. The first thing that we realized, in order for us to identify unsafe motorcoach operators, we have to have data in our data base. We have about 680,000 companies that we regulate nationwide. Of those 680,000 less than 4,000 are motorcoach companies. So first we had to have data that would help us identify, out of those hundreds of thousands of companies, which ones we need to focus on, whether it be truck companies or motorcoach companies.

Our data system is driven by roadside inspections, it is driven by compliance reviews, it is driven by crash data and other types of information that we receive. One of the problems that we have is in SAFETEA-LU, there is a requirement that we are no longer able to do roadside inspections of motor coach operations. SAFETEA-LU prohibits us from doing that. We have to either do it at origin or destination.

So what we are doing is now focusing our inspection efforts at origin or destination sites. Some of that is working together with our State partners to make sure that they have an established plan and that they are actually doing motorcoach inspections.

The other thing that we have done through our grant operations is make sure that each State has bus ramps. Buses are much more difficult to inspect than a truck, because it is hard to crawl under them. So we provide the State agencies with bus ramps, and they are able to purchase those bus ramps so they can actually roll the bus up onto the ramps and get under the bus to look for safety defects underneath. But again, the inspections drive the overall data system. So by feeding the system at the front end by doing more inspections, that will help us better identify the unsafe bus operators at the back end.

We don't have enough bus crashes annually, as I said, there are about 22 fatalities that are attributed to motorcoach operations each year, to really use crashes as the only indicator. So by doing more inspections, that will help us drive more compliance reviews. In addition to the inspections, we have set these higher goals of doing compliance reviews on more motorcoach operations than we had done in the past. Those compliance reviews will also help derive additional data to help us focus on unsafe operators.

And then the last thing is really working on companies that we call, we basically label them as non-entrants. These are companies that are actually doing business in interstate commerce and they have never registered with us. So we are working with our State partners to identify those companies that actually should be registered as an interstate carrier, get them registered and then get them into the system so that we can begin collecting data on them to determine whether they are safe or not.

Mr. DEFAZIO. As I said, last year, there were 39 fatalities, there was an increase. Just back to this issue which I raised in my opening statement, we had found in your previous, you apparently are now augmenting your data base, and we will perhaps have more data. But even previously, when the 25 major curbside bus operators were reviewed in SAFESTAT, six came up unsatisfactory. But only three were marked for review. Why would someone who came up with an unsatisfactory score not get a more comprehensive review?

Ms. SANDBERG. If they are marked unsatisfactory, then typically we have an enforcement action ongoing, and we will review them eventually. But we might not have done a recent compliance review on that company. There are a number of reasons. I would have to know the specific companies. We would be happy to, if we have the information, provide you with that information.

Additionally, some may have gone out of business.

Mr. DEFAZIO. So the normal procedure would be that anyone rated unsatisfactory, would with some sense of urgency—do you have enough inspectors or people to physically do this? Is that part of the problem?

Ms. SANDBERG. We have about 700, close to 800 people nationwide, in the Federal Motor Carrier Safety Administration. But that is augmented by over 11,000 State and local law enforcement that the grant monies, the increases that you talk about that were provided in SAFETEA-LU, that money goes to the States to augment those additional resources for inspections, compliance reviews and audits.

So we feel that given that volume we need to make sure each State has an identified motorcoach program. One of the things that we looked at last year when we saw the increase in fatalities wa that we started asking what States had specific motorcoach safety programs. Not many did. While they did some inspections, they did not have an identified program.

So what we are doing through the commercial vehicle safety plans is telling them, you have to have an identified program on how you are going to target motorcoach operations in your respective State. Some States are going to have a more robust program. For example, I would say that the best State is New Jersey right now. Because of the number of motorcoaches that operate in that State, they already have an identified program. So we are looking at how many motorcoach operations occur in that State and looking at how robust the State's program needs to be. That is the work that we are doing right now.

Mr. DEFAZIO. Is there a deadline for the States that don't currently have programs?

Ms. SANDBERG. Yes. We are meeting with our State partners in May at a large meeting where we will talk about their MCSAP grants. They will write their commercial vehicle safety plans for this year over the summer, and those plans have to be established by October.

Mr. DEFAZIO. And if it is not, is there some sort of extension of Federal—

Ms. SANDBERG. If it is not, we do not approve their plan and we do not give them money. We will hold the money until they have an approved plan.

Mr. DEFAZIO. So there are consequences. Again, I am just concerned that we use the past fatality measure as, I mean, yes, it shows some level of success, although the up spike is of concern, and that is not an insignificant number of lives, 39 lives. So that is an ongoing concern.

But when you find log book problems or particularly drug testing problems, it seems to me anecdotally it is often fatigue that is found to be a factor in the interstate bus drivers. And then obviously lack of drug testing would raise tremendous concerns for people who are conducting passengers.

Are fines being levied on these actions?

Ms. SANDBERG. Yes, they are, sir.

Mr. DEFAZIO. Are they substantial?

Ms. SANDBERG. Some of the fines are substantial. In fact, in a couple of enforcement actions that we took last year we used our eminent hazard authority, which means that we can go into a company and rather than give them time to correct the problems, place them out of service immediately for eminent hazard. We are using this authority more and more. And, more specifically, on motorcoach companies because of the potential that if they are operating unsafely they could do more damage on the highway.

Mr. DEFAZIO. Okay, thank you. Thank you, Mr. Chairman. My time has expired.

Mr. PETRI. Thank you.

Mrs. SCHMIDT?

Mrs. SCHMIDT. I have a question regarding the ADA requirements. I think one of the arguments that is made by the curbside operators is how costly it would be to have ADA requirements on their buses. But it bothers me because from a personal perspective, when I was elected and brought a group of people up here, one of them was disabled. They were able to raise him on the back end of the bus and get him seated in and he was able to use the restroom, and had no problems.

Aren't there laws in place that require buses that are used for commercial purpose to have ADA accessible facilities for individuals, so that they can travel as freely as people that don't have secondary issues?

Ms. SANDBERG. The way that the ADA regulations work, that the Department established, for large operations, and large fixed route, would be more than $7.2 million in revenue a year. They are required by October of this year to have 50 percent of their fleet accessible, and by the year 2012 to have 100 percent of their fleet accessible, with the caveat that any brand new buses that they buy or lease have to be accessible.

With regard to small fixed route, and that would be under $7.2 million of revenue per year, there is not that specific deadline. However, they have the same requirement that if they buy any new buses or they lease any new buses, those buses have to be accessible. In addition, they have a 48 hour notice requirement, so that if somebody calls them and says, in 48 hours, I need to take your bus somewhere, they have to provide an accessible bus.

The dilemma we have had, whether it is large fixed route or small fixed route, is oftentimes they don't understand their responsibility. Companies are supposed to report to the Department of Transportation on whether they are meeting the accessibility requirements. I can tell you that up to this point, the reporting has been very poor across the industry. Last year we only had 21 percent of the bus companies actually file the required report. That is better than it was two years ago when it was 6 percent. Right now we are sending out letters annually saying you have to report.

The reporting is kind of the first step, because then that helps us identify whether they are purchasing accessible buses or not and whether they are meeting the mandates. Then we send that information over to the Department of Justice. There are laws that require that these buses be accessible, whether it is the 48 hour notice requirement, or that they have purchased or leased buses.

The way that the ADA is set up, though, the Department of Justice has the primary responsibility for doing enforcement on these cases. So what we do is when we discover either through a complaint where somebody calls us and says, we tried to get on a bus and they told us to call a larger fixed route carrier or somebody else, we take those complaints, we try to gather additional information and then give that to the Department of Justice to take action. We have referred 11 complaints over to the Department of Justice in the last 24 months.

As we proceed forward, and we are doing new entrant audits where we go into a company early on, we will also look for ADA compliance. If we discover that there is non-compliance, we will send those cases over to the Department of Justice.

Mrs. SCHMIDT. Do you also follow up with the Department of Justice to see what kind of action they have levied against these individuals?

Ms. SANDBERG. We ask. We do not always hear, because usually they will say it is under investigation. I am really sorry that my counterpart from the Department of Justice is not here today. But they do not always tell us exactly where the case is. They will just say it is in the works. That is all I have heard.

Mrs. SCHMIDT. Thank you.

Mr. PETRI. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Let me ask you this. You said that you are concerned about the firms that operate on low economic margins, because the first thing you said they do is they cut safety, is that right?

Ms. SANDBERG. That is correct.

Mr. CUMMINGS. Do you have any sense of how profitable curbside services are, and how their profitability compares to the services, say, like a Greyhound?

Ms. SANDBERG. We do not get that kind of financial data at the Department of Transportation. I know some curbside operators do very well. I think that there are some that are going to be on a panel, too, after me. They may be able to tell you. I do not know. I do not have that specific financial data.

Mr. CUMMINGS. What percentage of curbside buses are regularly inspected by FMCSA?

Ms. SANDBERG. Well, for us to specifically inspect them, we work with our State partners. For example, at the southern border, we have hundreds of inspectors down there and we regularly inspect all of those buses coming across from Mexico into the United States. The border is really the only place coach carriers, the Federal Motor Carrier Safety Administration, has certified inspectors.

We do have some people that are safety investigators and also inspectors that are spread out through the Country, but usually there are only four or five to a State. So we will work with the State agencies in that specific State and what we have done most recently is the Northeast Corridor Task Force, where a lot of these curbside bus operations have been working all the way from New York, Connecticut, Massachusetts, Rhode Island, well, we did not go quite that far, Delaware, Maryland, Virginia, D.C.

We worked with local agencies all throughout that area and did hundreds of inspections and are encouraging them to continue having an inspection emphasis, not just on curbside, but on all motorcoach operations. Because we find that even other motorcoach operations, whether it is tour or charter, or even some of the large fixed routes, still have safety problems that we need to address.

Mr. CUMMINGS. Okay. As far as commercial bus operators, are they required to post any of their safety ratings on their buses?

Ms. SANDBERG. No, they are not.

Mr. CUMMINGS. And how many curbside services have you shut down, any?

Ms. SANDBERG. I do not have that number. I know we have shut down a few. What they do is typically, when we start enforcement action, they will go out of business. And we have had this problem, where we start enforcement action, they go out of business, they try to recreate themselves under a new name and then we track them down again. So that is the more likely scenario, whereas we are getting ready to shut them down, then they go out of business.

Mr. CUMMINGS. And just the last question, what would it take, give me the scenario that it would take to get you to the point of wanting to shut somebody down, shut a company down. In other words—

Ms. SANDBERG. Typically it is a flagrant violation of the safety regulations. One of the things that we have found with the curbside operators is that they are like a lot of small operators that we see on the trucking industry side, where they are simply not aware of all the safety regulations that they are required to follow, whether it be the types of drivers that they hire or that they do drug and alcohol testing.

One of the things that we have found when we identify these carriers and tell them where they have deficiencies is that they have been very quick to correct them. What it takes is somebody that would go in and look, and let's say they do not have a drug and

alcohol testing program. And the carrier continues to say, we are not going to have a drug and alcohol testing program.

That leads us to believe that they are clearly violating the safety regulations, they know what they are supposed to be doing, and they are not doing it. Violations of this nature will lead us to shut them down.

Mr. CUMMINGS. How can we get in front of that, though? In other words, it just sounds like a back door approach. You have problems, and then we say, look, you are bad, but in the process, the public safety is in jeopardy. It seems like we need to be in advance of some of that. Are there things that are being done to, because you know anybody will say ignorance of the law. This just makes sense, particularly being ignorant of the way your system works.

Ms. SANDBERG. Right.

Mr. CUMMINGS. It seems like we are almost, you are almost inviting these violations. Are you following me?

Ms. SANDBERG. Yes, and there is something specifically that we are doing to address that. When I came into the agency three years ago, we were just rolling out a rule called the New Entrant Safety Assurance Process.

The disagreement that I had personally about the process, was that it was all education focused and not enforcement focus. What we did was we went into carriers that were just operating in interstate commerce, and we would say, okay, let's educate you on how you are supposed to be doing business. They should have already known that.

To me there are significant violations that should immediately shut a company down. So we are doing a new entrant rulemaking process right now to change the system. And there are going to be 11 violations that if a company has violated these things, and they are fundamental to safety, drug and alcohol testing, using drivers that are qualified, making sure drivers follow hours of service, those kinds of things, those will be in there. And if a company is not doing those, we will shut the company down immediately.

I think that is one of the areas where we have clearly needed to strengthen our process, so that these people couldn't just continue to operate and pretend like they did not know what they were doing.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Sodrel.

Mr. SODREL. Thank you, Mr. Chairman. It seems like we have two issues on the table here with the curbside operators. One is ADA compliance, the other is safety compliance. ADA compliance is important. But it is an inconvenience for disabilities that are trying to travel. Failure to comply with safety standards is life threatening.

I might say, in my other life, I used to be a coach operator. So I have a little prior experience in the bus business. We had a company in Indiana called Hammond Yellow that was known not to be a particularly high level carrier and was inspected several times and many of their vehicles were placed out of service. But the company was not closed up until they went off a ramp at I-70 in Indi-

anapolis and killed two people, a coach of a high school athletic team and his daughter.

So a previous question that was asked, it is better to get ahead of the curve than behind the curve. And it is serious, any time you close a business down or close their operations down, it is taking a livelihood away from someone who owns and operates the buses and the people that work there. So it is serious, I do not suggest that we take that lightly.

On the other hand, there have been times where the system was a little slow to react. I do not know how these curbside folks, with no facilities operate, this is probably the biggest problem I have--the lack of any facilities to maintain a piece of equipment. I do not know how you do that effectively. I do not know how you comply with the law effectively.

Where do you find their place of business? When you go to inspect a curbside operator, if they do not have a maintenance facility and they do not have some central place of business, where do you even conduct an inspection? Just on the street?

Ms. SANDBERG. One, when they register with us, they have to identify a place of business where they keep their central records. That is not necessarily where their buses might be kept. So when we do a compliance review, that will be where we go to look for their driver logs, their safety records, those kinds of things.

To do inspections, we have worked with our State and local partners to identify where they are picking up passengers and dropping them off, since those are the two locations that we can actually do inspections. And that is where we do the inspections, is on the side of the road.

Mr. SODREL. Being from the midwest, we do not have a lot of that. I have noticed here in the city, a bus stopping on the street corner and picking people up, in fact, not far from where I am sitting. But it is not something that we were confronted with in the midwest.

But we either have to enforce the rules formally or eliminate the rules. Otherwise people are competing on an unlevel playing field. I think the public's safety is served by enforcing the rules formally as opposed to eliminating any rules.

Thank you for being here. I may have some questions later, Mr. Chairman.

Mr. PETRI. Thank you. Mr. Pascrell.

Mr. PASCRELL. Administrator Sandberg, in a 2003 speech that you made, you said the following: "Our investigations revealed a complex web of business relations," point one, "among these fare operators. It is challenging to determine who is responsible for their operations." I read that a couple of times, the first time I said, I must have read it incorrectly. But that is what you said.

It is my understanding that while your administration cited many curbside operators in violation of safety laws, you fined them, you just reported that again today, and you shut them down, some of them. But they continue to operate. This sounds like an enforcement problem.

What enforcement tools, what investigative tools do you need to ensure that repeat offenders are shut down permanently, and have I stated what you said correctly?

Ms. SANDBERG. Yes, you have stated what I said correctly. The dilemma is, and we have the same thing with what I call the low lying truck companies. These are companies that are in business simply to try to make some money and safety is not a priority to them at all. So they go into business, we identify them as being unsafe because they do not keep their equipment up, they are not drug and alcohol testing their drivers, they are pushing their drivers to violate hours of service.

So we begin taking enforcement action. Then what the company does is they shut down and they recreate themselves. And they come and enter into our system as somebody new. Oftentimes new boards of directors, new owners, they will completely recreate themselves. It is very difficult for us to identify that they were actually this older company.

Some of what we are doing right now in our licensing and registration system is, we have a number of red flags that will trigger in our system if a company tries to recreate itself and it uses an address that is similar to one that we have shut down, it uses a name of any of the board members that is similar, or an owner. Those are three flags that help us identify them.

The other thing that we are doing is when we go in and do new entrant audits, because every one of these companies, when they recreate themselves, becomes a new entrant, we have to go in and do an audit. On bus companies, we are actually doing those audits at 9 months instead of 18 months.

When we go in and do those audits we try to identify if it is a company that actually was in business before under some other name. If we identify that that is the case, we tag back to the old name and the old safety record where we can, and apply that to those companies.

The second thing that we do, and we are working with a number of States, is a program called PRISM, which is our registration information system. Under PRISM, there are currently 21 States that have signed on, and it is fully operational. When we place a bus company or a truck company out of service, the biggest difficulty is getting them to stop operating.

In some instances, we have actually parked people outside their place of business to see if they move their truck or bus, and we have done that recently, where we placed a company out of service, we were worried that they were going to continue operating. So we put somebody outside there for about a week to look to see if they were going to move those buses. They did not, and fortunately they followed the out of service order.

The other way to do it, though, is through PRISM, the States mark the license plates of that particular carrier in their system, so that the plates get pulled and revoked and they cannot continue to operate. It is much more of a flag for enforcement officers if there is no license plate on the truck.

Mr. PASCRELL. So what you are saying is you do have the tools, you have the resources and the tools.

Ms. SANDBERG. The dilemma is, we only have 21 States that have PRISM operational right now.

Mr. PASCRELL. Excuse me. You have the resources and the tools—

Ms. SANDBERG. Yes, we do.

Mr. PASCRELL.—to enforce the Federal laws. Is that what you are telling us today?

Ms. SANDBERG. Yes.

Mr. PASCRELL. Thank you. Second question is this. The Americans With Disabilities Act compliance and enforcement is within the jurisdiction of the Department of Justice, correct?

Ms. SANDBERG. Correct.

Mr. PASCRELL. I fail to comprehend why not being in compliance with the ADA has seemingly no bearing on the granting of operating authority of a bus carrier. If a company is in clear violation of the Federal law, why should a Federal agency grant it authority to do anything? So in your opinion, how can Congress remedy this situation?

Ms. SANDBERG. The way that our licensing regulations are set up, there are three things that we look at to grant operating authority: the economic, safety and financial responsibility, and these are old carryovers from the ICC days, and those are the only three things that we look at. ADA is not part of that.

One of the things that we are doing, though, to try to be more aggressive with regard to the Americans With Disabilities Act, sir, is that we are reminding new entrants of their responsibilities under the ADA and in our new entrant rulemaking that I just spoke about earlier, we are going to have a component that when we go in and do a safety audit and we identify non-ADA compliance with any company, we will then forward that to Justice, so that they can begin taking aggressive steps to address those companies.

Mr. PASCRELL. Should there be a Federal law mandating, and is there not a Federal law mandating that even small companies comply with ADA?

Ms. SANDBERG. They have to have 48 hours notice, yes. And those are much more difficult to identify.

Mr. PASCRELL. And who enforces that, the Justice Department?

Ms. SANDBERG. Yes.

Mr. PASCRELL. Thank you, Mr. Chairman.

Mr. PETRI. Thank you. Mr. Sodrel, did you have additional questions?

Mr. SODREL. No, Mr. Chairman, not at this time.

Mr. PETRI. Okay. Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman.

A couple of things that have come up, Madam Administrator. I was concerned to hear about the out of service and still operating issue. I do not know what else we can do in terms of more. Has there ever been, if someone was to attempt, and apparently they must have, are there instances where people have attempted to continue operating?

Ms. SANDBERG. Yes.

Mr. DEFAZIO. At that point, does it become a criminal issue? Has there been a criminal prosecution if they are under a Federal compliance order, and they are ignoring the order and continuing to jeopardize public safety?

Ms. SANDBERG. We try to work with the States to identify those carriers, place them out of business. There have been instances, I

think, where criminal charges have been brought at a State level. I think there may have been some instances where a U.S. attorney has brought some Federal criminal charges. But they are very, very difficult.

Mr. DEFAZIO. Right. Well, I mean, the recreation, it seems to me that perhaps we need a different fitness standard. I am thinking of aviation. Part of a fitness review is financial wherewithal, the credentials of the principal officers and those sorts of things which would, if we had that standard and a company had had problems, and they tried to reestablish themselves under another business name, if we had more stringent fitness standards, they would not have any potential of getting another number.

Do you feel that perhaps, and whether it could be done administratively or whether we would have to do it statutorily that we should have more robust fitness standards? Because you said you can't look at and don't look at their financial condition, which is a big red flag in the aviation industry and I would assume it would be the same in bus or trucking.

Ms. SANDBERG. When the ICC terminated and gave us a lot of the functions that used to exist there, a lot of those financial regulations went away under the ICC Termination Act. One of the dilemmas we have, and we have had this in the medical arena, even, in comparing us to aviation, is the volume of companies that operate in this line of business, 680,000 companies.

So we had this issue come up last year about why couldn't we put the same kind of medical requirements on truck and bus drivers that we put on airline pilots. There is a much smaller pool of airline pilots than there are truck and bus drivers. We look at our pool being about 7 to 10 million as opposed to, I think it is 600,000 for airline pilots. If we tried to equate just that regulation regime alone to our industry, it would be hundreds of millions of dollars.

So I guess that is the balancing act. We are trying to tighten down some of our regulations to identify loopholes. Having been a former police officer, I can tell you, most of the time the crooks are one step ahead. These people that do not want to do business right are always going to try to find a loophole and continue to do business. That is where we really need to work with our State and local partners to identify these pockets of problems and really focus on them and take care of the safety issue that they are causing.

Mr. DEFAZIO. Is the issuance of a number, which I guess is sort of the certification you provide, is that a routine procedure? It is my understanding in talking to staff that in a couple of States, Massachusetts and New York, the police have reported that essentially the addresses provided were fake, and then the whole question of the required 18 month review, which I guess for new operators is not always conducted.

So I mean, is this just because of the volume, it is a rather routine paper exercise, and you do not have the wherewithal or it is not required that there actually be a site visit or some sort of confirmation that this is a bona fide business and that that address actually exists, and therefore, the records might exist that we would go and review?

Ms. SANDBERG. To get the actual registration number, that is a fairly easy process at the front end. You can go on to our web site

and you can probably register to be a company today and it would take you maybe an hour, if that. That part is fairly easy. The audit process though is where we help identify those that have filed false addresses. Because one of the things that we have to have is the ability to contact that company to go do the audits.

As I said, for motorcoach operations, we flag them that we are going to do a motorch ch audit within the first nine months of operation. For all other commercial ch ch vehicles, it is 18 months. That is when we will identify if the information that they provided on that registration information at the front end was correct or not.

If they do not respond to an audit request, we can simply flag them out and tell them that they can no longer operate. We are strengthening some of our new audit process in this new rulemaking to do just that, to make sure that if these people do not respond to an audit request or they are simply evading us by giving us a false address that we can deal with them in that manner.

Mr. DEFAZIO. Okay. Thank you, Mr. Chairman.

Mr. PETRI. Thank you. Several members have additional questions. I thought I might ask, myself, you alluded to this, but do you have a—clearly this is, primary front line enforcement within a Federal framework must be done by the State and local authorities. Is there a big difference between States so far as complaints from the public about this kind of thing, number one? And is there a big difference between complaints from the public from these, because of experiences with these sort of jitney or China operators, whatever you want to call them, and what we regard as a more traditional Greyhound and so on?

No service is going to be perfect. There are going to be bad experiences just in the nature of, unfortunately, in the nature of just doing business and interaction. Is this a disproportionate source of problems and is it localized? Should we be focusing on helping some States beef up their operations? What is the nature of the problem and how can we deal with it, basically?

Ms. SANDBERG. The nature of the problem is very unique to what I would say the Northeast Corridor. I can tell you, having come from Washington State, we do not have these kinds of bus operations out there where they go curbside. You just would not see a bus pull up by a sidewalk and see a bunch of people get on.

Mr. DEFAZIO. Didn't the Green Tortoise come to Washington, or is that an Oregon and California and Mexico thing?

Ms. SANDBERG. That is Oregon and California.

Mr. DEFAZIO. Okay.

[Laughter.]

Ms. SANDBERG. But it is very unique to the Northeast Corridor. The only other place that we have identified a corridor where there are curbside operations is California to Nevada, primarily into the Las Vegas area. And we are seeing some of those curbside operators pop up there.

There are some smaller, more small fixed route and large fixed route. Typically they operate out of a terminal. They are easy to identify.

Again, in looking at the curbside operators, that being primarily a Northeast Corridor problem, we are targeting them in a very specific way. But we are looking at ch ch ch ch across the bh rd. To

keep it in perspective, of the 680,000 companies, this means, and I am looking at about 3,900 companies, and they equate to whatever fatality number, 22, 39. If you look at all commercial ch ch vehicle fatalities, it is 5,000. We are trying to drive those numbers down.

So while I need to focus attention here, and believe me, I honestly believe that one fatality is too many. But I also need to focus on the other 4,000 plus fatalities that occur with regard to trucks. So we are trying to balance our resources. Part of doing that is really making sure that the States, which have far more people out there on the rh dside, the 11,000 plus people, have a formalized program.

Now, for some States that do not have a large curbside problem, they are not going to have a huge focus on curbside operators. In fact, if they did, we would say, hey, that should not be in your plan unless you can tell us where the curbside operators operate in your State. But they should have a ch ch ch ch program. Every State has charter operators, every State has tour operators. And those bus companies need to be inspected also. They need to make sure that their drivers are being drug and alcohol tested. And they need to make sure that they are following the hours of service rule.

So occasionally, as you know, Mr. Chairman, we recently had a bus crash up in Wisconsin and five people died in that crash. That was a charter operator. We are working together with the NTSB to try to identify what the cause of that crash was.

But we need to focus on what the unique problem is for each State, and then make sure the State has a plan on how they are going to go about addressing that. Some of that is through doing inspections at origin or destination. It is through doing these targeted compliance reviews. And since we are going to be doing another 450 this next year, making sure that we target the right companies and continue to look at companies and make sure that all companies are operating safely.

But it is very unique to the Northeast Corridor, the curbside operators.

Mr. PETRI. And so far as looking at it from the point of view of the traveling public, clearly they must be providing a service some people want or at least maybe because of cost or because of convenience, they have identified shifts in the market quicker than more traditional operators?

Ms. SANDBERG. Right. I run into people all the time that say that they have taken these curbside operators and they had a great bus ride. But I am not sure, I do not watch the market economy, obviously they are focusing on something. Because they are filling up the buses and they are moving people.

There are millions of people that take bus transportation every year. It is a very safe, economical way to travel. And a lot of people use it, whether it is the curbside operators or the larger fixed routes.

Mr. PETRI. So it is a marketing opportunity for Greyhound or people like that, that that are not getting into certain communities, presumably, or whatever.

Ms. SANDBERG. I would leave that for the folks at Greyhound or whoever might be here from ABA.

Mr. PETRI. But do you get a disproportionate amount or would you say that complaints from the public are roughly the same as best you can tell from the different types of operators? Or is this a hot spot of complaints?

Ms. SANDBERG. We have not had hundreds of thousands of complaints, actually I get far more complaints in the area of household goods than I do with regard to ADA compliance. But we have gotten complaints. And to me, any complaint is serious. If somebody needs to have affordable transportation and it is being denied, we need to take that very seriously. So any complaints that we have received, what we have tried to do is identify the carrier, find out do they have accessible buses, and check to see if they are meeting the regulations. And if they are not, then forwarding that case to the Department of Justice to take appropriate enforcement action.

Mr. PETRI. Thank you.

Mr. Duncan?

Mr. DUNCAN. Thank you very much, Mr. Chairman, and thank you for calling this hearing. This is something that I don't know really anything about. I am sorry I did not get to hear most of your testimony and your responses to questions, because I have been with 136 students and teachers from a school in my district.

But let me ask you this. And maybe you have already covered this. How many bus companies are there total, charter operators and everything, that are doing the right thing and registering with you? How many bus companies have gone through the legal process, so to speak?

Ms. SANDBERG. We have registered in our data base 3,900 bus companies.

Mr. DUNCAN. Thirty-nine hundred.

Ms. SANDBERG. Thirty-nine hundred.

Mr. DUNCAN. And then, how many of these curbside operators are there that you know about or what is your best estimate?

Ms. SANDBERG. The estimate changes daily. But I believe right now 24, 25, is what they tell me for curbside operators.

Mr. DUNCAN. So it is not really fair, is it, to make all those honest people do the right thing and then let these others not do that. Is that basically one of your feelings?

Ms. SANDBERG. That is correct. That is why we are doing strike force activities.

Mr. DUNCAN. That would be understandable. And you say that it would take, did I hear you say that it would take an hour, only about an hour to register, is that correct?

Ms. SANDBERG. It is right around there. It depends on the complexity of the paperwork. But if you go online and fill the forms out online, it is not very difficult.

Mr. DUNCAN. Do you think that the regulatory requirements, are they so burdensome that it would cause a great increase in the price these companies would have to charge? I had a member of my staff tell me that there is one company that takes people directly from Union Station to New York City for $35. Do we have any kind of idea about, if somebody goes through all your regulatory processes, would that price have to double or triple or what?

Ms. SANDBERG. No. Most of the companies that follow our regulatory process can actually probably beat that fare. But the folks from ABA could answer specific pricing questions.

Mr. DUNCAN. And the company, you said it was a charter company in Wisconsin that had a recent wreck, but that was not a curbside operator?

Ms. SANDBERG. No, it was not.

Mr. DUNCAN. How many, say, in the last—when was this curbside operation, when was this first bought to your attention?

Ms. SANDBERG. I believe in 2004 is when we started the Northeast Corridor Task Force.

Mr. DUNCAN. So since that time, how many wrecks have there been of these curbside operators, do you know? Have there been a lot of accidents?

Ms. SANDBERG. My staff tells me there have been three.

Mr. DUNCAN. Three. Anybody been killed?

Ms. SANDBERG. No. Except for I guess somebody ran into the back of a bus and that person died. But it wasn't the bus's fault.

Mr. DUNCAN. Are these companies, based on your investigation, do they have insurance?

Ms. SANDBERG. That is part of the requirement of our giving them operating authorities. They have to post insurance.

Mr. DUNCAN. But as far as the curbside operators, you don't know whether they have insurance or whether they don't?

Ms. SANDBERG. No, they have to show us that they have insurance. I do know that some of the curbside operators have had difficulty getting insurance, particularly if we have been taking enforcement action on them. But they have to post insurance and show that their insurance is valid in order for us to allow them to continue to operate.

Mr. DUNCAN. I see. So there may be some curbside operators operating without insurance, but all the ones that you have checked so far have it, is that what you are saying?

Ms. SANDBERG. If they are operating in interstate commerce and they have registered with us, they have to have insurance. Now, there are some—

Mr. DUNCAN. Well, I know, but the problem is that they don't register with you, at least when they first start operating, is that correct?

Ms. SANDBERG. No, if they are operating in interstate commerce, by law they have to register with us. What we have found, though, in working with our State and local partners, there are some that are trying to operate, once we identify that they are operating, in interstate commerce, which means that they are crossing State lines. We go to the company, tell them that they have to cease operations until they register, and until they comply with all the financial requirements.

Mr. DUNCAN. I guess I am a little confused. You said, I thought you said they all register with you right at the first. And that surprised me. I thought these were companies that that were not registered. But they all register with you right at the very first.

Ms. SANDBERG. They are supposed to, yes.

Mr. DUNCAN. Doesn't that trigger the regulatory process, then?

Ms. SANDBERG. Yes, it does. That means that they have to have insurance in order to move. In fact, we will not give them a number unless they can show that they have insurance. We will not give them the authority to operate without insurance.

Mr. DUNCAN. You are confusing me, because if a company has to register with you when it first starts operating, and that triggers the regulatory process, then why are they called curbside operators? I mean, there is something real simple that you or I one is missing, and it is probably me.

But you said that they can't operate until they register with you and they all register with you. And that starts a regulatory process. So what I am trying to figure out is, how do you call them curbside operators? They just haven't gone through all the steps yet?

Ms. SANDBERG. No, the definition of a curbside operator is somebody that picks up and drops off their passengers at a curbside. They are a regular bus company. They have registered with us, they just don't operate out of terminals like Greyhound or Peter Pan or one of those companies. That is why they are called curbside operators. They operate a bit differently in that they do not have a terminal site that they pick up passengers and drop passengers off at.

Mr. DUNCAN. Well, that by itself is not illegal, though, is that right?

Ms. SANDBERG. No, it is not.

Mr. DUNCAN. Well, if all these curbside operators register with you and that creates a regulatory process, then I still don't see, I really thought there was, I thought these people were all operating illegally, but they are not.

Ms. SANDBERG. No. What will happen occasionally, and this is only occasionally, and we have the same problem with trucking companies, where you get somebody that gets the idea, hey, I want to go into business. They go and they buy a bus and they just start picking people up. Those are what we call non-entrants. It means that they don't know that all these rules and regulations apply to them. If they cross State lines, then our regulations apply.

And as we have done these strike force activities, we have identified some of those companies. But they are few and far between. A majority of them know that they have to register with us, they register with us, they get their insurance, they put the name on the side of the bus and they start operating.

Mr. DUNCAN. All right, but then you said that some of these companies, you don't know whether they are abiding by the hours of service rules, you don't know whether they have given drug tests to their employees, and all that kind of thing. Do you not, when they register with you, do you not immediately tell them of all hose things and then go ahead and start checking them?

Ms. SANDBERG. They are made aware of our rules. But because we have 40,000 and 50,000—it is between 40,000 and 50,000 new entrants every year in interstate commerce, and that is truck and bus companies combined. What we do is, the rule requires that we get to those new entrants within the first 18 months of operation. We don't do the audit prior to them getting operating authority.

They actually can get operating authority, begin operating and then we go in and do the audit.

With bus companies, specifically, we do it within the first nine months of operation. We will go in and look at all of their records, make sure that they are doing drug and alcohol testing, make sure that they have drivers that have a passenger endorsement, look at their hours of service logs, those kinds of things. And then of course, any truck or bus that is out there, whether they are in new entrant or have been in business for a while, as they pass the rh dside or if the State chooses to inspect them, can inspect them at any point in time.

Mr. DUNCAN. So if a curbside operator registered with you at the first and you said you can't get to them possibly for 18 months—

Ms. SANDBERG. The first nine.

Mr. DUNCAN. Oh, the first nine months. So if they have something happen six or eight months, they could be in operation six or eight months and there is no real violation that they have done, if it is your agency's fault or whatever for not getting to them sooner, is that right?

Ms. SANDBERG. We try to get to them in the first nine months. If they do something at month five, we do not have control over that.

Mr. DUNCAN. Okay. Thank you very much.

Mr. PETRI. Thank you. Mr. Sodrel?

Mr. SODREL. Thank you, Mr. Chairman.

I would like to relate a little short story to you. You have two kinds of people that fail to comply with the law. You have people who are ignorant of the law and you have people that do it with malice and forethought. I had a candid conversation with one of your inspectors, and this is several years ago, so I do not think I am doing him a disservice. I told him I thought he came in and did inspections at our place because the coffee was good. That is the way we started the conversation.

He said, well, the coffee is good, matter of fact, but he said that the system of evaluating agents was based more on process than results, that when he was first hired, he started chasing bad guys that were bad guys by malice. Well, if somebody is doing it with malice, they try to cover up the fact that they are violating the law. They know they are violating the law, so they try to make sure you don't find out about it, which requires checks to see when a vehicle may have gone across a way station, you have to pull fuel tickets, see when it was fueled and look at motel room receipts. You have to do all this work to find the person that is doing it with malice.

The inspector was told that he was not doing enough audits. So I was just wondering, is your system of evaluating agents still process oriented or is it results oriented? Is it bad guys caught or going through the motions?

Ms. SANDBERG. It is very much results oriented. I am not going to say that it hasn't always been that way. We clearly had a bit of an education bent when I came in. But I am an enforcement person. I came from the State Police, and I am about results. And that is what we get measured on, both by OMB on how they look at how much money they give us and by the Members up here on the Hill, on whether we are getting results from our programs.

So we have modified some of our programs to be more enforcement focused. I believe that first people need to be educated in what their responsibilities are as a business operator and that we need to make sure everybody understands what the law is, that we write our rules in plain English. As you know, sometimes in Government, particularly if you get a lot of lawyers involved, and I can say this because I am one, it is not easy for the average person to understand what it is that we put on paper.

So we need to make it very clear on what our expectations are that they are supposed to do, if it is drug and alcohol testing, how do they go about doing that, if it is getting drivers with commercial drivers licenses, what should they look for, those kinds of things.

But in the back end, there are those people that just simply, no matter how much we educate them, are not going to do it. That is when we need to have the enforcement hammer and we need to take care of those people, and if they don't comply after we enforce, then we need to take them out of business. They need to decide to be doing something different.

So that is the strategy I have used the last three years that I have been here. And if you look at a lot of our rulemakings, that is the focus that we are moving toward, is education at the front end, make sure they understand what their responsibilities are as a business owner, coming into the commercial vehicle business, and then if they don't get it after that, then we need to enforce.

Mr. SODREL. If I might just follow up on that one, Rudy Guiliani went in as mayor of New York, they had a system of policing where you basically had precincts and people went out in the precincts and did whatever they did. His idea was, we need to throw the resources at the problem. So we need to identify where are the problems, and rather than having everybody patrolling every place, we throw our assets at the place where the most problems exist.

And the question is, do you have any similar system with regard to enforcement today where you can use the assets to their best advantage. Obviously, everybody has a finite number of assets.

Ms. SANDBERG. Absolutely. That is our SAFESTAT system. Not everybody likes our system. That is too bad. Clearly, the audits and the inspections that have been done on that system show that it identifies high risk carriers. The system is driven by inspections at the rh d side, or in the case of ch ch ch ch, at origin and destination.

So all the inspections that are done by the hundreds of thousands of people that are out there, actually it is over 3 million rh dside inspections done every year. All those inspections are uplh ded into our system, so it identifies what company was inspected, when were they inspected and what violations were discovered.

We also look at ch ch carrier management areas as we go in and do compliance reviews and other ways, when we are doing audits. We also look at crash data. States report crash data to us and that is uplh ded into the system.

The system then has an algorithm that looks at all other carriers that are like that particular carrier and it identifies those that are the highest risk. Then the highest risks are rated in our system and then our enforcement people, along with the State folks, are told to go visit this carrier. This is considered the highest risk car-

rier, they are at a much greater risk for being involved in a crash, not maintaining their vehicles, other problems. And that is how we go and visit.

Mr. SODREL. Thank you. Thank you for being here today, and thank you, Mr. Chairman.

Mr. PETRI. Thank you, and we appreciate your contribution to this hearing.

Ms. SANDBERG. Thank you.

Mr. PETRI. The second panel consists of Jacqueline Gillan, Vice President, Advocates for Highway and Auto Safety; Marilyn Golden, Policy Analyst at the Disability Rights Education and Defense Fund; Bruce Hamilton, President of Local 1700, Amalgamated Transit Union; and Peter Pantuso, President and CEO of the American Bus Association.

We welcome you all to this hearing. We appreciate the effort that went into your prepared statements and we look forward to hearing your approximately five minute summaries of the same, starting with Ms. Gillan.

TESTIMONY OF JACQUELINE S. GILLAN, VICE PRESIDENT, ADVOCATES FOR HIGHWAY AND AUTO SAFETY; MARILYN GOLDEN, POLICY ANALYST, DISABILITY RIGHTS EDUCATION AND DEFENSE FUND; BRUCE HAMILTON, PRESIDENT/BUSINESS AGENT, AMALGAMATED TRANSIT UNION LOCAL 1700, AFL-CIO; PETER J. PANTUSO, PRESIDENT AND CEO, AMERICAN BUS ASSOCIATION

Mr. GILLAN. Thank you very much. I would like to extend my appreciation to the Subcommittee for having the hearings today and for inviting advocates to testify.

Many of us in this hearing room have family members of friends who have taken advantage of bargain fares offered by intercity curbside bus operators or put our child on a chartered school bus for an out of town school field trip, or traveled on a church-sponsored trip using hired bus transportation. Motor ch ch safety is a serious concern for anyone who relies and uses this growing and affordable mode of transportation.

Unfortunately, when it comes to ch ch ch ch safety, consumers are bh rding buses blindfolded because of chronic and continuing failures by the Federal Motor Carrier Safety Administration to regulate the safety of this industry and the inexcusable lack of public information available to companies about the safety record of ch ch ch ch companies.

In particular, little is known about the size of curbside ch ch ch ch operations, including how many companies are evading Federal and State safety requirements and how much Government oversight is being applied to ensure that unsafe operators and unsafe drivers are off the rh d.

Since 1999 alone, NTSB has investigated and reported on eight major ch ch ch ch crashes. Because ch ch ch ches carry up to 55 passengers, when a crash does occur, it can be catastrophic and deadly. Every day there are thousands of small commuter airline flights in the U.S., yet in most cases each aircraft is carrying fewer passengers than over-the-rh d ch ch ch ches that may be filled to capacity. Unfortunately, public authorities have chronically over-

looked ch ch ch ch safety and it is not being held to the same high standards as aviation safety.

One of the major problems is that the Federal Motor Carrier Safety Administration lacks reliable information on State annual bus safety inspections, and there are major deficiencies for identifying ch ch carriers, including ch ch ch ch operators that are high safety risks. Today, only half of the States even have an improved periodic inspection program despite a 1984 Federal law directing DOT to issue standards for annual inspections of commercial ch ch vehicles, including ch ch ch ches.

There have been countless studies by GAO and the DOT Inspector General documenting insufficient data, incomplete data and inaccurate data that the FMCSA has about these carriers. Also, Government compliance reviews or the safety evaluations of commercial ch ch vehicle operators, where the Government gives rating scores of satisfactory condition or unsatisfactory, are grossly out of date or for the most part, not given at all to the vast majority of operating companies.

Data deficiencies and incomplete safety information keeps consumers in the dark. Let me give you a brief example. My staff went on the FMCSA web sit and evaluated ch ch ch ch information in four States: Maryland, Wisconsin, Oregon and Texas. Let me use as an example my own Sate of Maryland. There were 100 ch ch ch ch companies listed, more than half of them were not rated at all, 5 had a conditional rating and 39 had a satisfactory rating. Of the 39 companies with a satisfactory rating, more than half were totally incomplete and did not evaluate these companies in more than in all four of the possible categories.

Also, these ratings were out of date. Most of them were given in the 1990s. In fact, there was one rating that had been assigned 18 years ago.

There are also inadequate Federal and State requirements for ch ch ch ch drivers, even though they carry 55 people. Motor ch ch drivers are required to have a commercial drivers license with an additional bus endorsement that can be obtained by passing a short knowledge test.

But there is no behind the wheel driving requirements in the Federal law. Although DOT has been studying this for 20 years, they produced a model curriculum and they were directed by Congress in the 1991 ISTEA Act to issue an entry level driver training rule.

In May of 2004, they did an abrupt about face and issued a rule that did not require any behind the wheel training for candidates seeking an entry level CDL to operate a truck or a bus. As a result of this rule, advocates filed suit against FMCSA and last year, in a unanimous and blistering decision, the U.S. Court of Appeals for the District of Columbia found that the final rule was arbitrary, capricious and an abuse of the agency discretion and remanded the rule to FMCSA.

What can be done? Advocates would like to offer some suggestions for Congressional consideration. First, we need to have the information and we would recommend requiring a detailed oversight report on curbside ch ch ch ch operating safety. Congress should ask the DOT Inspector General or another Federal oversight orga-

nization, such as GAO, to conduct an in-depth evaluation of curbside ch ch ch ch operations that identifies how many there are, which ones are successfully operating or evading State and Federal compliance requirements and what needs to be done to ensure a high level of public safety.

Second, we need more stringent State bus inspection programs. Third, we need to accelerate the basic reform of safety data reporting and compliance reviews. This has been a recommendation of the NTSB on their most wanted list since 1999.

We also need to upgrade the testing requirements for both entry level CDLs and special endorsements, especially those for ch ch ch ch operations. And finally, we need to require entry level commercial ch ch vehicle and advanced ch ch ch ch driver training requirements for actually operating a ch ch ch ch.

This is the conclusion of my testimony. There is much work to be done, and Advocates would very much like to work with this Committee to ensure that no matter whether you get on a plane or get on a train, or use a bus, that you ought to be guaranteed the same level of safety by our Federal Government.

Thank you very much.

Mr. PETRI. Thank you.

Ms. Golden.

Ms. GOLDEN. Thank you.

More than 15 years ago, I watched with exhilaration and pride as the first President Bush signed the Americans With Disabilities Act, granting millions of people with disabilities comprehensive civil rights. Exhilaration because it was the culmination of work by thousands of people with disabilities and our supporters, and pride because my colleagues and I at the Disability Rights Education and Defense Fund, a national law and policy center on disability civil rights, had made a significant contribution to the ADA. We have been deeply involved in its unfolding ever since.

As our society recently gave our final farewell to Rosa Parks, I was reminded that the Montgomery bus boycott she started fully integrated those buses in 1955. But in 1998, more than 40 years later, people with disabilities were still waiting for the right to ride the long distance bus. How long, we asked, must we wait.

Then almost eight years ago, one of the last pieces of the ADA fell into place when the U.S. Department of Transportation issued the rules guaranteeing disability access in intercity bus travel. As that regulation was implemented, we saw companies that had supported the ADA and companies that had resisted it come into compliance with that landmark law.

In my own life, what once would have been impossible became unremarkable when one day a few years ago I needed transport between two major cities in Texas, my State of origin, and I had a smooth and anonymous trip on an accessible lift-equipped over-the-rh d bus.

But in the last few years, the rise of curbside operators that completely disregard the ADA has meant that no longer are all transportation options available to people with disabilities. I will address what the ADA requires of these companies, at least the major things, with a lot of the details in my written testimony. The key to bus access for mobility impaired people, who like me, can't use

the steps, is the ADA's requirement that all new buses must be wheelchair accessible.

The cost issue for this is ameliorated by a DOT subsidy program unrelated to the ADA. But most curbside operators do not obtain new buses. They get used buses, which means they fall under what the Americans With Disabilities Act requires the interim service requirements. They are the same ones a big company like Greyhound must follow at first, until its entire bus fleet is accessible, so that it graduates out of this category.

But in the case of an operator using used buses, like the companies we are talking about, they would be required to follow the interim requirements indefinitely. And that means, as Ms. Sandberg stated earlier, the company is allowed to require a rider with a disability to give up to 48 hours advance notice. But then it must provide accessible service on the bus run the person requested, and not at another time.

In narrow circumstances, such a company, if it is small, may provide an equivalent service instead, that is, service in a different vehicle, as long as it departs as soon as the main vehicle, goes as quickly to the same destination, costs the same and provides an equal service in every other way. This is really only practical with an accessible bus.

Though, if a company is going, say, from New York to Boston at noon on Tuesday, and it has several buses going at the same time to the same destination point, it would be okay under the equivalency standard for only one of these buses to provide wheelchair access. Other than in this narrow circumstance, the equivalency provision does not help the curbside operators very much. They are still required by the ADA to provide an accessible vehicle on any run, as long as an individual with a disability provides 48 hours advance notice.

There are also general non-discrimination issues which prohibit excluding the blind travelers discussed earlier, and compliance with those rules costs nothing. There are also rest stop requirements, training requirements and information collection provisions which require the companies confirm any accessibility request in writing and documenting any failure to provide accessible service to the individual.

Thank you.

Mr. PETRI. Thank you.

Mr. Hamilton.

Mr. HAMILTON. Mr. Chairman, members of the Committee, my name is Bruce Hamilton. I am the President of Amalgamated Transit Union National Local 1700, representing about 4,000 employees of Greyhound Lines.

It is a pleasure to be here today to speak on behalf of our members, as well as members of other ATU locals representing workers who work with Peter Pan Lines and Bonanza Lines and other carriers who provide intercity bus service in the U.S.

Thank you very much for holding this hearing, and thank you for inviting the ATU to participate. Having driven a Greyhound bus for almost 30 years, I know first-hand the level of skill and training that is required, as well as the importance of maintaining a fleet that meets or exceeds Federal safety standards. Safety is of promi-

nent importance to the ATU. That is why we work closely with the industry and with our employers, both in the development of driver safety and vehicle standards, and the implementation of those and other Federal standards in the workplace.

The Greyhound driver and maintenance training programs, which were developed in partnership with the ATU, are examples of our joint commitment not only to meeting Federal standards, but to exceeding them. These training programs, which are widely recognized as the best in the industry, ensure that every driver and mechanic has competed extensive hands-on training covering all DOT driver and vehicle safety requirements, as well as additional safe driving skills, emergency evacuation practices and health and safety precautions. Drivers and mechanics also attend frequent refresher courses on a variety of these issues.

The ATU is proud of the safe, efficient, friendly and affordable intercity bus service that our members provide across this Country. We are dedicated to ensuring that the companies whose employees we represent are able to continue to provide a valuable service to the traveling public.

Unfortunately, the continuation of this service has been threatened recently by the emergence of these numerous fringe bus operations that is the subject of this hearing today. Reports from passengers, ATU members, other legitimate bus providers and State and local and Federal officials, paint a picture of curbside operators that too often fail to comply with Federal rules governing hours of service, drug and alcohol testing, medical examinations, CDLs, proper registration, licensing, insurance and maintenance practices. In addition, there are numerous reports and complaints that these carriers fail to safely dispose of waste products and are not in compliance with the accessibility standards set by the ADA.

By ignoring these laws, these companies are able to undercut established carriers such as Greyhound and Peter Pan that follow Federal rules and support good jobs for their employees. Recent media reports have documented several serious accidents involving curbside operators within the last year, including two bus fires and a pedestrian fatality. As well as questionable incidents, including a recent incident where a driver fled the scene when police launched a surprise inspection of bus operations in New York's Chinatown. These incidents and others are explored further in my written testimony.

What I really want to speak to you about today is what my fellow ATU members have themselves witnessed while sharing the rh ds with these other carriers. The most common complaints heard from ATU members about curbside operators concern their erratic and dangerous driving behavior. Drivers frequently report being cut off by these carriers, excessive speeding, constant lane changes, and driving in the prohibited left lane.

It is also not uncommon for a Greyhound or Peter Pan driver to see these vehicles broken down at the side of the rh d. In these instances, good Samaritan ATU members have stopped to pick up stranded passengers and have delivered them to their destinations without requesting payment.

Members have reported seeing vehicles owned by these companies doing routine maintenance, such as oil change and other en-

gine work, in empty parking lots or on the side of the rh d. This evidences a failure to have adequate maintenance and inspection facilities, as required under the Federal regulations.

In Boston, ATU members working out of the same terminal as the drivers for these carriers have reported that many of the drivers do not speak English. Since the ability to read and speak English is required of any commercial ch ch vehicle driver, these experiences call into question the driver's qualifications and validity of their CDLs.

Our members also regularly hear complaints from passengers who have previously traveled with curbside carriers. These include unsafe driving practices, inability to communicate with the driver, unsanitary or inoperable restroom facilities, the lack of anyone to help with baggage, and numerous other complaints. Similarly, passengers with disabilities have reported being turned away by curbside operators and often told to go to Greyhound for accessible service.

These reports of incidents should come as no surprise to Federal officials. Recent FMCSA compliance reviews indicate that low cost operators score dramatically low, below the national average in terms of safety. There is no excuse for continuing to allow these unsafe companies on the rh d. We must be more aggressive with the enforcement of safety regulations, the penalties must be significant enough to deter violations and follow-up must ensure continued compliance.

By allowing a fringe element of the industry to evade basic requirements, legitimate operators are placed in an impossible competitive position. More importantly, the safety and well-being of passengers and other highway users is needlessly jeopardized. There is simply no reason for this double standard to exist. Federal, State and local officials must institute measures that will protect the traveling public from this growing safety threat on our Nation's highways.

Thank you very much.

Mr. PETRI. Thank you.

Mr. Pantuso.

Mr. PANTUSO. Thank you, Mr. Chairman, Ranking Member DeFazio, members of the Committee.

ABA is the primary trade association representing the private over-the-rh d bus industry and has 800 bus operator members who represent in total about 65 percent of all the private buses on the rh d today. ABA's members provide all types of transportation services.

Today's hearing exposes a real threat, not only to the bus industry, to the transportation system, but especially to the 774 million individuals who travel by bus annually. The problem of unregulated, unfit, ill-policed ch ch ch ch companies is one of growing concern. And we agree with Administrator Sandberg: our concerns are for all passenger carriers who do not comply with in the boundaries of the law and that safety is a primary concern.

But Mr. Chairman, let me be clear. We are talking about an industry with a stellar safety record, and the companies we are talking about, the curbside operators, do not represent the industry

and are in fact a black eye for the industry, operating outside of the law.

Let me define curbside operators and the harm that they can and will eventually cause. Let me also be clear that this is not a "David versus Goliath" issue. In an industry that is primarily made up of mom and pop companies, these operators, the curbside operators, are some of the largest in the industry, and in fact, promote themselves as such.

The operators I am describing bh st of providing low cost service between cities, as you earlier described, Mr. Chairman. And their service begins and ends on street corners. Typically they have no maintenance program, let alone maintenance facilities, and they seemingly operate on a shoestring.

The carriers also operate in defiance of Federal, State and local laws. Chief among their deficiencies is the lack of wheelchair accessible buses in their fleets. The Americans With Disabilities Act that requires as of this October that large scheduled carriers have at least 50 percent of their fleet lift-equipped and provide 48 hour service and should have been buying ch ches for the last 6 years with lifts have been doing so. But these carriers have not been following those rules and regulations. Wheelchair lifts are not cheap, as was pointed out, at $40,000 per lift and a cost of $40 million to the industry annually.

Curbside operators have no wheelchair lifts, so therefore they have no ability to comply with the ADA law. And typically, as was noted, they direct their customers who are in need of lift-equipped ch ches to Trailways, Greyhound and other reputable carriers.

All interstate bus companies are licensed by the FMCSA, and FMCSA is supposed to license only carriers who are fit, willing and able to abide by the law and the regulations of the Secretary of Transportation. The Secretary may in fact invoke authority of any carrier that fails to comply with the regulations.

However, FMCSA allows curbside operators who are in clear violation of the ADA law a civil right operating authority, arguing it cannot use ADA violations to deny authority to any carrier. FMCSA argues that the ADA bus regulations promulgated in 1998 by the Secretary of Transportation are not in fact regulations of the Secretary of Transportation and cannot be used to determine fitness.

The position is unsound legally, and as a matter of public policy, lacks any common sense. FMCSA's view allows a violation of the law if the law is enforced by another agency. Even if it does abdicate its responsibility for the service requirements under the ADA law, it cannot foist responsibility for the ADA equipment requirements and the purchase requirements on any other agency.

FMCSA is required to enforce Federal DOT safety regulations. As has been noted, many of the curbside operators have well documented lists of safety deficiencies. They lack proper equipment, trained drivers, safety and security training and protocols for environmental waste.

Even worse, some of these operators do not have operating authority. Recently, Dragon Ch ch, for example, which operates between Washington and Albany, New York, had no authority to operate that route and had no application applying for authority.

Speeding, braking, traffic laws, ignoring other infractions of the law, were detailed in one recent Washington Post column. Other articles detail failures to aid passengers in emergency situations. And even to heed the passengers' warnings when the driver was alerted when the bus was on fire.

In conclusion, Mr. Chairman, members of the Committee, the ABA believes that the laws concerning safety and security, as well as compliance with ADA, should apply to all carriers. The safety of passengers should not be compromised under any circumstance, certainly not for cost. Denying authority or revoking the authority of an operator who violates or refuses to abide by the laws should be a mandatory function of FMCSA, and Congress should insist that FMCSA and the Department of Transportation do what is required to prevent any carrier from making a mockery of our safe transportation system.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Chairman, I think this panel has provided some very solid direction for the Committee. I am hopeful the Committee will choose to follow up aggressively on a number of the concerns that have been raised here, everything from the safety concerns to the ADA concerns. I just hark back, we used to have a restaurant rating system, this would be sort of a minimal thing in Oregon, where there is like a big seal on the door, A, B, C, you know, et cetera. The Restaurant Association lobbied it out of existence because it hurt their business too much when people were getting Cs and Ds.

But something like, put a big seal there and say, basically, caution, you are about to get on a bus that really hasn't been inspected. But this is endemic, and we have to take some action here. Otherwise we are going to be acting after a tragedy.

So thank you, Mr. Chairman, and thank you all for being here.

Mr. PETRI. I want to thank you also for your testimony. We may be submitting some questions in writing to you. We have one more panel and we are going to be having votes in about 10 minutes. So we thank you very much.

The third panel consists of Mr. Pei Lin Liang, Owner of Fung Wah Bus Transportation, Inc., and Mr. David Wang, Co-Owner and Manager of Eastern Travel, Inc. Gentlemen, we thank you for submitting your prepared statements. As you know, we invite you to make summary remarks for about five minutes.

We will begin with Mr. Liang. Please proceed.

TESTIMONY OF PEI LIN LIANG, PRESIDENT, FUNG WAH BUS TRANSPORTATION, INC.; DAVID WANG, CO-OWNER AND MANAGER, EASTERN TRAVEL, INC.

Mr. LIANG. Thank you very much.

Mr. Chairman, thank you. I, Pei Lin Liang, am the President of Fung Wah Bus Transportation, Inc. Our bus company began five years ago. We service only one route: Boston to New York City and back. Our fleet consists of 20 buses.

Our efforts to comply with ADA regulations include, however are not limited to, establishment of company policy that complies with

ADA regulations, training of all employees to provide services to the disabled and to budget for the future purchases of handicapped accessible buses and other needed equipment to provide such service. At this time, we have one wheelchair accessible bus that runs daily.

Bus safety and ADA regulatory compliance is a major concern of Fung Wah. Our experience in maintaining ADA compliance has been a difficult one. We have identified three issues of concern.

One, inconsistency in the law. As a bus service provider, we must comply with many different bodies of law. Some of the other bodies of law are not consistent with ADA regulations. How can we comply with inconsistent rules?

If a blind passenger with a service animal comes abh rd a Fung Wah bus with only window seat available, we are confused as to where to situate the service animal. DOT rules state that the aisle must not be obstructed. We cannot separate the blind passenger and her service animal. We cannot impose on a fellow passenger to move out of his aisle seat. Furthermore, if we find a passenger willing to move, again, where do we situate the service animal?

Second, practical issues with ADA compliance. All Fung Wah drivers are trained to provide the correct care to our disabled passengers. Our drivers feel uncomfortable getting disabled passengers of the opposite sex to and from the restroom. On busy weekends and the like, a trip to New York City from Boston might take up to six hours, where one or two trips to the restroom might be needed. There are many occasions that a disabled passenger might be dropped off at the bus terminal to be picked up by another caregiver at the destination. During that trip, the driver must get that passenger to the restroom.

Three, wheelchair accessible buses are expensive. Fung Wah is a small company, and having to budget an extra 10 percent or more for the wheelchair accessible buses has not been easy. The 10 percent increase in price is only for used buses. For new buses, the price difference gets even greater.

Thank you very much.

Mr. PETRI. Thank you. Now we turn to Mr. Wang.

Mr. WANG. Mr. Chairman and members of the Subcommittee, my name is Aimin Wang, co-owner and managing director of Eastern Travel and Tours, Inc. Thank you for inviting me to testify today on the important topics of Curbside Operator: Bus Safety and ADA Regulatory Compliance.

Eastern Travel and Tours, Inc. is a minority-owned small business, incorporated under the laws of the State of New York. It has been in business as a ch ch carrier of passengers since 2002. Currently, we provide daily bus trips between New York City and Washington, D.C., and limited service to Rockville, Maryland and Richmond, Virginia under authority issued by the Federal Motor Carrier Safety Administration, MC-429551.

Here is an overview of the measures we took to ensure the safety of our passengers. One, bus safety, A, controlled substance and alcohol use testing. We have a written company policy about substance abuse and testing. Each driver has a copy of it. We have pre-employment tests, pre-transfer tests, random tests, post-acci-

dent tests, reasonable suspicion tests, return to duty test, follow up test.

B, qualification of drivers. This is our "to-do" list for all drivers. Complete application for employment, make inquiries to previous employers, get a New York State DMV report through insurance agents or driver. Resubmit a DMV report if the driver has been employed more than one year. Copy the driver's medical certificate. Fill out the annual violations list, if the driver has been employed more than one year.

Fill out the I-9 immigration form and review proper identification. Rh d test the driver. If the driver is new to the company, he must complete the hours of service record to document all the work in the previous seven days period. Get the driver to sign a release and contact previous employers to check on drug and alcohol testing results.

Provide the driver with a copy of our drug and alcohol testing company policy along with a contact name and phone number. Send the driver for pre-employment drug test and do not use the driver until we get the results of the drug test. Check the driver's CDL to be sure that he or she has the proper endorsements to drive the bus.

In addition to the above, every driver must be 19A active under the New York State law.

C, additional safety measures. We have a driver manual and a written safety policy. In addition, we have ch ch vehicle accident register, documented safety meetings and a ch ch vehicle maintenance logs. We also carefully control drivers' hours of service, and follow 10/60/70 rules.

Number two, ADA regulations. We are committed to protecting the rights of persons with disabilities. All persons with disabilities have priority when bh rding the bus. We ensure that the drivers are trained to properly use lift and securement devices, properly maintain lift and securement devices, and assist and treat individuals with disabilities who use the service in a respectful manner.

In addition, we have a log sheet to record special disability service requests. It includes customer name, telephone number and the date the customers made the request. As a small operator, we do have one ch ch equipped with a wheelchair lift, and it is running on a daily basis.

As small business owners, we are working hard to run our business and to comply with the bus safety and ADA regulations. If there are problems that need fixing, the Government agency should help us deal with these problems. We do need more help from the Department of Justice about ADA issues. We do need more help from the Department of Homeland Security about terrorist issues. And we do need more help from the Federal Motor Carrier Safety Administration about safety issues.

And Mr. Chairman, and members of the Subcommittee, we do need your help to protect consumers' rights, to prevent the price of the bus tickets from Washington, D.C. to New York City from skyrocketing to $45 one way again.

Once again, thank you for inviting me to appear before you today.

Mr. PETRI. Thank you both for your testimony.

We may be interrupted by some bells, and that will mean that I and other members, Mr. DeFazio will have to go and vote. But until that time, I would like to ask a few questions.

Do you have an association of curbside bus operators, or are you each unaffiliated in any way?

Mr. WANG. We are unaffiliated. We tried to, we have an idea to get a Chinatown bus association, so we can more control all our Chinatown bus companies, that we can talk to each other, share safety issues and ADA issues. That is in the planning, yes.

Mr. PETRI. How do you market to the public? Is it through web sites, or word of mouth or probably a combination of means? Do you advertise in the newspapers, or post your schedules on the web?

Mr. WANG. Word of mouth is the most important. And a very few on the internet. We have very few times to run in the newspaper. It is all friends telling friends, telling family members. That is why in the beginning we all would lose money. Now it is picking up, so more and more people know us now.

Mr. PETRI. There are issues which in terms of communicating with passengers, if you have passengers from a variety of different communities, the drivers may not be able to communicate to all the passengers, if the driver does not know English or if he does not know whatever, the passengers probably speak a variety of different languages. They will not all know English, probably.

Mr. WANG. Yes. Most all our drivers speak English, because not all of my drivers are Chinese. I have some Spanish drivers. The rule is very clear, it says the driver has to speak enough English to communicate with the officers and the DOT inspectors. But what is called enough? Because I know one of my drivers, one inspector inspected him, said he is okay. Then the other inspector put him out of service, saying he could not speak English.

So it is very tough for us to control. What is the standard that they have to speak English, the standard of spoken English? It is very, very tough.

Mr. LIANG. I think that some drivers are stuttering. The Chinese stutter, and sometimes the police, especially on the highway, so they say, oh, you don't speak English.

Mr. PETRI. We do have rules, and we argue about them, and they exist for a good purpose, to help protect the public, and to make sure that different people with handicaps or with other problems have access to transportation services.

Do you have any ideas about what we could do that would help improve compliance with the rules or opportunity for people to understand the rules, so that we can avoid lawsuits and putting people out of business and provide good service, and low cost service, competition is a good thing. But it should be fair competition. If you are competing by not abiding by the rules, that is not fair competition.

Mr. WANG. Yes, everybody knows that the rules about the wheelchair, usually it is 48 hours. For example, the Fung Wah, we run the bus for the wheelchair. But another company, this is a bus that used to go down, out of our company, this was leased, run the other company, the wheelchair is a part of the schedule, use of the wheelchair.

Mr. PETRI. So you are saying, the 48 hours, for a smaller operator, notice of 48 hours in advance to be using a wheelchair, people don't understand that and don't give you the 48 hours notice, it is not fair for them to create that—you are not out of compliance?

Mr. WANG. Yes, but for 48 hours, because we do have a wheelchair lift on a daily basis. So if people call me in 48 hours, I can switch the schedule to fit the person's schedule. The answer is, safety is always our top priority. We do not want to break down a bus on the rh d. From my interest, I want people safe, no breakdown. If I keep breaking down on the rh d, nobody is going to take my bus.

If we are safe, it is really a big issue, like a big company that says, why I have so many customers. The people do not risk their lives to save $5. Let's say three months ago my internet sales price, one way from New York to Washington, was $21. Greyhound is $20. But we didn't lose any customers. My sales are still going up. Now maybe they increase about $23.

So if anybody just wants to save $2, put their life at risk? That does not make sense.

Mr. PETRI. Well, we thank you very much for being here today. How many buses do you operate, each of you?

Mr. WANG. My company only owns six buses. All the rest I am leasing from outside.

Mr. PETRI. How many do you lease?

Mr. WANG. About three on the weekends. Friday to Sunday only.

Mr. PETRI. All right, so six to ten buses?

Mr. WANG. Nine total, yes.

Mr. PETRI. And you, sir?

Mr. LIANG. Twenty.

Mr. PETRI. Twenty? All right.

And are most of your interactions with State regulators, or are you dealing with the Federal most of the time?

Mr. WANG. Both. New York DOT, like in New York State, the New York DOT inspects us like every six months. We must go to an inspection facility to inspect your bus every six months. And also, the Federal Motor Carrier Safety, by random inspection, last year I said about eight times to ten times, mostly in Chinatown, New York and in Chinatown, Washington, D.C.

The person from the Federal Motor Carrier Safety Administration, they also come to our office every year to see all our documents, make sure we are complying with every regulation. They also, whenever they come, they ask, do you have a wheelchair lift bus. Every time, they do ask these questions, yes.

Mr. PETRI. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Wang, your company, your driver value under the Federal system is 74, which means that you basically are very close to falling into the lowest quartile, if you understand that. You are skating on the edge here. And a lot of it goes to hours of service. You have had people who have been violating the rules by driving too many hours, which is clearly a potential safety problem, as I mentioned earlier to the Administrator. Most often, or oftentimes driver fatigue is identified.

What have you done to rectify that problem? Can you assure us that this is not going to continue?

Mr. WANG. Yes, this driver has issues, because one of my drivers gets out of service for, he didn't write in the log book and this driver has been terminated right away. Because we tell him so many times, hey, you have to keep, when you are on duty, you have to write in the log book. He says, oh, okay, and never, and then the last time they found it, he was terminated right away.

Also, the data is like statistics, you can see, we only have three drivers that got inspected. Once you have one out, it affects your score a lot. If I had 1,000 drivers, and have a couple out, then the score would still be good.

Mr. DEFAZIO. Right. But it only takes one driver falling asleep to kill a lot of people.

Mr. WANG. I know. We control, we are very seriously controlling the hours of service for our drivers. Because we know if something goes wrong, and if I break the law, then we have a lot of troubles.

Mr. DEFAZIO. Okay. And then Mr. Liang, you have a failing score. Your value is 86, meaning 86 percent perform better. You have an extraordinary number of speeding violations. And then other safety violations, following too closely, speeding, improper lane change. This is very disturbing. I think that people who are riding on your buses would be very disturbed to know about this.

You also have some duty time violations. What have you done to rectify these problems? Can you assure us these have been taken care of?

Mr. LIANG. Sir, I have experienced, I have some drivers talk about their English is not so good. But they know how to talk to the police. But I just spoke to some of the drivers about their stuttering, their English is the same. So sometimes the police, when the police stop the buses, stop the driver, they want to talk about some of the questions, some of the reasons. But they are stuttering.

So the police get the summons for the driver. That is the first thing.

The second thing, in Connecticut, the signs are different. Example, Connecticut, the 95 in Connecticut, exit 3, this is the weigh station. But the sign says no bus in the weigh station, no bus. But the highway, 84 highway, the exit 73 and 74, have that bus, truck, trailer, all commercial.

So when the bus passed the 95 exit, the second and third, some of the police said, oh, you passed the weigh station. So they got a summons, the first thing.

The second thing, I have the express, a mini-ch ch. Nobody knows that. The mini-ch ch is 28 seats. When I drive the mini-ch ch and 25 people are in the bus. But I go to the weigh station on 84, in the exits 73 and 74, the exit that is a weigh station. But I got a summons that it is overweight. Why? Nobody knows. The police, why, you are overweight, your bus is overweight. That was recent, I got a ch ch summons.

Last year, around October, I went to the office in Massachusetts, Boston. I showed them the ticket, ch ch summons. Last year in October.

Mr. DEFAZIO. I think just the number and the pattern, there may be some capability of, you certainly have recourse to the court

systems in those States, and I am not certain whether these are actually resolved or not, or they were ticketing and we don't know how they were resolved. Obviously your recourse is to the judges in those States. But that is a very large number of speeding violations, particularly in Massachusetts.

My concerns are not assuaged here. But I really don't have further questions at this point, Mr. Chairman.

Mr. PETRI. We thank you both for coming and for your testimony.

We are concerned with making sure that there is fair enforcement, but that there is also compliance. We are recognizing that, especially when you are dealing with people who are not as fluent in English and with some of the procedures and rules, that it is a management problem for you, it is an enforcement problem for us. I hope that you possibly, if you form some curbside operators association, it might help with communications between the enforcement agencies and your organizations, to help reduce misunderstandings or unfair enforcement or unfair competition by your organizations.

We thank you again for preparing the statements that you have submitted and for your response to the questions today.

Thank you. And this hearing is adjourned.]

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

Congressman Russ Carnahan (D-MO)
House Transportation Committee
Subcommittee on Highways, Transit, and Pipelines
Hearing on Curbside Operators: Bus Safety and ADA Regulatory Compliance
Opening Statement
March 2, 2006

- Mr. Chairman, I want to thank you for scheduling this hearing on the "Curbside Operators" in the passenger bus industry and their compliance with the Federal Motor Carrier Safety Regulations and the Americans with Disabilities Act.

- Due to their low-cost operations, curbside operators have risen in popularity. However, recent media reports indicate these carriers have committed serious safety violations.

- It is appropriate that this subcommittee take the opportunity to examine the safety and accessibility of curbside operators.

- I look forward to hearing the testimony today and to working with the subcommittee on this issue.

- Thank you.

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE

"Curbside Operators: Bus Safety and ADA Regulatory Compliance"

March 2, 2006
10:00 a.m.
2167 Rayburn House Office Building

Opening Statement of Congressman Elijah E. Cummings

Mr. Chairman:

I thank you for calling today's hearing to examine the safety of curbside bus services, which are carrying an increasing number of intercity travelers, particularly along the East Coast.

These buses typically offer very low fares for travel between popular destinations – such as between Washington, DC, and New York City. The growing ridership of these services underscores the high level of

demand in our nation for affordable intercity transportation services.

Intercity bus service is a mode that is well-suited to meet these types of travel demands and I am pleased that through the SAFETEA-LU bill, we succeeded in ensuring that federal aid would support the development of more seamless connections between intercity bus services and other transportation modes.

Unfortunately, recent investigations conducted by the Federal Motor Carrier Safety Administration, by local officials in cities like Boston and New York, and by publications such as the *Washington Post* have found that curbside services may be falling short of federal safety

standards and may not be operating in compliance with the Americans with Disabilities Act.

It is imperative that strong regulatory systems are in place to require all transportation service providers to comply with federal safety standards. This is particularly critical as passengers traveling on a bus service may have no real sense of the true safety situation of the service – and no reason to suspect safety concerns from the outside appearance of a bus.

Further, it is imperative that those intercity bus service providers which are abiding by safety regulations and by the requirements of the Americans with Disabilities Act – and incurring the costs of compliance – are operating on a level playing field. In other words, if curbside operators

are able to charge lower fares because they are not spending enough to meet required safety standards or to accommodate everyone who wants to travel, they are simply not competing fairly – and they are undermining the carriers that are operating according to the rules.

I look forward to hearing from today's witnesses, particularly the Federal Motor Carrier Safety Administration (FMCSA), which is charged with enforcing the compliance of over-the-road bus operators with federal safety standards.

The FMCSA has been criticized in the past by the General Accountability Office for not developing a safety enforcement system that is effective in reducing accidents and unsafe practices. In a report issued in December 2005,

the GAO reported that FMCSA had not adequately studied whether the civil penalties it imposes on carriers found to be in non-compliance with safety regulations have resulted in increased compliance.

Equally troubling, several publications have reported that discount bus firms ordered out of service for safety violations have been able to file new paperwork under a new name and resume operations almost immediately.

These findings leave me deeply concerned about the ability of our government to get unsafe carriers off the road and to ensure that they stay off until they are truly operating in compliance with all applicable laws and regulations.

I know that the FMCSA has recently organized targeted 'strike forces' to examine curbside bus operators and I applaud those efforts. However, it is imperative that we have regular, comprehensive enforcement of all motor carrier safety regulations.

Thank you and I yield back.

ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

STATEMENT OF JACQUELINE S. GILLAN

VICE PRESIDENT

ADVOCATES FOR HIGHWAY AND AUTO SAFETY

BEFORE THE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

HOUSE COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

MARCH 2, 2006

750 First Street, NE Suite 901 Washington, DC 20002 Tel: 202/408-1711 Fax: 202/408-1699
World Wide Web: http://www.saferoads.org

Good morning. My name is Jacqueline Gillan and I am Vice President of Advocates for Highway and Auto Safety (Advocates), a coalition of consumer, health, safety, medical and insurers working together to advance federal and state programs and policies that prevent deaths and injuries on our neighborhood streets and highways. I commend the Subcommittee for holding hearings on the safety of curbside bus operations.

Motorcoach safety is a serious concern for anyone who relies on and uses this growing and affordable mode of transportation. Unfortunately, when it comes to motorcoach safety, consumers are forced to travel wearing a blindfold. Many of us in this hearing room have put our excited child on a bus for an out-of town school field trip, or waved goodbye to our retired parents as they took off for a vacation, or participated in a church trip with family and friends that relied on hired bus transportation, or even took advantage of low cost fares to travel between Washington, DC and New York or Boston on buses boarded at street corners in downtown locations. Despite the widespread use of motorcoach transportation in our everyday lives, the public is completely in the dark about the safety of motorcoach operators because of chronic and continuing failures by the Federal Motor Carrier Safety Administration (FMCSA) to exercise its legal authority to regulate the safety of this industry. My testimony this morning will discuss the numerous government studies that have identified and substantiated lax federal oversight, the inability of FMCSA to keep unsafe motorcoach operators and unsafe bus drivers off the road, the inexcusable lack of public information to provide consumers with critical safety information, and recommendations for congressional and agency actions.

Little is known about the size of curbside motorcoach operations, including how many companies are evading federal and state safety requirements, and how much oversight FMCSA and the states are applying to stopping this dangerous trend in inexpensive passenger transportation. As I emphasize near the end of my testimony today, Congress should request a report that describes in detail the proportions of these maverick bus companies and how changes to safety laws and regulations, as well as improved federal and state oversight, can not only make these motorcoach operators clean up their act but also raise the entire level of our nation's motorcoach safety to a new, higher level.

Motorcoach Crashes Are Serious and Deadly

On May 9, 1999, a motorcoach traveling on I-610 in the heart of New Orleans, Louisiana, with 43 passengers aboard, ran off the road, struck a guardrail that was powerless to stop it or change its deadly trajectory, broke through a chainlink fence, collided with a raised earth embankment, and finally slid to a halt. Twenty-two passengers were killed, and the bus driver and 15 passengers received serious injuries. Only 6 passengers escaped with minor injuries.

More than 6 years later, on September 23, 2005, a motorcoach carrying nursing home residents fleeing the imminent landfall of Hurricane Rita caught fire and exploded, initially killing 24 of the 44 people on board who were residents and employees of a Dallas-area nursing home. The National Transportation Safety Board (NTSB) is still in the process of investigating that horrific crash.

Because motorcoaches carry up to 55 passengers, when a crash does occur it can be both catastrophic and deadly. Since 1999 alone, NTSB has investigated and reported on 8 major motorcoach crashes. Those eight NTSB-investigated crashes took scores of lives and inflicted injuries on hundreds of people. In many cases, those severe injuries represented a lifetime of disability for the victims.

There are thousands of small commuter airline flights every day in the U.S., yet in most cases each aircraft is carrying fewer passengers than an over-the-road motorcoach that, filled to capacity, is transporting 55 people. The issues and concerns of motorcoach safety are in many ways much more akin to passenger aviation safety than they are to large truck safety. Motorcoaches in interstate commerce are

motor carriers regulated by the FMCSA along with trucks in interstate freight operations that exceed 10,000 pounds gross vehicle weight.

According to figures from FMCSA, there are just under 8 million large trucks on our highways and streets today, but less than 800,000 buses of all kinds.[1] This 10-to-1 proportion already balances the scales heavily in favor of concentrating on large truck safety.

Despite the millions of passengers and billions of air miles flown each year, passenger aviation often concludes a year without a single crash fatality. Unfortunately, public authorities have chronically overlooked motorcoach safety. It is not being held to the same high standards as aviation safety both for operators and for vehicle safety oversight. This failure to ensure strict oversight and safety compliance is systemic in nature and exists at both the federal and state levels. Both FMCSA and state commercial motor vehicle (CMV) authorities are not adequately inspecting motorcoaches and auditing motorcoach companies to ensure that dangerous companies are prevented from continuing to operate. Safety information on motorcoach companies is being compiled by FMCSA that is inaccurate and late, and the methods that FMCSA uses to rate motorcoach safety, the Safety Status Measurement System (SafeStat), and to assign safety ratings, compliance reviews, have been shown repeatedly to be unreliable and unequal to the important task of identifying the motor carriers at high risk of crashes. In addition, even the basic, once-a-year bus safety inspection required by federal regulation is apparently not being carried out by half the states.

FMCSA Lacks Reliable Information on State Annual Bus Safety Inspections

Title 49 Code of Federal Regulations (CFR) Part 396 requires that the Secretary prescribe standards for annual, or more frequent, inspection of CMVs, unless the Secretary makes a finding that another inspection program is as effective as an annual, or more frequent, inspection. Eight years ago last month, the Federal Highway Administration (FHWA) issued a final notice that closed the docket on state bus inspection programs.[2] The notice added a final state, Ohio, that the agency had deemed to have a periodic inspection program that met the requirements of a program in the CFR, at least with respect to church buses. In that notice, FHWA listed 25 of 50 states with approved, equivalent periodic inspection programs.

Although Advocates' staff performed a search of FMCSA's current web site for state bus inspection programs, we could not find any entries referring to the current status of state compliance with the requirements of 49 CFR Part 396, including any updated listing of states that may have instituted periodic bus inspection programs in the intervening 8 years since the last notice that accompanied the closing of the relevant docket for adding new states. We also do not know how comprehensive each bus inspection program may be in each of the 25 listed states. It may be the case that some of the other states listed currently do not inspect all buses or do not inspect over-the-road motorcoaches.

It is clear that timely information on state bus inspection programs – whether they are still current and how well and often they inspect motorcoaches, as well as any other types of buses, for safety compliance – apparently is not obtainable from FMCSA's web site. It should be stressed here that the minimum period inspection requirement is only once a year, pursuant to the legislated requirement that Congress enacted in Section 210 of the Motor Carrier Safety Act of 1984.[3] Since it is well known that inspection of CMVs, including motorcoaches, needs to be much more intensive and frequent than for passenger motor vehicles, a once-a-year inspection regime is clearly no guarantee of safe motorcoaches. Many companies even in states that have bus inspection programs can come into compliance for an annual inspection only to allow major safety features of motorcoaches to fall into disrepair or become inoperative soon after passing the annual inspection. Advocates could find no information from FMCSA's web site on the effectiveness of state motorcoach inspection programs to detect safety problems or how well or for how long state motorcoach inspection programs ensure compliance with all federal motor carrier safety requirements.

FMCSA Suffers from Major Data Deficiencies for Identifying Motor Carriers That Are High Safety Risks

Chronic problems of data adequacy, including accuracy, completeness, and timeliness, have compromised both the FHWA's Office of Motor Carriers and FMCSA's effectiveness for many years in conducting their compliance and enforcement programs. These defects continue today, as pointed out below, and have been documented by federal government oversight investigations that stretch back into the middle and late 1990s.

For example, the U.S. Department of Transportation (DOT) Office of the Inspector General (OIG) issued a report in early 1997 showing that database problems used to prioritize all motor carriers for compliance reviews were endemic at FHWA OMC, the agency of jurisdiction that preceded FMCSA.[4] The data deficiencies found included inadequate numbers of carriers covered in the agency's database, failure to include state and local records of crashes and violations of local traffic laws, and inaccurate and delayed data submissions by the states. These severe data problems covered trucks, buses, and motorcoaches alike.

A follow-up OIG study was conducted 2 years later, in 1999, and found the same defects as the 1997 study, as well as a failure of FHWA to ensure that local enforcement agencies accurately and completely report crashes, traffic violations, and roadside inspection results.[5] Those data problems were found by the OIG to undermine any effectiveness of the Safety Status Measurement System (SafeStat) to identify and target motor carriers with high-risk safety records by, for example, targeting compliance reviews for the worst companies. SafeStat problems will be discussed below in a separate section of my testimony.

These criticisms of the serious defects in FHWA's data system were extended by the OIG in early 2000 to the newly created FMCSA's use of the Commercial Driver Licensing Information System (CDLIS).[6] The OIG found that both FMCSA and the states were failing to collect information on driver disqualifying violations and also failing to disqualify drivers even though a state's CDLIS data bank showed that drivers who should be disqualified were still operating their vehicles.

These findings of data inadequacies were mirrored in findings and testimony from the U.S. General Accounting Office (now the Government Accountability Office) (GAO) that began before the creation of FMCSA and have continued until the present.[7] Sadly, the careful evaluation of severe data problems at FMCSA and specific recommendations for improvement have gone unheeded at the agency. In November 2005 the GAO issued yet another report on the failures of FMCSA to correct these deficiencies.[8] In general, GAO found that CMV crash data still do not meet general data quality standards of completeness, timeliness, accuracy, and consistency. One-third of CMV crashes that the states are required to report to FMCSA were not reported and those crashes that were reported were not always accurate, timely, or consistent. GAO also found that FMCSA had no formal guidelines for awarding grants to the states for their data improvement efforts. Moreover, even the agency's ratings of how well or badly states were performing in their data collection and transmission efforts were flawed because of the methodology used by FMCSA to develop the state rating system.

Systemic Defects in SafeStat Undermine the Agency's Ability to Identify Motor Carriers with the Highest Safety Risks

SafeStat is a complex algorithm used by FMCSA to identify which motor carriers present the highest risk of having crashes and of committing motor carrier safety regulatory violations. Recent evaluations of SafeStat by the U.S. DOT OIG and by the Oak Ridge National Laboratory have both come to the same conclusions: SafeStat is not objective, many motor carriers are improperly identified as high safety risks, many motor carriers fail to be identified as high safety risks, and the data used to calculate SafeStat are unreliable for the reasons listed in the previous section of this agency review.[9]

The 2004 OIG report found that the usefulness of SafeStat was undermined by substantial weaknesses in the data reported to FMCSA by the states and motor carriers. Specifically, there was a lack of updated census data for 42 percent of the active registered motor carriers that had failed to meet the congressionally mandated requirement to update their registration every 2 years, and only 31 percent of these carriers had SafeStat scores for one or more safety evaluation areas. The OIG Report also found that about one-third of large CMVs involved in crashes each year had no reports in the database, 6 states did not report any crashes during a 6-month period that was reviewed, and that 20 percent of the crashes in fiscal year 2002 were reported 6 or more months late. There also were high levels of underreporting of moving traffic violations that had been identified during roadside inspections, as well as failures to identify carriers associated with violations or misidentification of carriers with violations. Finally, the OIG Report found that 71,000, or 11 percent, of the active interstate motor carriers were on record as having no power units and 98,000, or 15 percent, of registered carriers were on record as having no drivers.

The OIG Report also determined that these severe data deficiencies were not being corrected by FMCSA through the use of existing sanctions and incentives to promote better data reporting by states and motor carriers. FMCSA had not imposed sanctions on any states, including withholding basic Motor Carrier Safety Assistance Program (MCSAP) grant funds from states for failing to correct data quality problems. Even MCSAP incentive grant formulas are not adequate because the agency only uses timeliness of data submitted to make incentive calculations while data accuracy and completeness – which are crucial – are ignored.

As a result of these severe data defects, the OIG report recommended that the use of these defective data continue for internal agency purposes, but that they were not reliable enough for public use. As a result, FMCSA suspended posting these crash and safety data about motor carriers on its web site shortly after receiving the OIG report until these data met higher standards for completeness, accuracy, and timeliness. Those data are still not available on FMCSA's web site location called Analysis and Information Online. As discussed in the foregoing section, the latest GAO report issued November 2005[10] shows that little progress has been made by FMCSA in nearly 2 years to correct these system defects in its data system for determining the safety of motor carrier management and operations.

One of the OIG's recommendations in this report was for FMCSA to hire a contractor to conduct a new study for revalidating SafeStat. Oak Ridge National Laboratory performed this review, and its study was sent to the agency dated October 2004.[11] Unfortunately, this evaluation uncovered fundamental defects in SafeStat that the prior OIG evaluation had not detected:

- **SafeStat Is not Objective:** The basis of SafeStat ultimately is subjective, based upon expert consensus opinion or judgment, and therefore has no meaningful statistical relationship to the data used to operate the system's algorithm for detecting high safety risk motor carriers.
- **Most Motor Carriers Are improperly Identified as High Safety Risks:** The identification of 9 of every 10 motor carriers as high safety risks is mistaken and only an artifact of the data and the use of those data in the SafeStat algorithm.
- **The Data Used in SafeStat Are often Unreliable:** As was also found both by the OIG and GAO, the data used in SafeStat are defective. About half the states either report CMV crash data late, underreport the number of CMV crashes, or overreport the number of CMV crashes. Also, the data sufficiency criteria are unrealistic, do not support a sound statistical use of the data gathered by FMCSA, and often result in many motor carriers not receiving a safety ranking.

With regard to this last point, although the Oak Ridge Report does not specifically address the implications of the data sufficiency issue in detail, the criteria for being ranked strongly favor larger carriers with more power units, drivers, and higher annual vehicle-miles-traveled. Many small carriers

with few power units and drivers cannot achieve the exposure necessary to be safety ranked, yet many small motor carriers are apparently at high risk of safety violations. This is particularly true of motorcoach companies, which often have few buses in each fleet. Because they are not identified by SafeStat, these small motor carriers "fly under the radar" of detection by FMCSA for oversight and enforcement.

We do not know exactly what steps FMCSA is taking to correct these baseline defects of both SafeStat and the data upon which SafeStat relies to make its calculations for tagging motor carriers as high safety risks and subjecting them to CRs and more roadside inspections. Although Congress directed that motor carrier data systems be ensured for accuracy, reliability, and timeliness both in the Transportation Equity Act for the Twenty-First Century[12] and in the ensuing legislation creating FMCSA, the Motor Carrier Safety Improvement Act of 1999,[13] these mandates have still not been fulfilled.

FMCSA Performs Few Compliance Reviews and Fails To Assign Timely Safety Ratings

A central problem compromising agency effectiveness in overseeing motor carrier safety and reducing FMCSR violations is the annually low numbers and percentage of both roadside inspections and compliance reviews (CRs).

FMCSA has a mandate inherited from FHWA OMC to safety rate all motor carriers.[14] However, as pointed out in the OIG report of March 26, 1997, FHWA in 1992 basically decided that it would no longer attempt to fulfill the statutory requirement to safety rate all registered interstate motor carriers.[15] As Advocates will show below in a sample of a few states, very few motorcoaches have been assigned timely, reliable safety ratings.

The implementing regulations for conducting CRs specifies criteria for assigning one of three safety rating categories to a motor carrier: Satisfactory, Conditional, Unsatisfactory.[16] The well-known 1999 OIG report cited earlier in Advocates' testimony found that FHWA's OMC was not sufficiently effective in ensuring that motor carriers comply with safety regulations and that the enforcement program did not deter noncompliance.[17] One of the primary reasons found by the OIG for this ineffective enforcement outcome was the paucity of CRs performed along with the low number and percentage of motor carriers receiving either Conditional or Unsatisfactory ratings.

At the time the OIG report was released it was estimated that there were about 480,000 registered motor carriers of all kinds,[18] so the figure of 6,473 CRs performed in 1998, the most recent year for which the OIG had data, represents only 1.3 percent of all registered motor carriers. This figure, in turn, includes only a tiny number of safety rated motorcoaches. Moreover, the OIG report found that of the carriers receiving CRs with safety ratings, only 1,870 – or only about 0.4 percent – had received less-than-Satisfactory ratings. Of this number, only 971 received a rating of Unsatisfactory. This means that only about 0.2 percent of all registered motor carriers were given Unsatisfactory safety ratings.

On its face, it is improbable that assigning Unsatisfactory safety ratings to only 0.2 percent of registered interstate carriers has a deterrent effect on what in 1998 was about 480,000 registered motor carriers, including several hundred motorcoach companies. Indeed, the OIG found that a deterrent effect was not even evident for the carriers that received either Conditional or Unsatisfactory safety ratings. For example, the OIG report pointed out that of the 1,870 carriers that received either Conditional or Unsatisfactory ratings, 650 had over 2,500 crashes from October 1, 1994, through September 30, 1998, resulting in 132 fatalities and 2,288 injuries.

Other organizations have called for improvements to the safety rating process. For example, NTSB's current list of the Most Wanted Transportation Safety Improvements – Federal Issues[19] argues that the entire safety fitness regime operates too leniently with criteria that do not result frequently enough in motor carriers being shut down or drivers having their licenses revoked. NTSB points out that a

pending Unsatisfactory rating occurs if 2 of 6 factors are found unacceptable, after which a general freight carrier has 60 days to correct the deficiencies or receive an Out-of-Service Order (OOS) that prohibits further operations. For hazardous materials (hazmat) and passenger motor carriers, the company has 45 days to correct the deficiencies or receive an OOS Order.

However, NTSB regards this system as simply permitting unsafe carriers and drivers to continue to operate. NTSB instead recommends that if a carrier receives an Unsatisfactory rating for either the vehicle or the driver factor, the bad rating alone should trigger a pending Unsatisfactory rating. According to NTSB, this recommendation has been reissued annually since 1999 and FMCSA does not plan full implementation of any changes to its safety rating and other safety oversight processes until 2010.[20]

In its 1999 major report on motor carrier safety oversight and enforcement, the OIG found that the number of CRs performed by FHWA's OMC had declined by 30 percent since fiscal year 1995 even though there had been a 36 percent increase in the number of motor carriers over this period.

FMCSA's web site contains a National Summary for the most recent available year, 2004, for which data are available.[21] If one were to calculate the percentage of CRs performed in 2004 out of the total number of carriers listed for 2004 as registered with FMCSA, this barely exceeds one percent (1.13 percent) of registered carriers receiving CRs. This figure represents no significant difference from the poor showing of FHWA OMC shown earlier in our review that was documented in the 1999 OIG report. In fact, the 2004 CR percentages on the FMCSA web site for Conditional and Unsatisfactory safety ratings for the 7,623 carriers receiving CRs yield 2,310 carriers assigned a Conditional rating and 701 carriers assigned an Unsatisfactory rating.

Recall that the 1999 OIG report indicated that 971 carriers out of approximately 480,000 registered companies received an Unsatisfactory rating. This means that current efforts to take dangerous carriers out of operation have resulted in even fewer assigned ratings of Unsatisfactory out of a much larger population of registered motor carriers (677,249), nearly one-third larger than in 1998.

If the figures on CRs posted on FMCSA's web site are to be relied upon, it is clear that not only has there been no improvement in conducting CRs and assigning Conditional and Unsatisfactory ratings since the figures provided in the 1999 OIG report, the agency on a percentage basis appears to be even further in arrears in using this powerful safety oversight and compliance tool. However, this condition appears to be irremediable given the decision of FHWA OMC documented in the earlier 1997 OIG report no longer to attempt to perform CRs and assign safety ratings to all registered motor carriers.[22] This was borne out by the July 2001 testimony of the IG who stated that more than three-quarters of registered motor carriers in the U.S. had not been subjected to a CR and were operating without any safety ratings.[23]

State Examples Illustrate Chronic Deficiencies

The following examples illustrate the chronic deficiencies in FMCSA's administration of CRs by showing the results of Advocates' investigation into a few states to provide a snapshot of the current status of interstate motorcoaches. Advocates evaluated 4 states whose motorcoach CRs are currently listed on FMCSA's web site, Analysis and Information Online. Advocates reviewed Maryland in the mid-Atlantic area, Texas in the southern middle of the U.S., Wisconsin in the upper midwest, and Oregon in the far northwest. The motorcoach CRs for each state are arranged with the final safety rating – including entries that the carriers are unrated – following the 4 Safety Evaluation Areas of Accident, Driver, Vehicle, and Safety Management. Unfortunately, there is no way for us to determine which of these motorcoach companies in these 4 states might be "curbside" bus operations.

Maryland: Advocates found 100 Safety Rated motorcoaches in Maryland.[24] Of these, 55 were unrated, 5 bore Conditional ratings, and 39 had Satisfactory ratings. None is rated Unsatisfactory.

However, of the 39 Satisfactory ratings, 27 were more than 5 years old and had been awarded in 2000 or earlier. Many of the Satisfactory ratings had been given in the 1990s, and one Satisfactory rating had been assigned in 1988. If we regard Satisfactory safety ratings more than 5 years old as essentially no longer an accurate or relevant indicator of contemporary operating safety, and add the unrated and Conditional rated carriers to these outdated Satisfactory ratings, then 87 of 100 listed passenger carriers do not have timely safety ratings.

But the story gets even worse. In many instances, even motorcoaches with Satisfactory safety ratings are not rated in all 4 Safety Evaluation Areas. In fact, of the 39 passenger carriers out of 100 listed that carry Satisfactory safety ratings, only 5 have been reviewed for all 4 Safety Evaluation Areas. The most frequent missing evaluation area is the overarching finding of company Safety Management adequacy. Only the 4 motorcoaches assigned Satisfactory ratings in 2005 have been evaluated for Safety Management.

If a reasonable standard is assumed for the Maryland safety ratings of motorcoaches for both timeliness and completeness, as described above, then of the 100 companies listed on the FMCSA web site, only 4 carriers have Satisfactory ratings, were rated recently (within the last 5 years), and were reviewed for all 4 Safety Evaluation Areas. Although FMCSA provides this web site with state-by-state CR rating information as a consumer guide to selecting a good motorcoach for transporting a wide variety of people such as children, church and tour groups, and the disabled, there are almost no motor carriers in Maryland to choose from that have recent Satisfactory ratings that are also the result of findings for all 4 Safety Evaluation Areas.

Texas: Texas fares a little better than Maryland, but not by much.[25] The Texas list from FMCSA contains 193 active motorcoaches. Of these, 75 are rated Satisfactory, 9 carry Conditional ratings, and 109 are unrated. None is rated Unsatisfactory.

Of the 75 Texas motorcoaches rated Satisfactory, 20 were assigned the highest rating more than 5 years ago. One carrier had its Satisfactory rating assigned in 1986. A high percentage of the Satisfactory ratings were assigned in 2005 and even in 2006.

However, on closer inspection this somewhat rosier picture is not so impressive. Two of the three 2006 Satisfactory ratings alone, for example, are missing 3 of 4 Safety Evaluation Areas and one is missing 2 of 4 Areas. Of all 75 Satisfactory rated motorcoaches in Texas, 64 are not rated in all 4 Safety Evaluation Areas. In many cases, two or even three of the 4 Areas have no findings. This even includes Satisfactory ratings that were just assigned in 2005 or 2006.

Performing the same exercise for Texas as we did just now for Maryland, of the 193 motorcoaches listed by FMCSA for the state, only 9 are rated Satisfactory, had that rating assigned in the last 5 years, and were rated in all 4 Safety Evaluation Areas. Again, not much to choose from for a consumer trying to find the safest motorcoaches in Texas, a big state where perhaps none of those 9 carriers with the best, most complete, and most recent rating is close to the location where your group needs passenger transportation service.

Wisconsin: Adding two other states will provide a reasonable sample from across the nation. Wisconsin has 55 registered motorcoach companies currently listed on the Analysis and Information web site. Of these, 34 are rated Satisfactory, 2 are Conditional, and 19 are unrated. No carrier is rated Unsatisfactory. However, 28 of those 34 Satisfactory ratings are more than 5 years old. Three of the Satisfactory rated carriers were awarded this highest rating in 1987. Only one motorcoach company of the 34 rated Satisfactory has had all 4 Safety Evaluation Areas covered for the rating. Most motorcoaches rated Satisfactory have one or more of the 4 Evaluation Areas unchecked. Most carriers rated Satisfactory are

not rated for overall safety management. One Satisfactory rating assigned in 2000 has none of the 4 Safety Evaluation Areas covered, so one wonders what the highest rating of Satisfactory could have been based on.

Oregon: For Oregon, only 17 motorcoach companies are listed as having received CRs. Of these, 11 are rated Satisfactory, with none rated in all 4 Safety Evaluation Areas. One motorcoach company is rated Conditional and 5 have no ratings. Seven of the 11 carriers rated Satisfactory were assigned this rating more than 5 years ago. One Satisfactory rated carrier was given its rating in 1986.

One more fact needs to be emphasized here at this end of this brief review of just a few states: a Satisfactory rating is not FMCSA's Good Housekeeping seal of approval. A Satisfactory rating from the agency does not mean superior or excellent safety operations and safety management. In fact, FHWA back in the 1990s at one point proposed defining the Satisfactory safety rating as "Not Unsatisfactory," a characterization that does not exactly inspire confidence in a consumer seeking transportation services.[26] For all practical purposes, a Satisfactory rating simply means that a carrier receiving a safety audit could have just gotten across the threshold. In school terms, a carrier receiving a Satisfactory rating could have gotten a D- in the safety areas that were evaluated. Moreover, the Satisfactory rating grade was inflated by FHWA in the 1990s, essentially doubling the bad safety score that could still result in a Satisfactory rating.[27] However, absent serious safety problems with crashes, driver and vehicle safety oversight by the company, and overall safety management deficiencies, the Satisfactory rating can and will be awarded even to companies with mediocre safety records.

In the end, if you are a consumer looking for the safest passenger motor carrier in your state, you probably are left to your own devices to try to determine where to put your money and have the best chance of safe management, safe vehicles, and safe drivers to ensure that you and the others sharing the motorcoach safely reach your destination. You certainly will get little help from FMCSA's safety rating efforts.

Motorcoach Driver Qualifications Have Inadequate Federal and State Requirements

Current requirements for motorcoach drivers at both the state and federal levels are woefully inadequate. The driver for the horrendous 1999 Mother Day's motorcoach crash in New Orleans had slipped through several safety nets by the time he lost control of the vehicle and left the roadway into a dangerous roadside environment.[28] Although he had a current commercial driver license (CDL) with the additional bus endorsement and a medical certificate, he was suffering from several life-threatening medical conditions, including severe heart problems and partial kidney failure. He also had verified use of marijuana and of a sedating antihistamine. The medical certification process both at the state and federal levels should have pulled this driver from the road long before the crash. No commercial pilot with these severely impairing medical conditions could have continued to operate an aircraft with 55 people aboard.

Motorcoach drivers are required to have CDLs with the additional bus endorsement. However, there are no training requirements in federal law and regulation for entry-level CMV drivers, and there are none for the additional endorsements for operating multi-trailer large trucks, hazardous materials vehicles, school buses, or motorcoaches. Moreover, motorcoach drivers only have to pass an additional, short knowledge test to gain the additional bus endorsement.

Although FHWA and FMCSA together have spent over 20 years studying CMV operator training issues, producing their own Model Curriculum for training both drivers and the trainers of those drivers, and conducting rulemaking pursuant to Section 4007(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA),[29] FMCSA did an abrupt about-face in May 2004 and issued a final rule that avoided adopting any basic knowledge and skills training requirements for entry-level commercial drivers.[30] Instead, the agency published a regulation that only required drivers to gain familiarity with 4

ancillary areas of CMV operation – driver qualifications, hours of service requirements, driver health issues, and whistleblower protection. FMCSA did not require any specific curriculum to be used for these areas of familiarity and no minimum amount of instruction was specified. Moreover, even though FMCSA determined that drivers in their first 5 years of CMV operation could benefit from basic entry-level training, the agency further reduced the meaning of 'entry-level driver' to the point where it was defined to include only drivers with less than one year of driving experience with a CDL. Note that the agency did not require driver training as a prerequisite for a candidate seeking an entry-level CDL.

This rulemaking outcome was a complete reversal from earlier agency statements that the majority of new commercial drivers were not receiving adequate training. The agency had repeatedly asserted that the CDL itself was only a licensing standard, not a training standard, and therefore could not be expected to do the job of training commercial drivers in both the knowledge and technical skills to comply with numerous federal and state motor carrier regulations as well as to safely pilot their big commercial vehicles on public highways.[31] Moreover, FHWA stated that the actions of the private sector alone on a voluntary basis were unlikely to improve the inadequate level of driver training that its contractor had found in an in-depth report completed in July 1995.[32] FMCSA restated this finding in its 2003 proposed rule, that entry-level drivers are in general not receiving adequate basic training in the knowledge and skills necessary to operate a large commercial vehicle.[33]

Nevertheless, FMCSA in its final rule contradicted its stance on the need for basic entry-level knowledge and skills training that it had consistently assumed throughout the protracted history of consideration and rulemaking on this crucial safety issue, including its support for entry-level training in its own 2003 proposed rule. Instead, the agency issued a final rule that excused almost all novice drivers from even being considered entry-level commercial drivers and required them to receive only perfunctory instruction in corollary areas of CMV operation.

Because FMCSA in its final regulation reversed its own findings that basic knowledge and skills entry-level driver training was inadequate and should be required, Advocates filed suit against FMCSA. Last year, in a unanimous decision, the U.S. Court of Appeals for the District of Columbia found that the final rule was arbitrary, capricious, and an abuse of agency discretion, and remanded the rule to FMCSA.[34] In its opinion, the appellate court stated that the rule "focuses on areas unrelated to the practical demands of operating a commercial motor vehicle" and that the rule was "so at odds with the record assembled by DOT that the action cannot stand."[35]

Although an excellent bus driver training curriculum was forged by FHWA 20 years ago, there are no training requirements for the operator who is responsible for the lives of 55 people on board an over-the-road motorcoach, no certification is needed to apply for an entry-level CDL, and no instruction is needed to seek and gain the additional, special endorsement to operate motorcoaches in interstate commerce.

As already shown above, when FMCSA's laissez-faire stance on the training, certification, and licensing of motorcoach drivers is matched with the extraordinarily weak and incomplete CRs of motorcoaches, as well as to the unreliable data used by the agency to assign safety scores to these carriers, there is only one, inevitable conclusion – both FMCSA and the states are failing to properly oversee and evaluate motor coach safety at every level of analysis – company, driver, and vehicle:

► The safety data from the states relied upon by the agency are inadequate and no longer available for public use.

► The SafeStat system cannot reliably discover which carriers are at high risk of safety failures in management and operations.

► The safety audit system of CRs is a patchwork quilt of mostly unrated carriers or carriers with incomplete or outdated safety ratings.

▶ The training of motorcoach drivers is left to the vagaries of private sector efforts with no federal benchmarks for measuring what constitutes a safe operator.

It is unimaginable that this kind of government dereliction of public safety assurance and oversight would be tolerated for commercial airline travel.

Conclusion and Recommendations

It is clear that passenger transportation safety by over-the-road motorcoach, including curbside operations, is not held to the high standards of commercial passenger aviation. Severe motorcoach crashes can take many lives in a single event and inflict severe injuries on numerous passengers. Congress needs to take action to raise the level of motorcoach company safety and improve the quality of federal and state oversight.

- **Require a Detailed Oversight Report on Curbside Motorcoach Operating Safety:** Congress should ask the U.S. DOT OIG or another federal oversight organization, such as GAO, to conduct an in-depth evaluation of curbside motorcoach operations that identifies how many there are, how they successfully evade federal and state safety compliance and inspection, and what needs to be done to ensure a high level of public safety.

- **Require Stringent State Bus Inspection Programs:** Bus inspection programs in the past have been incomplete or non-existent in many states. Congress should require all states to have intensive bus safety inspection programs. However, it is doubtful that a once-a-year inspection requirement, even if adhered to, is sufficient to ensure that all registered interstate motorcoaches are adhering to vehicle safety requirements. CMVs, especially those carrying 55 people on board, need much more frequent inspection intervals than passenger motor vehicles.

- **Accelerate Basic Reform of Safety Data Reporting, SafeStat, and Compliance Reviews:** State safety data must be dramatically improved; SafeStat, including its algorithm, must be reformed from the ground up to reliably detect high-risk motor carriers; and the CR system must be reformed and expanded to keep safety ratings up to date.

- **Upgrade the Testing Requirements for both Entry-Level CDLs and Special Endorsements:** Congress needs to direct FMCSA to ensure that both the CDL entry-level examination and the additional, special endorsements are substantially improved as an adequate test of both knowledge and skills to operate a CMV. It is especially important that there be improved testing of the special knowledge and skills needed to operate an interstate motorcoach.

- **Require Entry-Level Commercial Motor Vehicle and Advanced Motorcoach Driver Training:** Motorcoach professional drivers should be required to undergo both entry-level and special motorcoach operator training. A certification that a basic, federally-approved CMV driving curriculum was administered and that the candidate successfully passed or graduated should be required to take the CDL entry-level test. Similarly, advanced training education through a certified motorcoach driving curriculum should be required as a condition for being tested for the additional, special bus endorsement.

Endnotes

[1] http://www.fmcsa.dot.gov/facts-research/facts-figures/analysis-statistics/cmvfacts.htm. There are no separate figures for motorcoaches provided, but the United Motorcoach Association estimates that there are probably about 45,000 to 50,000 commercial over-the-road motorcoaches in the U.S. There is, in addition, an unknown number of "private" motorcoaches such as those used for schools, church groups, and other organizations, some of which are interstate and must conform to most Federal Motor Carrier Safety Regulations.
[2] 63 FR 8516 *et seq.*, February 19, 1998.
[3] Title 49 U.S.C. § 31142.
[4] *Motor Carrier Safety Program – Federal Highway Administration*, Report Number AS-FH-7-006, March 26, 1997.

[5] *Motor Carrier Safety Program – Federal Highway Administration*. Report Number TR-1999-091, April 26, 1999. That report had been preceded by testimony delivered by the OIG before the Subcommittee on Transportation, Committee on Appropriations, United States House of Representatives, February 23, 1999, in which he emphasized that FHWA could not identify which motor carriers were the highest safety risks because of the agency's poor data system, and stressed that action needed to be taken because the number of truck-crash fatalities was increasing each year. *Surface Transportation Safety: Motor Carrier Safety and Related Matters*, Report Number TR-1999-055.

[6] *Motor Carrier Safety*, Statement of the Honorable Kenneth M. Mead before the Subcommittee on Transportation, Committee on Appropriations, United States House of Representatives, Report Number TR-2000-059, March 2, 2000; this was followed by a full audit report on the inadequacies of the disqualification programs of FMCSA and the states: *Disqualifying Commercial Drivers: Federal Motor Carrier Safety Administration*, Report Number MH-2000-106, June 30, 2000.

[7] *See*, Statement of Phyllis F. Scheinberg, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, *Truck Safety: Effectiveness of Motor Carriers Office Hampered by Data Problems and Slow Progress on Implementing Safety Initiatives*, GAO/RCED-99-122, March 17, 1999; Statement of Phyllis F. Scheinberg, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, *Commercial Motor Vehicles: Significant Actions Remain to Improve Truck* Safety, before the Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States House of Representatives, GAO.T-RCED-00-102, March 2, 2000.

[8] *Highway Safety: Further Opportunities Exist to Improve Data on Crashes Involving Commercial Motor Vehicles*, GAO-06-102, November 18, 2005, transmitted to the Subcommittee on Transportation, Treasury, the Judiciary, House and Urban Development, and Related Agencies, Committee on Appropriations, United States Senate; and to the Subcommittee on Transportation, Treasury, and Housing and Urban Development, the Judiciary, and District of Columbia, Committee on Appropriations, United States House of Representatives. This report unfortunately duplicates many of the same criticisms of agency data system failures that GAO pointed out back in 1999. *See*, *Truck Safety: Motor Carriers Office Hampered by Limited Information on Causes of Crashes and Other Data Problems*, GAO/RCED-99-182, June 29, 1999.

[9] *See*, *Improvements Needed in the Motor Carrier Safety Status Measurement System: Federal Motor Carrier Safety Administration*, U.S. DOT OIG, Report Number MH-2004-034, February 13, 2004; K. Campbell, R. Schmoyer, H. Hwang, *Review of the Motor Carrier Safety Status Measurement System*, Final Report, Prepared for the Federal Motor Carrier Safety Administration, Oak Ridge National Laboratory, October 2004.

[10] "Highway Safety: Further Opportunities Exist to Improve Data on Crashes Involving Commercial Motor Vehicles," *op. cit.*

[11] K. Campbell, R. Schmoyer, H. Hwang, "Review of the Motor Carrier Safety Status Measurement System," *op. cit.* The Oak Ridge SafeStat review was preceded by two evaluations conducted by the Volpe National Transportation Systems Center which also found systemic deficiencies in SafeStat that prevented the algorithm from identifying high safety risk motor carriers. *See*, *Improvements Needed in the Motor Carrier Safety Status Measurement* System, February 2004; *SafeStat Effectiveness Study Update*, Volpe National Transportation Systems Center, March 2004.

[12] Pub.L. 109-59, 119 STAT. 1144 (Aug. 10, 2005).

[13] Pub.L. 106-159, 113 STAT. 1748 (Dec. 9, 1999).

[14] Section 215 of the Motor Carrier Safety Act of 1984 requires the Secretary to maintain, by regulation, a procedure for determining the safety fitness of an owner or operator of commercial motor vehicles. 49 U.S.C. § 31144.

[15] *Motor Carrier Safety Program*, Report Number AS-FH-7-006, March 26, 1997. The goal of assigning safety ratings to all motor carriers by September 30, 1992, was a self-imposed target by FHWA that could not be attained, as pointed out in the GAO report of January 1991, *Truck Safety: Improvements Needed in FHWA's Motor Carrier Safety Program*, Report No. GAO/RCED-91-30. At the time of GAO's preparation of this report, FHWA had not rated about 60 percent of interstate motor carriers. As GAO points out in this report, the agency decided that its safety oversight resources would be better spent than attempting to safety rate all motor carriers in accordance with legislative requirements. On October 1, 1994, FHWA discontinued safety reviews to assess unrated motor carriers.

[16] The most recent statement of the governing regulations for determining safety fitness is the FMCSA final rule of August 22, 2000 (65 FR 50919 *et seq.*), which was a response to the increased stringency of safety fitness requirements enacted in Section 4009 of TEA-21 that amended 49 U.S.C. § 31144, originally enacted by Section 215 of the Motor Carrier Safety Act of 1984 (P.L. 98-554, 98 Stat. 2832). This final rule amended the regulations for safety fitness determinations in 49 CFR Pts. 385 and 386. Pt. 386 contains the controlling criteria for making safety fitness determinations and Pt. 387 contains the rule of practice for the agency controlling the issuance of CR ratings, petitions, hearings, orders, and other administrative machinery for conducting the oversight and enforcement programs of FMCSA. It should also be noted that FMCSA recognizes that its administrative selection of the three rating categories of safety fitness, Satisfactory, Conditional, and Unsatisfactory, have been legislatively enshrined through explicit mention and use of the three ratings in Section 15(b) of the Motor Carrier Safety Act of 1990. 49 U.S.C. § 31144.

[17] "Motor Carrier Safety Program: Federal Highway Administration," *op. cit.*

[18] Census data from the Motor Carrier Management Information System (MCMIS) found at http://www.fmcsa.dot.gov. Also *see*, the December 15, 2005, GAO report, "Large Truck Safety: Federal Enforcement Efforts Have Been Stronger since 2000, but Oversight of State Grants Needs Improvement," *op. cit.*

[19] http://www.ntsb.gov/Recs/mostwanted/truck_safety.htm.

[20] *Id.*

[21] http://ai.fmcsa.dot.gov/ProgramMeasures. However, another location on the agency's web site lists 2004 CRs at a total of 10,104.

[22] *See*, "Motor Carrier Safety Program: Federal Highway Administration," *op. cit.*

[23] *Motor Carrier Safety at the U.S.-Mexico Border*, Statement of the Honorable Kenneth M. Mead, Inspector General of the U.S. Department of Transportation, before the Committee on Commerce, Science, and Transportation, United States Senate, July 18, 2001.

[24] http://www.fmcsa.dot.gov/Passenger.

[25] *Id.*

[26] *See*, 61 FR 18866 *et seq.*, April 29, 1996.

[27] This grade inflation for the Satisfactory rating was adopted in 1993-1994. In revisions to the Safety Fitness Rating Methodology done without public notice and comment, FHWA raised the passing score for a Satisfactory rating from the former range of zero percent to 16 percent for the Out of Service (OOS) rate, to a range of zero percent to 33 percent. Similarly, while the Conditional rating was formerly assigned to a motor carrier only if the vehicle OOS rate fell between 17 percent and 33 percent, a Conditional rating in the revised rating scheme was assigned only if the OOS rate was 34 percent or higher. These and other maneuvers essentially eliminated any Unsatisfactory rating for bad OOS ratings alone. Theoretically, it meant that a carrier could have a 100 percent OOS rating but still be assigned a Conditional rating. *See*, the agency's documentation of these changes at 59 FR 47204, September 7, 1993.

[28] *See*, NTSB Highway Accident Report HAR-01/01, *Motorcoach Run-Off-The-Road Accident, New Orleans, Louisiana, May 9*, 1999, adopted August 28, 2001.
[29] Pub.L. 102-240, 105 STAT. 1914 (Dec. 18, 1991).
[30] 69 FR 29384 *et seq.*, May 21, 2004.
[31] *See*, 61 FR 18355 *et seq.*, September 30, 1996.
[32] *Assessing the Adequacy of Commercial Motor Vehicle Driver Training: Final Report*, 3 vols, Applied Science Associates, Inc., for the Federal Highway Administration, Office of Motor Carriers, July 1995.
[33] *See*, 68 FR 48863, 48865, August 15, 2003.
[34] 429 F.3d 1136 (D.C. Cir. 2005).
[35] *Id.* at 3-4.

What the Americans with Disabilities Act of 1990

Requires of Curbside Intercity Bus Operators

Testimony Before the Subcommittee on
Highways, Transit, and Pipelines
Of the Committee on Transportation and Infrastructure
Of the U.S. House of Representatives

Hearing on
" 'Curbside Operators':
Bus Safety and ADA Regulatory Compliance"

March 2, 2006

Marilyn Golden
Policy Analyst
Disability Rights Education and Defense Fund (DREDF)
Home office:
1629 Ward Street
Berkeley, California 94703
(510) 549-9339
Fax (510) 549-9449
Email: <mgolden@dredf.org>
http://dredf.org/

Mr. Chairman, Vice-Chairman, and Subcommittee Members, thank you for the opportunity to address this Subcommittee. I'm Marilyn Golden. Since 1988 I've been a Policy Analyst at the Disability Rights Education and Defense Fund (DREDF), a national law and policy center on disability rights. I've been closely involved with the Americans with Disabilities Act throughout all the stages of its proposal and passage and now during its implementation, with a special focus on the transportation requirements. I have represented the interests of the disability community on ADA transportation as an author, a trainer, and an advocate in policy development, and have been involved in many ADA-related transportation papers and projects, as shown in my attached resume.

More than fifteen years ago, I watched with exhilaration and pride as the first President Bush signed the Americans with Disabilities Act, granting many millions of people with disabilities in this country comprehensive civil rights. Exhilaration because it was the culmination of work by hundreds if not thousands of people with disabilities and their families and colleagues, and pride because my colleagues and I at the Disability Rights Education and Defense Fund, a national law and policy center on disability civil rights, had made a significant contribution to the making of the ADA. We've been deeply involved in its unfolding ever since.

Almost eight years ago, one of the last pieces of the ADA fell into place, when the US Department of Transportation issued the rules[1] guaranteeing disability access to transportation in the important area of intercity bus travel. As our comments to DOT had stated, the Montgomery bus boycott was in 1955. More than 40 years later, people with disabilities were still waiting for the right to ride the bus. How long, we asked, must we wait?

As this DOT regulation on over-the-road buses (OTRB's) – those are high-floor buses with a baggage compartment underneath – as that regulation was implemented in the late 90's and ever since, people with disabilities were, at last, given access to this key link in our nation's transportation grid. We saw companies that had supported the ADA and companies that had resisted it, come into compliance with that landmark law. In my own life, what once would have been impossible became unremarkable when, one day a few years ago, I needed transport between two major cities in Texas, my state of origin, and I had a smooth and anonymous trip on a lift-equipped OTRB.

But in the last few years, the rise of curbside operators that completely disregard the ADA means that no longer are all transportation opportunities available to people with disabilities. I will address what the ADA requires of these companies. There are quite a few requirements – I'll have time for only the major ones here today. I've attached an article with more of the details to my written testimony.

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[1] 37 C.F.R. Subpart H of Part 37

The key to bus access for mobility impaired people who, like I do, use wheelchairs, is the ADA's requirement that all newly purchased or leased buses be wheelchair accessible.[2] For ordinary city buses, that can mean a bus with a lift or a low-floor bus with a ramp. But for the high-floor OTRB's used on intercity runs, lift-equipped buses are the most common way to comply. Companies like Greyhound and Peter Pan use such buses.

But most curbside operators do not purchase or lease *new* buses; they obtain *used* buses. Used buses means they fall under what the ADA calls "interim service" requirements[3] – they're the same requirements a big company like Greyhound must follow at first *until its entire bus fleet is accessible* so that it graduates out of this category. But in the case of an operator using *used* buses, like the operators we're talking about, they would be required to follow the Interim Service requirement indefinitely.

That requirement is that the company is allowed to require a rider with a disability to give up to 48 hours advance notice,[4] *but then it must provide accessible service* – that is, service in an accessible bus, a bus equipped with a wheelchair lift or other device making it possible for a person using a wheelchair to ride on that bus without transferring out of his or her wheelchair.

In narrow circumstances, such a company, if it's small, may provide an equivalent service[5] instead – that is, service in a different vehicle, as long as it departs as quickly as the main vehicle, goes as directly and quickly to the same destination, costs the same amount, and provides an equal service in every other way. This is really only practical with an accessible bus. Though if a company is going, say, from New York to Boston at noon on Tuesday, and has several buses leaving at the same time for the same destination point, it would be OK under the equivalency standard for only one of them to provide wheelchair access. Other than in this narrow circumstance, the equivalency provision doesn't help the curbside operators very much – they are still required by the ADA to provide an accessible vehicle on ***any*** run, as long as an individual with a disability provides 48 hours advance notice.

There are also rest stop requirements[6] and training requirements,[7] described in the attached article.

In addition, the company must comply with the ADA's Information Collection provisions,[8] which require:

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[2] 49 C.F.R. § 37.183.
[3] 49 C.F.R. § 37.193.
[4] 49 C.F.R. § 37.193(a)(1)(i).
[5] 49 C.F.R. § 37.183(b)(2).
[6] 49 C.F.R. § 37.201.
[7] 49 C.F.R. § 37.209.
[8] 49 C.F.R. § 37.213.

1. That people requesting accessible service must be issued a particular form confirming the request;

2. That if the company fails to provide accessible service, a form must go to the passenger documenting this failure;

3. and that a summary of the records of requests for accessible service made under the "48 hours notice" rule be filed with the Federal Motor Carrier Safety Administration annually, including how many requests for accessible service were made, and how many times the accessible service was provided.

Similar record-keeping requirements apply to the provision of equivalent service. Companies must also report how many passengers with disabilities use bus lifts annually, how many new and used buses they have acquired, and whether those buses are accessible, as well as the total number of buses in their fleet.

SUMMARY OF DEPARTMENT OF TRANSPORTATION (DOT)
FINAL REGULATION ON OVER-THE-ROAD BUSES (OTRB'S),
AMERICANS WITH DISABILITIES ACT (ADA),
37 CFR PART 49,
PUBLISHED SEPTEMBER 28, 1998

Marilyn Golden
Disability Rights Education and Defense Fund (DREDF)

OVERVIEW

In many respects, the new regulation is a victory for people with disabilities. It requires all vehicles which are newly purchased or leased by large intercity bus companies (like Greyhound) to be accessible. It contains strong language about the rights of people with disabilities to receive truly equal services, to ride in their own wheelchairs on the bus rather than being carried to a bus seat, and not to be restricted because a transit provider speculates there may be a safety risk. Further, a big problem area in the proposed regulation, the issue of rest stops, is much improved in the final version.

WHAT'S ALREADY REQUIRED PRIOR TO THIS REGULATION

This regulation only applies to over-the-road buses (OTRB's) used by private companies. OTRB's are high-floor buses with baggage compartments underneath. New OTRB's used by *publicly funded* transit agencies are already required by the ADA to be accessible, under DOT's original 1991 ADA regulation. And transit vehicles which are not OTRB's (that is, urban transit buses and other vehicles such as large vans and rail cars) are already required to be accessible to various degrees under DOT's original 1991 ADA regulation, whether privately or publicly funded.

SUMMARY OF THE NEW REGULATION

1. From now until October 2000, for service provided by large companies (like Greyhound), or until October 2001, for service provided by small companies, OTRB companies must comply with the current requirements for over-the road-bus service. This means that, on 48-hour advance notice, they must provide boarding assistance to people with disabilities, and must transport passengers' wheelchairs.

2. Beginning October 2000, for service provided by large companies (such as Greyhound), or 2001, for service provided by small companies, all new buses purchased or leased by fixed-route OTRB companies must be accessible. (Fixed route transit systems are those which run along prescribed routes according to fixed schedules.) Half the fleets of large OTRB operators must be accessible by October 2006; the entire fleets of these companies must be accessible by October 2012. However, if the company has not obtained enough buses in the 6 or 12 years to meet the 50% or 100% requirements, has not loaded up on inaccessible buses during the two-year phase in period between 1998 and 2000, and has otherwise complied effectively with this

regulation's requirements, the Secretary of DOT can grant a time extension beyond the 6 and 12-year dates.

3. Beginning October 2001/2002 (for large/small operators respectively), fixed-route OTRB companies must provide service in an accessible bus to a passenger who requests it with 48 hours advance notice. (Before those dates, OTRB companies must provide boarding assistance onto inaccessible buses, if accessible buses are not available.) If the individual with a disability does not provide the advance notice the operator requires, the operator shall nevertheless provide the service if it can do so by making a reasonable effort. This interim service must continue until the OTRB companies' fleets are 100 percent accessible. Some small fixed route operators may never have a fleet 100% of which consists of accessible buses, e.g. a small company which exclusively or primarily purchases or leases used buses. Such an operator must continue to comply with these "interim service" requirements indefinitely for any service not provided with entirely accessible buses.

4. There are two special situations affecting fixed-route service by small companies. A small company may provide equivalent service instead of acquiring accessible buses. This service must permit passengers to travel in their own wheelchairs and must provide people with disabilities service that is equivalent to that provided to non-disabled passengers, in terms of time, destination, cost, service availability, etc. This could be provided by an alternate vehicle (e.g. a van). Also, a small company that operates mostly charter/tour service but has a small amount of fixed-route service (up to 25%) can meet all its requirements through 48-hour advance reservations.

5. Beginning October 2001/2002, charter and tour companies (and any other private demand/response transit service providers) must provide service in an accessible bus to a passenger who requests it with 48 hours advance notice. (Before those dates, charter and tour companies must provide boarding assistance onto inaccessible buses, if accessible buses are not available.) Demand/response transit systems are those for which a vehicle is dispatched or routed in response to a potential rider's request.

6. At rest stops, OTRB bus companies must provide passengers time and assistance needed to leave and re-enter the bus to use the facilities, whether or not the bus is accessible. If the bus company owns, leases, controls, or contracts with a rest stop facility, it must make sure the facility meets the ADA's accessibility requirements.

7. If there are more wheelchair users who wish to ride a bus than there are securement areas on the bus, the OTRB company must offer the additional passengers boarding assistance and the opportunity to transfer to a vehicle seat.

8. Companies must train employees and maintain lifts and other accessibility equipment so that they provide reliable service. Training must include proper operation and maintenance of accessibility features and equipment, boarding assistance, securement of mobility aids, sensitive and appropriate interaction with passengers with disabilities, handling and storage of mobility devices, and familiarity with these requirements. Refresher training is also required to maintain proficiency.

9. It is discrimination for any OTRB company:

- to deny transportation to a person with a disability due to the disability;
- to use or request the use of persons other than the company's employees for routine boarding or other assistance to passengers with disabilities, unless the passenger requests or consents to assistance from such persons;
- to require or request a passenger with a disability to reschedule his or her trip, or travel at a time other than the time the passenger has requested, in order to receive transportation; or
- to fail to provide equivalent reservation service to passengers with disabilities.

10. Companies must communicate effectively with each other to provide accessible service through all segments of an interline trip (which is when a passenger transfers to another company's bus to complete a trip).

11. As of the date of this writing, DOT is proposing to require OTRB companies to collect information on the provision of interim service (see point 3) and the provision of equivalent service (see point 4). DOT has a 90-day comment period on the proposed requirements for information collection (all the other requirements are final and not open for comment).

12. When first published in 1998, this regulation required OTRB companies to pay compensation to passengers in cases of denied boarding, when the denial was a failure to comply with the regulation. However, the OTRB industry took the Department of Transportation to court, and the provision requiring denied boarding compensation was struck. The remainder of the 1998 regulation remains fully intact.

Marilyn Golden

Policy Analyst,
Disability Rights Education and Defense Fund (DREDF)

Home office:

1629 Ward Street
Berkeley, California 94703
(510) 549-9339
<mgolden@dredf.org>

Qualifications

Marilyn Golden is a Policy Analyst at the Disability Rights Education and Defense Fund (DREDF), our nation's foremost national law and policy center on disability civil rights, with offices in Berkeley, California and Washington, D.C. She has been closely involved with the Americans with Disabilities Act throughout all the stages of its proposal and passage and now during its implementation. A highly lauded ADA trainer, she has directed and led numerous in-depth programs on the ADA which have given thousands of people comprehensive knowledge on how to make this law a reality. She is the principal author of the DREDF publication *The ADA, an Implementation Guide* (the "Bluebook"), DREDF's highly respected ADA curriculum.

Since the ADA's passage, Ms. Golden has continued to play a key role in policy development on a federal level in the areas of transportation and architectural barriers. She was appointed by the President to the U.S. Architectural and Transportation Barriers Compliance Board (also known as the Access Board) in 1996 and served on the Access Board until 2005 as a very strong and effective advocate for the interests of people with disabilities. She has also played a key role as a national transportation advocate, leading the struggle for many of the policy victories during and since the ADA to provide better public transportation for people with disabilities. She has authored or coordinated many ADA-related transportation papers and projects, as listed below.

2004: Co-wrote overview report for the National Council on Disability on disability transportation issues, *The Current State of Transportation for People with Disabilities in the United States.*

2004: Chosen to participate on Transportation Cooperative Research Program (TCRP) panels for projects on ADA Paratransit Demand Estimation (B-28) and ADA Paratransit Late Cancellation / No-Show Policies (SB-11).

2002 to 2004, and again in 2006: Served on planning committee for Federal Transit Administration's Regional Dialogues on ADA Transportation which brought

together disability advocates and the transit industry to communicate about disability transportation issues.

1999 – 2001: Worked with Nelson\Nygaard Consulting Associates on research for the Metropolitan Transportation Commission to evaluate the accessibility for people with disabilities of the San Francisco Bay Area Translink System, which uses smart card technology to link Bay Area transit systems.

1996 to present: Conducted extensive training programs on ADA transportation, including several multi-day programs as co-trainer with Russell Thatcher of TranSystems, well-known national expert on the ADA and transit operations.

1996 to present: Lectured on the field of disability transportation, including: conducting numerous web casts for the disability community, hosted by the regional Disability and Business Technical Assistance Centers, and conducted workshops at disability rights conferences hosted by the National Council on Independent Living and the National Association of Protection and Advocacy Systems.

1998 – 2000: Participated extensively in the development of reports drafted by DREDF for the National Council on Disability evaluating the enforcement efforts of disability rights laws by federal agencies; drafted the transportation sections in their entirety.

1996: Was chosen by the National Council on Disability (NCD) to lead the Transportation Group at NCD's Policy Summit

1994 – 1996: Directed the ADA Paratransit Compliance Study for Project ACTION that evaluated the compliance of transit agencies with the paratransit requirements of the ADA.

1990 – 1991: Member of the Federal Advisory Committee formed by the U.S. Department of Transportation to assist in the development of the DOT ADA regulation (representing DREDF)

1986 – 1988: Chaired Transportation Committee of California Attorney General's Advisory Commission on Disability

STATEMENT OF

BRUCE HAMILTON, PRESIDENT/BUSINESS AGENT

AMALGAMATED TRANSIT UNION LOCAL 1700, AFL-CIO

ON

CURBSIDE OPERATORS' BUS SAFETY AND
ADA REGULATORY COMPLIANCE

BEFORE THE HIGHWAYS, TRANSIT AND PIPELINES
SUBCOMMITTEE
OF THE
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

U.S. HOUSE

MARCH 2, 2006

Mr. Chairman and members of the Committee:

My name is Bruce Hamilton and I am the President/Business Agent of the Amalgamated Transit Union (ATU) National Local 1700, representing approximately 4,000 employees of Greyhound Lines, Inc. The members of ATU National Local 1700 operate and maintain Greyhound vehicles and terminals throughout the United States. It is my pleasure to appear here today on behalf of these members, as well as all ATU members operating fixed-route intercity bus service in the U.S., including my Brothers and Sisters in ATU Local 1512, which represents employees of Peter Pan Bus Lines, and other ATU locals representing employees of Bonanza Lines and Martz Trailways.

I was elected to the Executive Board of Local 1700 in 1999 and elected President of the local in January 2005. Prior to that, I was an ATU member and bus operator for Greyhound for almost thirty years. I know first hand the level of skill and training that is required of a bus driver, as well as the importance of maintaining a vehicle fleet that meets or exceeds federal safety standards. Safety has always been a top priority for the ATU and we are extremely grateful for this Committee's decision to hold this hearing today and for inviting the ATU to participate on this panel.

The ATU is proud of the safe, efficient, friendly and affordable intercity bus service that our members provide across this country. Our commitment to ensuring the continuation of this

high level of service is evident in our longstanding working relationship with others in the industry.

On the federal level, we maintain an unmatched labor-management partnership with our industry groups and our employers, Greyhound in particular. As many of you on this Committee know, ATU and Greyhound have worked together over the years on a number of legislative and regulatory issues, including drug and alcohol testing, hours of service regulations, cross-border bus issues, intercity bus security, accessibility standards, axle weight provisions, intermodal transportation facilities, pension funding laws, and now, illegal curbside bus operations.

This partnership extends to the implementation of these laws and federal standards in the workplace as well. While, admittedly, the ATU and Greyhound have, at times, had rocky relations, we have managed to work together to ensure that the services we provide meet and exceed federal standards. For example, the ATU and Greyhound have worked together to develop an extensive national route structure designed to comply with the federal hours of service regulations for buses, while at the same time maximize service and minimize the number of overnight stays for drivers.

We've also worked closely with Greyhound to develop driver and maintenance training programs that far exceed federally-mandated standards.

The Greyhound driver training program is widely recognized as the best in the industry. Before operating a Greyhound vehicle loaded with passengers, every Greyhound driver must complete a four week training course that includes hands-on driving experience and covers Department of Transportation (DOT) requirements, including drug and alcohol testing, medical examinations, commercial driver's license (CDL) requirements, hours of service regulations, and vehicle standards, as well as additional safe driving skills, security and emergency evacuation practices, and health and safety precautions. Drivers must also attend frequent refresher courses on a variety of safety and compliance issues, including driving in adverse weather conditions and other unusual or difficult traffic conditions, proper logging procedures, compliance with the transportation provisions of the Americans with Disabilities Act (ADA), and emergency procedures.

Like the drivers, Greyhound mechanics receive extensive training on federal requirements, including vehicle safety standards, workplace health and safety requirements, and other DOT regulations. In addition, mechanics attend frequent refresher classes on the latest technological advances, and on maintaining the various bus components.

And, even at the bargaining table, where our relations are at their most strenuous, the ATU has demonstrated its commitment to working with the company to ensure that Greyhound is able to continue profitable operation - even where that means accepting wage freezes or cuts

in pay and benefits, including freezing participation in the ATU-Greyhound defined benefit pension plan.

As these initiatives demonstrate, the ATU is dedicated to ensuring that the companies whose employees we represent are able to continue providing a valuable service to the traveling public. Unfortunately, however, the continuation of this service has been threatened recently by the emergence of numerous fringe bus operations, referred to as "curbside operators," that are operating in violation of crucial safety, security, environmental and civil rights laws and regulations. Repeated and flagrant violations of these rules - many of which my members can attest to - allow these companies to undercut established carriers such as Greyhound and Peter Pan that follow federal rules and support good jobs for their employees.

These illegal curbside operations are being run primarily, but not exclusively, out of the Chinatown neighborhoods of major cities on the east coast, including New York City, Boston, Philadelphia and Washington, D.C. Unlike Greyhound, Peter Pan and other large intercity bus operations in these areas, these "curbside operators" do not operate out of the cities' main bus terminals, instead they pick up and drop off passengers at unmarked curbside locations throughout these cities - often in violation of local traffic and right-of-way laws.

Reports from passengers, ATU members, other legitimate bus providers, and state, local and federal officials paint a picture of operators that too often fail to comply with federal rules

governing hours of service, drug and alcohol testing, medical examinations, CDLs, proper registration, licensing, insurance and maintenance practices. In addition, there are numerous reports and complaints that these carriers fail to safely dispose of waste products and are not in compliance with the accessibility standards set by the ADA.

Several serious accidents reported in the media last year offer stark examples of what happens when safety standards continue to be ignored.

In March of last year, a Travel Pack bus operating from New York to Boston caught fire on the Massachusetts Turnpike. While, fortunately, no passengers were injured, the driver, who was convicted of negligent operations in connection with the fire, continued driving on a flat tire even after smoke became noticeable in the bus – pulling over only seconds before the entire bus caught on fire. The previous year, the driver was charged with five moving violations and had his commercial driver's license suspended for 60 days. The company had its safety rating downgraded in 2004 and was forced to pay $9,000 in fines, but continues to operate.

In another incident, less than two months later, a pedestrian in New York's Chinatown was struck and killed by a bus owned by New Century Travel Inc., a Philadelphia-based company that operates between Chinese communities in Philadelphia, New York and Washington. The driver was charged with failure to yield to a pedestrian.

And in August last year, a Fung Wah bus, operating this time from Boston to New York, erupted in 50 foot flames just moments after the driver and 45 passengers fled the vehicle. Federal records show that in 2004, the Federal Motor Carrier Safety Administration (FMCSA) cited the bus company for failing to do random drug and alcohol tests of its employees as well as for allowing a driver to work more than 70 hours in eight days. The citation resulted in fines totaling more than $17,000.

Other media reports have documented additional questionable incidents involving these curbside operations, including a driver plowing through an E-ZPass lane without an E-ZPass, a driver driving up a muddy embankment in order to avoid traffic congestion, a door falling off the bus while the bus was in motion, a door not opening and having to be pried off, and numerous incidents of disabled passengers being refused service in violation of the ADA.

And very recently, in January of this year, a surprise inspection by the New York Police Department of two bus operations in New York's Chinatown - Apex Bus and New Century Travel - led to the seizure of four buses due to a variety of licensing and safety violations. As one officer at the scene pointed out, several of the buses were leaking large quantities of anti-freeze and brake fluid onto the street. Even more alarming, is that the driver of one of the buses fled the scene when police arrived - raising countless concerns about the legitimacy of the operations and the driver.

While much of the activity of curbside operators is difficult to track - due to constant changes in ownership and company names, their use of unmarked vehicles, and the often randomness of their pick-up and drop-off locations - ATU members working for Greyhound and Peter Pan in the Northeast corridor have been able to offer anecdotal evidence of their unsafe driving and other practices - either through what they've witnessed on the road, or in the case of Boston, inside the bus terminal.

The most common complaints that we've heard from ATU members concern the erratic and dangerous driving behavior of some of these operators. Drivers have reported being cutoff by these carriers, excessive speeding, constant lane changes, and driving for long periods in the left lane.

It is also not uncommon for a Greyhound or Peter Pan driver to see these vehicles broken down on the side of the road. In these instances, Good Samaritan ATU members have stopped to pick up the stranded passengers and delivered them to their destination without requesting payment.

Members have also reported seeing vehicles owned by these companies doing routine maintenance such as oil changes and other engine work in empty parking lots or on the side of the road - evidencing a failure to have adequate maintenance and inspection facilities, as required under the federal regulations.

Due in part to repeated complaints by the ATU, Peter Pan and Greyhound, local authorities in Boston began issuing citations to curbside operators in 2003, forcing them to operate out of the bus terminal in South Street Station. As a result, ATU members working for both Peter Pan and Greyhound currently work out of the same terminal as the drivers for these carriers. ATU members who have attempted to interact with these other drivers have reported that many of them do not speak English. Since the ability to read and speak English is required of any commercial motor vehicle driver, these experiences call into question the qualifications of these drivers and the validity of their CDLs.

It is crucial that CMV drivers be able to read road signs and digital highway signs, as well as speak and understand English in order to communicate with passengers in an emergency. It is believed that a Travel Pack driver's inability to speak English led to a bus accident in 1998 in New Brunswick, Canada, that killed 4 students when the driver flipped a bus after failing to heed signs warning of a sharp turn at the end of a highway exit ramp. And just last year, a driver who could not read or understand low clearance warning signs, got his bus stuck under a low 9'6" clearance bridge in New York City.

Our members also regularly hear complaints from passengers who have traveled with curbside carriers, only to return to the safety of a more established carrier. Passengers complaints include unsafe driving, inability to communicate with the driver, being dropped off at the wrong location, unsanitary or inoperable restroom facilities, and any number of

other complaints. Similarly, passengers with disabilities have reported being turned away by curbside operators, and often, told to go to Greyhound for accessible service.

These reports and incidents should not come as a surprise to federal officials. Recent Federal Motor Carrier Safety Administration (FMCSA) compliance reviews indicate that low cost operators score dramatically below the national average in terms of safety. While there are recognizable problems with the FMCSA data and its safety ratings, it is nonetheless clear that systematic safety violations are occurring. For example, Fung Wah was assessed a driver safety rating of 73%, compared with a national average of 24%, and a safety management rating of 71% versus a 29% national average. Under the FMCSA rating system, the higher the rating value, the worse the safety status of the company, meaning that 73% of drivers across the country offer a safer trip to passengers than Fung Wah. Kristine Travel & Tours, the once - parent company of Travel Pack, fared even worse under the FMCSA analysis, with stunningly high driver and safety management ratings of 97% respectively, making it one of the least safe bus operations in the country.

We have seen the tragedy that can result from allowing companies with such high ratings to continue transporting the public. Most recently, on September 23 of last year, 23 senior citizens who were being evacuated from the path of Hurricane Rita, died in a horrific bus fire outside of Dallas, Texas. The company, Global Limo Inc., while not technically a curbside operator, was operating despite having a similar driver safety rating of 97%. After the fire,

federal inspectors found 168 violations of federal safety regulations and it was revealed that the driver of the vehicle was an unlicensed illegal immigrant - who had been stopped for driving violations three times in the seven months before the accident.

There is no excuse for continuing to allow these unsafe companies on the road. We must be more aggressive with the enforcement of safety regulations - and the penalties must be significant enough to deter violations.

Even when fines are issued as a result of a safety violation, the amounts are seen as simply a cost of doing business and are insufficient to deter unsafe operations. Furthermore, follow-up oversight and a consistent inspection regime are often lacking. Carriers may simply fix the problem identified, but then commit violations in other areas or when regulators are not paying attention. Some of these curbside providers simply "go out of business," but then quickly re-appear under another name. Occasional and lax enforcement of our nation's safety and operational rules is simply not working and regulators must begin a serious effort to ensure that all intercity bus providers are offering safe transportation in compliance with federal, state and local rules.

In particular, the FMCSA must immediately audit curbside operators to ensure compliance with hours of service rules, drug and alcohol testing requirements, maintenance rules, other safety critical procedures and compliance with ADA requirements. The Department of

Justice (DOJ) must act on complaints that curbside operators are not making their service accessible to passengers with disabilities. The Environmental Protection Agency (EPA) needs to examine whether providers are disposing of waste products pursuant to agency rules and procedures designed to avoid contamination and environmental damage.

At the local level, cities should follow the lead of Boston and require all fixed-route intercity bus providers to operate out of a central bus terminal where oversight and accountability can be assured. In addition, local transportation and public safety officials must ensure that bus operators are not continually violating parking and traffic laws - as is too often the case today.

Federal and state rules governing intercity bus providers exist to ensure that the entire industry operates safely and in the public interest. By allowing a fringe element of the industry to evade basic requirements, legitimate providers are placed in an impossible competitive position. More importantly, the safety and well-being of passengers and other highway users is needlessly jeopardized. There is simply no reason for this double standard to exist. Federal, state and local officials must institute measures that will protect the traveling public from this growing safety threat on our nation's highways.

Again, I thank you for the opportunity to appear here today on behalf of my fellow ATU Brothers and Sisters. I look forward to working with the Committee and to continuing the

ATU's partnership with many of the other panelists here today, as well as with other representatives of transportation labor, including the Transportation Trades Department of the AFL-CIO (TTD), to address this issue. I am happy to take any questions at this time.

I, Pei Lin Liang am the President of Fung Wah Bus Transportation, Inc. Our bus company began five (5) years ago. We service only one route; Boston to New York City and back. Our fleet consist of twenty (20) buses.

Our efforts to comply with ADA Regulations include, however not limited to, establishment of company policy that comply with ADA Regulations, training of all employees to provide services to the disabled and to budget for future purchases of Handicapped accessible buses and other needed equipment to provide such service. At this time we have one (1) wheel chair accessible bus that runs daily.

Bus safety and ADA Regulatory compliance is a major concern of Fung Wah. Our experience in maintaining ADA compliance has been a difficult one. We have identified three (3) issues of concern:

1. Inconsistency in the Law:
As a bus service provider we must comply with many different bodies of law. Some of the other bodies of law are not consistent with ADA Regulations. How can we comply with inconsistent rules?
If a blind passenger with a service animal comes aboard, a Fung Wah bus with only one window seat available, we are confused as to where to situate the service animal. DOT rules state that the aisle must not be obstructed. We can not separate the blind passenger and her service animal. We can not impose on a fellow passenger to move out of his aisle seat. Furthermore, if we find a passenger willing to move, again where do we situate the service animal.

2. Practical Issues with ADA Compliance:
All Fung Wah drivers are trained to provide the correct care to our disabled passengers. Our drivers feel uncomfortable getting disabled passengers of the opposite sex to and from the restroom. On busy weekends and the like, a trip to New York City from Boston might take up to six (6) hours, where one or two trips to the restroom might be needed. There are many occasions that a disabled passenger might be dropped off at the bus terminal to be picked up by another care giver at the destination. During that trip the driver must get that said passenger to the restroom.

3. Wheel Chair Accessible Buses Are Expensive:
Fung Wah is a small company and having to budget an extra 10% or more for wheel chair accessible buses have not been easy. The 10% increase in price is only for used buses, for new buses the price difference gets even greater.

Thank you for this opportunity to present my thought and concerns.

Pei Lin Liang, President
Fung Wah Bus Transportation, Inc.

Before the U.S. House of Representatives

Committee on Transportation and Infrastructure

Subcommittee on Highways and Transit

Hearing on

"Curbside Operators": Bus Safety and ADA Regulatory Compliance

Testimony

Peter J. Pantuso, President and CEO
American Bus Association

March 2, 2006

Introduction

Chairman Petri and members of the Committee, I am Peter J. Pantuso, President and Chief Executive Officer of the American Bus Association. The ABA is the trade association for the private over-the-road bus industry. The ABA is made up of over 3500 member organizations, including nearly 800 bus operator members. ABA members are engaged in providing all manner of travel, tour and transportation services to the public. Specifically, our bus operator members provide intercity scheduled service, charter and tour, airport shuttle and commuter services throughout the nation.

The private bus industry transports approximately 774 million passengers a year (more than the nation's airlines and Amtrak combined). The industry ABA represents is one largely made up of small businessmen and women. The average ABA member has fewer than eight motorcoaches in operation. We point out that we are a "mom and pop" industry, Dad drives and Mom is responsible for booking trips and for bookkeeping.

What brings us together today is a very real threat to that industry. Before detailing that threat may I first say Mr. Chairman, that the private bus industry and all who care about this nation's transportation needs owe you a debt, for your leadership in convening this hearing. The problem of unregulated and ill-policed motorcoaches providing intercity service between the major cities on the east coast, along the southern United States border and lately on the west coast, is one of growing concern. The ABA and its members have attempted for some time to get the attention of the responsible agencies of the United States Department of Transportation and the United States Department of Justice, with limited success. Hopefully, the attention that Congress can focus on this issue will help DOT bring resolution to this problem.

To begin, Mr. Chairman, I would like to define what ABA considers to be a so-called "curbside operator." These are motorcoach operators who boast of providing low cost service primarily between cities along the east coast. The offered service typically begins on street corners in Washington, D.C., Philadelphia, New York, Boston or Montreal. From these street corners they operate between the larger cities. These services are also offered along the U.S.- Mexican border. Typically, the curbside operators have no discernible maintenance facilities, no administrative or sales offices and seem to operate on a "shoestring". Also problematic is the fact that the bus drivers hired by these curbside operators often speak little, if any English.

The operators I describe are operating in defiance of federal and state law and nothing could be further from the truth than the assertion that they do so for the public good.

The curbside operators are not "David" fighting "Goliath." They are in fact, in violation of several important United States laws and regulations. These laws include the Americans with Disabilities Act (ADA), federal DOT safety regulations and federal environmental quality regulations. Finally, there are significant security concerns attached to these operators.

One final point. Some will cry that ABA member carriers are interested in this issue only because the competition offered by these curbside operators is too great to bear. I have two responses to that assertion. First, the competition offered by these carriers is not competition between equals but rather between carriers that obey the law against those that do not. No ABA member objects to competing on price or service but the laws and regulations under which we operate must be the same for all. As proof of this I offer the fact that when these curbside operators are forced to obey the law and operate within recognized terminals and facilities, ABA member companies compete quite successfully with them. Second, the bus operators represented by the ABA have outstanding safety records. In fact, DOT's data have consistently shown that bus transportation is the safest mode of transportation in the United States. However, these curbside operators are not safe, and when they operate their service deficiencies give the bus industry a bad name, force good operators into curtailing service, and make a mockery of our efforts to provide safe and efficient transportation to the nation. It is in all of our interests to get these so-called curbside operators to obey the law or get them off the road. But as I will now detail, getting these curbside operators to obey the law is a significant regulatory problem, which requires immediate attention.

Americans with Disabilities Act and curbside operators.

The enactment of the Americans with Disabilities Act (ADA) was a landmark step in ensuring passenger transportation for an underserved segment of American society. The DOT regulations implementing the over-the-road bus provisions of ADA requires that since October 2000, every over-the-road bus purchased by a Class I fixed route operator must be lift-equipped; smaller operators must purchase lift equipped buses or they must provide "equivalent service" in other lift equipped vehicles. As of October 2006, DOT regulations implementing the ADA require that 50% of the bus fleets of all scheduled service carriers must be equipped with wheelchair lifts.[1] These wheelchair lifts, which cost $40,000 to install on each bus, allow disabled Americans to board buses safely. Of course, the installation of wheelchair lifts is only one component of the cost. According to the Transportation Research Board (TRB) the cost to the industry of installation, maintenance and training for wheelchair lifts is approximately $40 million a year.

In addition, since 2000 DOT's ADA regulations require that bus operators provide lift-equipped bus service to passengers who request such service within 48 hours of the request; provide accessible service for disabled passengers who do not require a

[1] The ADA regulations require that a bus operator with revenues of over $5.3 million be required to have, as of October 2006, 50% of its fleet wheelchair lift accessible. According to news reports, curbside operators make an estimated $2135 per bus trip per day. At that rate it would take each of the curbside operators (at least the operators on the Department of Transportation data base) some 2483 bus trips to reach the $5.3 million threshold. Over the course of 365 days, a curbside operator would have to make 6.7 trips per day (three and one half round trips) to reach this threshold. According to news reports, the curbside operator Fung Wah makes eighteen trips per day. This is more than double the number of trips needed to push it into the $5.3 million revenue class, which triggers the 50% requirement.

lift, such as hearing or sight-impaired passengers' provide adequate accessibility training for its employees; and report to DOT on the number of disabled passengers who use their lift-equipped service annually.

But the curbside operators have no wheelchair lifts on their motorcoaches. A circumstance that is clearly visible on every motorcoach. Even worse from a legal point of view, if you call these operators and tell them you require a wheelchair lift, they will tell you to call Greyhound Lines (Greyhound), Peter Pan Bus Lines (PPBL) or Adirondack Trailways (Adirondack) or other scheduled service carriers who they know do follow the ADA requirements, and have invested the time and money into obeying federal law, and ride with those carriers. Rather than obey the law and serve these citizens, the curbside operators would prefer to throw them to other carriers. Over the last year there has been a series of articles and news stories in the media about these operators. In many stories, the shortcomings of these carriers are detailed. Appended to my testimony are several such articles, including those which demonstrate these carriers' failure to serve disabled passengers.

Moreover, these curbside operators have discriminated against the disabled by refusing service to handicapped Americans who do not need wheelchair lifts. An article in the March 24, 2005 issue of the Boston Herald newspaper details the denial of service to a sightless couple by the curbside operator, Fung Wah. Even worse, the couple, which was accompanied by their guide dog, was first denied service because of the company's "no dog" policy. Then when the wife attempted to board without their guide dog, she was denied with the words "If you don't have the dog, who's going to guide you?" In my opinion, no more classic instance of "Catch 22" exists.

The Massachusetts Attorney General filed a complaint on behalf of the couple with the Massachusetts Commission Against Discrimination. The final word on this shameful incident must be given to Mary Sten-Clanton, who is one half of the couple denied service. "We want Fung Wah to change their ways." That sums up ABA's interest in this issue. But to see that the curbside operators change their ways, we need the help of the federal government and frankly, neither the Department of Justice nor the Department of Transportation has been able to deal effectively with this issue.

DOT's failure to enforce its anti-discrimination rules

The United States Department of Transportation is responsible for "licensing" bus operators to provide interstate transportation in the nation. The Department inherited this duty from the former Interstate Commerce Commission (ICC) when that agency was

sunset by Congress in 1995.[2] This duty in turn was delegated to the Federal Motor Carrier Safety Administration (FMCSA) a modal administration of DOT.

ABA and its members are frustrated by the fact that FMCSA and DOT refuse to carry out those responsibilities by preventing curbside operators from beginning, or continuing, operations when they are flagrantly in violation of the Secretary's anti-discrimination regulations implementing the ADA.

By law FMCSA may grant a carrier authority to operate in interstate commerce only if the agency finds that the carrier is "fit, willing and able" to abide by the law and the applicable regulations of the Secretary of Transportation.49 U.S.C. 13902(a), FMCSA is also authorized to revoke motor carrier operating authority for "willful failure" to comply with the Secretary's regulations. 49 U.S.C. 13905(c). In ABA's view, since these curbside operators are making a mockery of every aspect of the Secretary's ADA regulations, their applications for operating authority should be denied and their existing certificates of operating authority should be revoked. They have clearly shown themselves to be unfit, unwilling and unable to comply with the Secretary's ADA regulations.

Unfortunately, FMCSA does not agree. ABA members have complained to FMCSA and protested the granting of operating authority to these non-compliant carriers. Peter Pan Bus Lines (PPBL) specifically protested the application of curbside operator Fung Wah. A protest grounded on the applicant's lack of ADA required wheelchair lifts. FMCSA denied PPBL's protest. In sum, FMCSA ruled that the curbside operator's willingness and ability to comply with the Secretary's ADA regulations was not relevant to the agency's determination of fitness to operate. With all respect to the Department of Transportation, FMCSA's ruling is wrong on both legal and policy grounds.

Legally FMCSA appears to contend that "the applicable regulations of the Secretary" with which the agency must find a carrier willing to abide by only includes applicable regulations of the former ICC transferred to DOT under the Interstate Commerce Commission Termination Act of 1995 (ICCTA). As the ADA regulations were promulgated after ICCTA, in FMCSA's view, its fitness determination cannot include the applicant's non-compliance with ADA as a ground to deny a grant of operating authority.

ABA contends FMCSA's position is legally unsound. This is so because the passenger carrier regulations previously enforced by the ICC (49 CFR Part 374) specifically incorporates by reference the ADA and the Department's implementing regulations, which contains the Secretary's ADA regulations (See, 49 CFR 374.315). Therefore, the Secretary's ADA regulations were "applicable regulations of the Interstate Commerce Commission" and are now "applicable regulations of the Secretary" and must be a part of any carrier's fitness determination.

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[2] The former Interstate Commerce Commission (ICC) an independent regulatory agency of the United States government was abolished pursuant to the Interstate Commerce Commission Termination Act (ICCTA) (Pub. L. 104-88, 109 STAT. 803, 1995).

Quite apart from the legal argument, as a matter of public policy, FMCSA's stance makes no sense. The agency in effect argues that the Secretary of Transportation cannot use the Secretary of Transportation's own regulations to inform a carrier's "fitness" for operating authority. While the enforcement of the ADA's wheelchair lift requirement is committed to the Department of Justice[3], nothing in law or policy prevents the FMCSA from denying an applicant operating authority on account of that applicant's failure to comply with the ADA. Indeed, the law requires FMCSA to withhold operating authority from a carrier, which has demonstrated that it is unfit, unwilling or unable to comply with the applicable regulations of the Secretary. 49 U.S.C. 13902(a)(3). Even worse, DOT's argument prohibits the agency from taking action against a carrier whose operation violates a law enforced by another agency.

Just how nonsensical FMCSA's stance truly is may be seen in the following example. 49 CFR Part 374, the DOT regulations which contain the ADA requirement also includes the prohibition against a carrier operating in interstate commerce any service in which seating is determined by the race of the passengers (see, Part 374.101). Logically, an application for operating authority concerning race should meet the same fate as one in which the ADA compliance is an issue. Yet is there any doubt that any application with such an infirmity would be summarily dismissed by the FMCSA? The answer, I submit, is obvious and so should be any decision regarding an ADA non-compliant carrier.

SAFETY

The FMCSA also has the duty of enforcing regulations of the Secretary of Transportation with regard to motor carrier safety.

The curbside operators as a class have a litany of safety deficiencies. News reports, police accident reports and passenger complaints all present the picture that these curbside operators lack the proper equipment, trained drivers and the necessary safety protocols. Even more problematic, some of these operators do not have any operating authority. For example, Dragon Coach, which operates between New York City and Albany, New York, has, as of February 17, 2006, no authority to operate and has no application for operating authority pending with the federal government. Another such carrier, Eastern Travel and Tour, also has no active authority on file with FMCSA and no application pending, and has no evidence of liability insurance on file with the agency

[3] In a letter to Congressman John Olver dated February 10, 2006 (copy attached) Transportation Secretary Mineta acknowledged that DOT has not denied any applications for operating authority on the grounds of non-compliance with DOT's ADA regulations and has not revoked any operating authority on those grounds. He cited the Department of Justice's role as the enforcer of the ADA bus accessibility requirements and stated that DOT "continues to work closely with the Department of Justice in facilitating that enforcement." The Secretary also states that DOT has shared with DOJ evidence of prosecutable carrier violations. For its part, according to a November, 2005 news report, DOJ says it has begun two investigations into whether discount carriers are complying with the ADA. While ABA certainly supports any investigation into this matter, the fact is that we have received no notification of any investigation nor have we been asked to aid in any investigation.

(interstate carriers of passengers are required to have $5 million of insurance on file with the FMCSA at the time it begins operations). Finally, Dong Shun Travel Bus Corporation, which has a business address in Newport News, Virginia, and a mailing address in New York City, likewise has no authority on file, no application pending and no insurance on file.

Under its regulatory authority FMCSA has initiated some enforcement actions against the curbside operators. For this the ABA and its members are grateful. Some measure of the scope of the FMCSA's problem with curbside operators may be gleaned from the fact that one inspection "sweep" of 400 curbside operators' buses turned up more than 500 safety-related violations. Following this inspection FMCSA ordered 56 buses and 13 drivers out of service. (A detailed newspaper account of this enforcement action is appended to my testimony).

But while ABA appreciates these actions by the FMCSA, they, in fact, mean little as long as these curbside operators are allowed authority to operate. This is so because these carriers openly and notoriously change their names, state registrations and addresses to continue operations even after the federal regulatory agency has ordered them to shut down their unsafe operations.

The ephemeral nature of these carriers' business or operational addresses raises several other issues. First, it encourages the practice of evading regulatory agency detection by re-registering its equipment and operations under a different corporate name in a different state. ABA members have seen these operators in buses in which the old company "logo" can be seen through the hurried paint job used to conceal it. Second, the use of "dummy" corporate addresses for insurance filings (for example, establishing a "dummy" address in Massachusetts to take advantage of cheaper insurance costs while your operations are largely in New York) allows such carriers the means to evade their financial responsibilities.

The failure of the curbside operators to use bus terminal facilities available in various states also points up a loss, not to the competing carriers but to the states and cities that have such terminals. For instance, one-third of every dollar ABA member PPBL generates as revenue on its Boston-NYC schedule goes to docking and terminal rental fees at Boston's South Street Station and NYC's Port Authority Bus Terminal. The failure of curbside operators to use these terminals deprives the cities that own the terminals of revenue needed for their operation as well as depriving waiting passengers of some modicum of comfort. Moreover, the non-use by curbside operators of these terminals certainly impedes any regulatory agency's efforts to find the carriers and inspect them and their operations.[4]

[4] The Recently passed SAFETEA-LU (Pub. L. 109-59, 119 STAT. 1144 (2005)) prevents roadside inspection of buses unless the bus presents an "imminent hazard." In ABA's view, this new law makes it mandatory that these curbside operators have some facility at which they may be inspected by regulatory agencies.

But it is when the curbside operators meet the traveling public where the safety failures of these operators are most notable. I have already addressed the lack of wheelchair lifts on these vehicles. A similar issue is the lack of maintenance facilities where the regulatory agencies can check an operator's maintenance logs and drivers' hours of service logbooks. The issue of a driver exceeding his or her hours of service is one the FMCSA takes very seriously but it is difficult to police the logbooks if you can't find them. Another issue concerns adequate facilities and records for the mandated drug and alcohol testing of drivers.

A similar issue is the lack of Commercial Drivers Licenses (CDL) by curbside operator drivers. A driver's ability to maintain a CDL requires the operator to test its drivers periodically. Also tested is the driver's ability to read, understand and communicate in emergency situations. Also, as the news articles appended to my testimony demonstrate, curbside operator drivers have failed to appropriately respond in such situations.

One issue that has surfaced is the lack of English spoken by curbside operators' drivers. ABA members and operators have seen the lack of English speaking ability when we ask these operators for a wheelchair lift. We also see it when curbside operators' drivers find themselves in emergency situations. Again, newspaper accounts speak of drivers' inability to make themselves understood to passengers in emergencies, of the drivers' failure to understand passengers' warnings of danger or of the drivers' failure to aid the passengers in an emergency.

Even newspaper columnists who incorrectly glorify these operators themselves provide testimony to the drivers' lack of training. One column (Washington Post, Mark Fisher, May 3, 2005, copy attached) detailed the driver deliberately ignoring the EZ Pass regulations on U.S. highway 95; allowing his pet dog to run the aisle of the motorcoach during operation; and driving up and over an embankment to avoid traffic.

All of this evidence is not just anecdotal. ABA has done an analysis of FMCSA's SAFESTAT figures. SAFESTAT is the means by which FMCSA tests the safety ratings of motor carriers. ABA staff selected ten carriers we knew to be curbside operators and reviewed the safety data of each. Of the ten, three had safety ratings of 71 or higher, six were coded as having "insufficient data" on which to base any rating and one, while having an overall satisfactory safety rating had a driver safety rating of 72.98. It is important to note that the higher the safety rating number, the lower the actual safety level of the carrier. Thus, a carrier with a rating of 100 would have the lowest possible safety rating. Even with this small sample, it is fair to say that the curbside operators as a class have a lower safety rating than other scheduled service operators. Certainly, the curbside operators safety ratings are significantly lower than the ABA members with which they compete.

Environmental Issues.

The provision of clean air and water are national priorities. It should come as no surprise that the curbside operators have shown themselves to be on the wrong end of this national priority. Motorcoaches are bound to dispose of their wastewater toilets tanks in an environmentally approved fashion. Federal law provides for the safe disposal of the tanks' contents in only approved facilities.

However, curbside operators without any maintenance facilities cannot be adequately tested for compliance with environmental laws. Indeed, one curbside operator in Norfolk, Virginia was videotaped by a private citizen dumping his bus tanks in a city storm drain. Dumping tanks in this manner is a clear violation of the law. But once again, the lack of any facility or terminal for curbside operators makes enforcement of the law difficult at best.

Security

In the wake of the attacks on the United States on 9/11, bus security is a pressing issue. Lack of enforcement of the curbside operators can call our efforts to protect the nation's transportation system into question. Since 9/11 ABA members, with help from a small aid program administered by the Department of Homeland Security, has strived to improve the security of our equipment, personnel and passengers.

ABA members have expended these funds as well as their own money to purchase: digital cameras for their motorcoaches, maintenance facilities and staging areas; cell phones and enhanced communications between dispatch and emergency first responders; increased "wanding" of passengers at the larger terminals; and protection for drivers from attack.

In so far as we can determine, the curbside operators have not taken any of these steps. But it goes beyond failure to protect their passengers. With a lack of facilities and training how can they ensure that their equipment is safe from theft and the use by those who want to harm others? With a lack of drivers properly trained and certified, how can they ensure that the drivers are safe? How can we be sure of anything with respect to these curbside operators if we can't find them, can't inspect them and won't deny the worst of them authority to operate.

Conclusion

The ABA's view of the bus operations is consistent and very simple. The law should apply to all. Our members and all legitimate operators are happy to compete with anyone as long as the same rules apply to all. ABA believes that denying authority to carriers who cannot abide by the FMCSA's safety regulations, the ADA, and the federal clean water laws and who cannot operate safe drivers and equipment is the only way to ensure the safety of the nation's highway system.

In this ABA agrees with FMCSA Administrator Sandberg who, on several occasions has stated her view that "my concerns are with operators who operate on or outside the margins...Whenever somebody is operating on a very low margin...the first thing they cut is safety...whether it's safety management or maintaining the equipment or making sure they are doing drug or alcohol testing on their drivers...or carrying the proper levels of insurance."[5]

In all I have said it is clear that these operators operate on the margins as well as outside the law. Congress should insist that FMCSA and the Department of Transportation use all the tools they have to stop unsafe carriers from gaining operating authority and prevent them from ignoring the law once they have operating authority.

Thank you, Mr. Chairman and members of the Committee. I will be happy to answer any questions the Committee has for me.

[5] Washington Post. COM, "Some Low-Fare "Chinatown" Buses told to Halt over Safety" Bill Brubaker, Wednesday, November 23, 2005, Page. A1.

BOSTON HERALD THURSDAY, MARCH 24, 2005

STAFF PHOTO BY ROBERT ENG

ıUTRAGED: Al and Mary Sten-Clanton claim that a bus company refused to give them a ride to New York because of their seeing-eye dog, Adam.

AG won't turn blind eye to bus snub

By TOM MASHBERG

Justice is not blind to the se of Albert and Mary en-Clanton, a Dorchester uple suing the Fung Wah is company for denying em a ride to New York be- use of Al's seeing-eye dog, lam.

'We told them they were eaking the law, but they isted on this nonsense," d Al, 50, a computer pro- mmer who has been ıd since birth. "They're ng to have to compensate or all the trouble they put us through."

Attorney General Tom Reilly this week filed a complaint on behalf of the couple with the Massachusetts Commission Against Discrimination. Under state law, blind people are entitled to take seeing-eye dogs on public conveyances.

The couple were traveling to Manhattan in January 2004 to take in the Broadway musical hit "Wicked." With hotel and theater costs high, they figured the $10 one-way tickets on Fung Wah made sense.

The Sten-Clantons showed up at the ticket office and bought two fares. Adam, a 10-year-old yellow Lab, routinely curls up under the seat on buses, the T and even airplanes so as not to block the aisles.

"It's not great fun but he does it," Al said. "It's his job."

But when a Fung Wah worker, identified in the complaint as Winston Kwok Chu-Lo, saw Adam, he denied the couple passage, citing a company "no animals" policy.

Al explained the state's anti-discrimination laws, to no avail. According to the complaint, Chu-Lo phoned the president of Fung Wah, Pei Lin Liang, and was told by Liang to deny the boarding. Liang declined to comment on the case, citing his poor English.

"At this point I called the cops," Al recalled. "It was brutally cold but I was not going to let this stand."

Things only got worse, the complaint alleges, after Al told Mary, who uses a cane because "I'm not really a dog person," to go on to Manhattan without him. She was denied boarding after Chu-Lo allegedly said "If you don't have the dog, who's going to guide you?"

The Sten-Clantons were forced to take Amtrak's Acela — at $198 each way — to make curtain time.

"We want Fung Wah to change their ways," Mary said. "We want compensation for the trouble we've been through, and we want them to publicize that blind people are welcome on their buses whether they have a guide dog or not."

BOSTON HERALD TUESDAY, JULY 26, 2005 6

AG targets Fung Wah bus line

Carrier accused of discrimination

By CASEY ROSS

Attorney General Tom Reilly yesterday broadened an investigation into a popular Boston-to-New York City bus carrier following a Herald report detailing the company's repeated violations of disability laws.

"Apparently this company just doesn't get that it's illegal to discriminate against an individual based on a disability," Reilly said in a statement last night.

In March, Reilly filed an initial complaint against Fung Wah bus company for denying service to a blind couple, and he now says the inquiry will expand into allegations the company has refused rides to wheelchair-bound passengers.

A Herald reporter watched Fung Wah employees deny service to the director of Boston's Disability Law Center, Christine Griffin, who uses a wheelchair and went to South Station to buy a ticket. Company employees also refused to provide an accessible bus during a follow-up phone call.

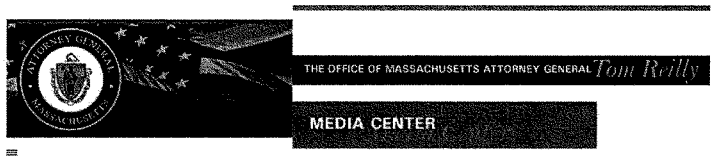
Fung Wah, which carries hundreds of daily passengers between Boston and New York City, is among a slew of upstart companies to begin operating in major cities along the East Coast.

A company lawyer said yesterday that none of its violations were intentional and that Fung Wah is awaiting instructions from Reilly on how to improve access for handicapped riders.

"We're waiting for a proposal so we can respond to it immediately," attorney Larry Kulig said.

Meanwhile, federal regulators have acknowledged they did not adequately review Fung Wah's compliance with disability laws when concerns were raised by competitors. In a July 21 letter to Peter Pan Bus Lines, a lawyer for the Federal Motor Carrier Safety Administration wrote the agency did not respond to a protest filed by Peter Pan's attorneys in April.

The letter, received by Peter Pan yesterday, promised a more thorough review of Fung Wah's compliance with disability laws to determine whether the company was properly granted expanded authority to operate between Providence and New York City.



AG REILLY SUES FUNG WAH BUS FOR REFUSING TO SELL TICKETS TO A BLIND COUPLE IN VIOLATION OF PUBLIC ACCOMMODATIONS LAW

March 23, 2005

CONTACT: SARAH NATHAN
(617) 727-2543

BOSTON - A bus company accused of refusing to sell tickets to a blind couple traveling from Boston to New York with a seeing eye dog must change its business practices to accommodate people with disabilities, Attorney General Tom Reilly alleged in a lawsuit filed with the Massachusetts Commission Against Discrimination (MCAD).

AG Reilly is alleging in a complaint that Fung Wah Transportation, Inc., has a discriminatory policy of refusing to transport persons who are sight-impaired or accompanied by service animals, in violation of the state's public accommodations law.

"You cannot discriminate against a person because he or she is blind," AG Reilly said. "Massachusetts businesses must accommodate all individuals and cannot deny service based on a disability."

The lawsuit stems from a January 15, 2004 incident involving a couple, both of whom are legally blind, who tried to buy two one-way bus tickets to New York City from Fung Wah and were denied. The Fung Wah employees who denied the couple, as alleged in the complaint, cited a policy that prohibits animals on its buses. When the couple explained that the dog was a guide dog and should be allowed on public transportation, the bus company's owner and president was consulted and confirmed that no dogs were allowed on the buses.

After the guide dog's passage was denied, the female traveler, who uses a cane for mobility, attempted to board the bus alone, while her husband and his guide dog

A-3

sought other means of transportation. She, too, was denied a ticket. Fung Wah employees, according to AG Reilly's complaint, refused to sell her an individual ticket and questioned how she would get around without the aid of the service animal.

After being refused tickets, the couple called the police. Members of the Community Disorders Unit of the Boston Police Department responded and then transported the couple to South Station where they purchased more costly Amtrak tickets to New York City.

Massachusetts law prohibits discrimination against blind persons and requires businesses to allow service animals in their establishments even when there is an existing "no pet" policy, as long as the animal is controlled and does not otherwise pose an undue burden.

AG Reilly is seeking an order requiring Fung Wah to change its policy prohibiting animals so that it complies with state law, train its employees on anti-discrimination laws, and implement a customer complaint process. AG Reilly is also seeking monetary damages from Fung Wah because of its blanket refusal to allow service animals on its buses, which continues at present, despite repeated notices that such conduct violates state law. AG Reilly's lawsuit was filed after settlement discussions with Fung Wah ended unsuccessfully.

Fung Wah Bus Transportation, Inc., is based in New York City and currently operates at least 20 buses between Boston and New York City.

Additional information about AG Reilly's Disability Rights Project can be found at **www.ago.state.ma.us** or by calling (617) 727-2200 ext. 2939.

Assistant Attorney General Tina Matsuoka and Paralegal Michael Fleischer of AG Reilly's Civil Rights and Civil Liberties Division are handling this case. Boston Police Detective John Maloof of the Community Disorders Unit investigated the matter and referred the case to AG Reilly's Office.

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Not fare! Disabled rip discount bus company after being denied access

By **Casey Ross/Herald Exclusive**
Monday, July 25, 2005 - Updated: 11:51 AM EST

A popular Boston-to-New York City bus carrier that has repeatedly violated disability laws by denying service to wheelchair-bound passengers has escaped federal enforcement, a Herald investigation found.

The Fung Wah bus company, whose low-cost ride to New York City attracts hundreds of daily passengers, operates only one bus with a wheelchair lift in Boston and sometimes flatly denies service to handicapped riders, according to state officials and disability advocates.

On a recent afternoon, a reporter watched Fung Wah employees deny a ride to the head of Boston's Disability Law Center, who uses a wheelchair and went to South Station to buy a ticket.

``I don't understand why this is allowed to happen," Disability Law director Christine Griffin said. ``It's a violation of peoples' civil rights. If this was another protected class, if they decided today not to serve women, can you imagine how quickly they would be shut down?"

When Griffin tried to buy a ticket, she was initially told by Fung Wah employees that the company has no accessible buses. Then, after complaining that handicapped access is a legal requirement, she was told the company has one bus but couldn't help her because it was unavailable.

Under federal law, private bus companies are prohibited from denying service to handicapped passengers. The companies must be able to provide an accessible bus within 48 hours of requests for service.

A Fung Wah official said the company does not routinely deny service to handicapped people. ``They are welcome to the bus," said spokeswoman Mona Louis. ``We do have handicapped service."

However, in a follow-up phone call by a Herald reporter, a Fung Wah employee who answered the phone at the company's ticket office denied a request for a handicapped bus and said such service is not provided.

Bus industry officials and competing carriers have continually complained about Fung Wah's lack of handicapped access. In April, Peter Pan Bus Lines protested the company's application to add service between Providence and New York City, but the protest did not stop the Federal Motor Carrier Safety Administration from quickly granting approval.

A spokesman for that agency, which primarily enforces safety regulations, said the protest was not considered because accessibility compliance is enforced by the Department of Justice. A Justice Department spokesman declined to comment for this story.

Fung Wah first came under scrutiny in March when the state attorney general's office filed a discrimination complaint alleging the company refused a ride to a blind couple with a seeing-eye dog. The complaint is now pending with the Massachusetts Commission Against Discrimination.

An official within the attorney general's office said she was shocked to learn of the new concerns raised by the Herald's report. ``Given that there is ongoing litigation, it surprises me that this is continuing," said the official, who spoke on a condition of anonymity.

Meanwhile, industry officials continue to urge federal regulators to crack down. ``This company continues to skirt the laws," said Peter Pantuso, president of the American Bus Association. ``(Handicapped access) has come up repeatedly as an area where they are definitely in violation."

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Marc Fisher

Metro Columnist

N.Y. to D.C. On the Quirky Express

By Marc Fisher

Tuesday, May 3, 2005; Page B01

I knew the Chinatown bus was not going to be like the Delta Shuttle when a woolly old dog made his way down the narrow aisle. A buzz of concern swept through the bus, leaving midtown Manhattan momentarily for the four-hour trip to the District.

The driver came on the PA system: "Ladies and gentlemen, do not be alarmed. That is my dog, Spot. He is the bus dog. We go back a long way. Spot keeps me sane. When I am sad and lonely, he talks to me, telepathically. We are one. Thank you."

Okaaay. I considered asking for my $20 back, but the silent Hasidic man collecting the fares seemed unfazed, and no other passengers budged, so I settled in for the cheapest ride between Washington and New York.

The air shuttle isn't a shuttle anymore, now that financially brittle Delta and US Airways no longer roll out another plane on demand. The Acela is ailing and pricey.

But on the roads, there's a

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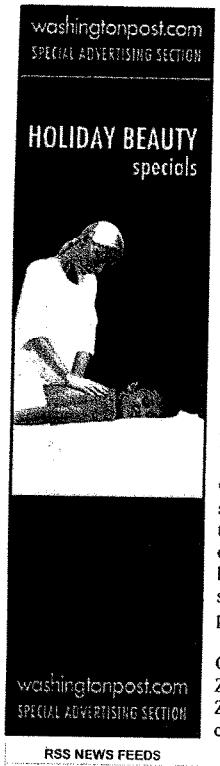

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wonderfully cutthroat competition going on among Chinese immigrants whose buses will get you from Washington to New York in about an hour longer than the train takes, at about a quarter of the cost. This ain't the Acela -- heck, it's not even Greyhound -- but the Chinatown buses, born in the mid-'90s to ferry Chinese restaurant workers from jobs in Washington to families in New York, are an adventure and a half.

"Be advised the driver may experience fits of road rage or aggression," driver D.L. Monroe, better known as The Bishop, told us as we entered the Lincoln Tunnel. "If you feel any bumps, such as manhole covers or body parts, do not worry: It was meant to be."

There is a seamy underside to the Chinatown bus industry, one in which a driver for one company rammed his coach into a rival's owner (the alleged bad guy was subsequently executed on a New York Chinatown street) and one company trashed another's buses in an effort to get it to raise its fares.

No need to worry about such antics. The ride is excitement enough.

On the way to New York on Dragon Coach, our driver -- a chain smoker who delivered a one-word answer to a passenger's request that he observe the no smoking sign: "driver!" -- saw a traffic jam developing on the ramp to the Baltimore-Washington Parkway. So he eased the bus over the curb, drove up a muddy embankment and squeezed onto the adjacent ramp to Route 50. Then he turned to his passengers with a huge smile and said, "Ahh! Better!"

One driver shaved precious minutes off our journey by using the E-ZPass lane despite the fact that he did not actually possess an E-ZPass transponder. Red lights flashed and bells rang, but nobody chased us, and we got to our destination much faster.

My favorite driver was The Bishop, owner of Spot (aka Fido). The Bishop is good to Spot; he even bought the animal an ice cream parfait at our Delaware House rest stop. The Bishop did warn us not to agitate Spot. "He has specific instructions not to fraternize," he noted.

The Bishop greeted passengers as we pulled out of New York with this announcement: "This is the Washington Deluxe bus to Atlantic City. We're going to the Taj Mahal. You will receive $15 in casino chips. We'll be returning at 11 p.m." A few passengers nervously gathered their things, steeling themselves to tell The Bishop that they needed to get off. A few seconds later, he let on that we were indeed D.C.-bound.

Alas, The Bishop's humor went under-appreciated. The primary

languages on the Chinatown buses (a list is at http://staticleap.com/chinatownbus) seem to be Russian, German and Chinese. (The buses draw a blend of Chinese workers, European tourists, college students and working-class Washingtonians.)

Greyhound, miffed that competition has forced it to lower fares, has taken to suing the upstarts for operating without proper licenses. According to the Wall Street Journal, a Greyhound executive said in an affidavit that his company can't "tolerate unauthorized operators cherry-picking business on its busiest routes." Poor babies.

I am pleased to report that on Interstate 95, our full-to-capacity Washington Deluxe coach passed two Greyhounds each carrying fewer than a dozen passengers. Go Chinatown and leave the driving to Spot.

Join me at noon today for a new phone-in talk show (call 703-469-2735) athttp://www.washingtonpost.com/liveonline.

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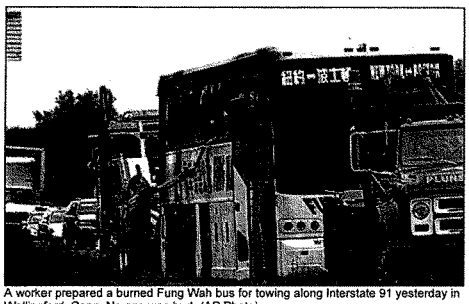

A worker prepared a burned Fung Wah bus for towing along Interstate 91 yesterday in Wallingford, Conn. No one was hurt. (AP Photo)

Riders flee bus fire on NYC run

Vehicle was part of Fung Wah fleet

The Boston Globe

By Mac Daniel and Lisa Fleisher, Globe Staff and Globe Correspondent | August 17, 2005

A Fung Wah bus, part of the low-fare passenger line fleet from Boston to New York, erupted in flames on an interstate highway in Connecticut yesterday, sending frightened passengers scrambling off the bus just moments before it became a "charred mess," police and passengers said.

The driver of the New York-bound bus carrying about 45 passengers noticed smoke streaming from the rear left wheel at about 2 p.m., then pulled over to inspect the vehicle, passengers said. The confused passengers fled the bus just before flames shot 50 feet in the air and engulfed it.

"A minute later, we could have all been dead," a passenger, Lisa Holliday, 25, said by by cellphone while standing on Interstate 91 in Meriden, Conn., near the bus's smoking remains.

"I'm looking at the back of the bus where we were sitting, and it's not even there anymore," Holliday said.

John Quackenbush, 38, a freelance film technician from Cambridge, took out a digital camera and documented the fire.

"It's torched," he said. "Every seat is burned. All the little TVs are cracked and melted. It's amazing."

It was the second time in five months that a low-fare Chinatown bus has caught fire. On March 18, flames destroyed a New York-to-Boston bus owned by Travel Pack, a Fung Wah competitor, near the Allston-Brighton tolls on the Massachusetts Turnpike. No one was injured in either fire.

Although the Fung Wah company has a "satisfactory" rating, the highest given, with the Federal Motor Carrier Safety Administration, the agency cited the company in 2004 for failing to do random drug and alcohol tests of employees, as well as for allowing a driver to work more than 70 hours in eight days. The citations resulted in more than $17,000 in fines, agency records show.

The Boston-based company is also being sued by Attorney General Thomas F. Reilly for discriminating against disabled people after it refused to allow a service animal to board a bus.

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The so-called Chinatown-to-Chinatown bus services have become a popular alternative to trains, planes, and other, more expensive bus companies, such as Peter Pan and Greyhound. One- way fares are $15, up from $5 and $10 just a few years ago, compared with about $35 for a one-way Greyhound fare to New York. Critics have questioned whether more oversight of the newer companies might be needed.

Fung Wah officials did not return repeated telephone calls to the company's Boston and New York offices and to their lawyers yesterday.

Passengers said the driver, who was not identified, pulled over about 45 seconds after noticing smoke and went outside to inspect the situation. He then came back onto the coach bus, which was carrying about 45 passengers and motioned for them to evacuate. Many, however, did not see him motioning, leaving it to passengers to spread the message among themselves, down to the back of the bus.

Several riders said they were upset that there had not been a more official or clearer announcement about the evacuation.

"I finally just started saying, 'Move, move, move! Go! Get the heck out of this bus!' " Holliday said. "Things can be replaced, but people can't."

The state Department of Telecommunications and Energy, which inspects commercial bus fleets, said the bus involved in yesterday's fire had passed a state inspection on Oct. 22, 2004. Only minor defects were found on the vehicle, including a fire extinguisher that needed to be properly secured and a passenger door that needed adjustment, said the department's executive director, Timothy Shevlin.

After Shevlin was questioned yesterday by a reporter about the bus's air conditioning system, he said he had asked Fung Wah officials whether the fire may have started there. Company officials had told him that the system had been serviced the day before, he said, but that they were unsure what started the fire.

Meriden fire officials will conduct an investigation into the cause of the fire, and state and federal officials may also review it.

Last year, the Federal Motor Carrier Safety Administration formed a task force to look into "Northeast inter-urban bus companies," including Fung Wah and Travel Pack, after they received reports of safety concerns, said James Lewis, a spokesman for the federal safety administration. Though there were some violations, Lewis said, company officials have generally been very cooperative in responding to them.

"This is a sector of the industry that has caught our attention, has maintained our attention," Lewis said.

The fire closed the southbound lanes of I-91, and traffic was backed up until 5 p.m., said Assistant Chief Mark Graber of the Meriden Fire Department. Passengers said they were shuttled to a garage in Wallingford, Conn., where they waited about three hours for another Fung Wah bus to complete the trip to New York.

The bus line caters mostly to the young or thrifty, who often don't care which company they travel with.

Yesterday, while waiting at South Station for the 5 p.m. bus to New York, passengers put down books or took a break from headphones and said they were surprised by news of the fire, but nobody headed for a refund.

"If I was rich, I'd go by the train, but $150, $130, for a student? You can't top this, $15 to New York," said Yan Perchuk, a 28-year-old student at the Berklee College of Music who has ridden at least 15 times. "That could happen on any bus."

Quackenbush, who uses the bus to commute between work locations, said this will not deter him from taking the bus again. In fact, it will have just the opposite effect, he said.

"What are the odds of this happening again?" he said. "Now I'm safe."

Globe correspondent Adam Jadhav contributed to this report.Mac Daniel can be reached at mdaniel@globe.com; Lisa Fleisher at lfleisher@globe.com. ■

boston.com

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Ratings signal warning for fast-growing Fung Wah

The Boston Globe

Bus line officials say they are addressing problems

By Donovan Slack and Mac Daniel, Globe Staff | September 4, 2005

A major discount bus carrier that shuttles passengers between Boston and New York rates significantly worse than the national average on two of three federal safety rankings, but state regulators say the bus line is safe.

Fung Wah Bus Transportation Inc., which had one of its buses burst into flames two weeks ago on a Connecticut highway just moments after passengers escaped, said it has run into some safety issues because it has been growing so fast, but it is now fixing any problems.

The company has risk ratings on driver safety and safety management that are close to the point that could trigger a federal investigation.

Fung Wah has a driver risk rating of 73. On the scale, 100 is the worst; 75 or above is considered at risk of being unsafe and can lead to an investigation.

Lucky River Transportation Corp., another low-cost carrier that runs the same Boston-New York route, has a driver risk rating of 74, according to ratings issued in July by the Federal Motor Carrier Safety Administration. Boston-based Kristine Travel & Tours Inc., another lower-cost carrier that used to run between Boston and New York under the name Travel Pack, had a driver risk rating of 97, one of the worst in the country.

It is not under investigation, federal officials say.

On the driver risk rating, the national average is 24. Among the higher-priced competitors, Greyhound scored 22, and Peter Pan Bus Lines rated 58.

The ratings, which are updated monthly and cover the previous 30 months, are based on drivers' records, including the number of traffic tickets and the number of times their logs show they spent too much time behind the wheel.

A score of 80 means that about 80 percent of carriers had better driver-safety records.

Federal regulators compile and monitor two other ratings:

Safety management risk, which is based on a company's record of violations and enforcement actions: The national average is 29, Fung Wah's score is 71, and Kristine Travel's is 97. There are not enough data to rate Lucky River, Peter Pan, or Greyhound.

Vehicle risk, which includes inspections, performance, and compliance: The national average is 23, Fung Wah's score is 9, Kristine Travel's is 8, Peter Pan's is 4, and Greyhound's is 16. Lucky River, which under the name Lucky Star has offered Boston-New York service since May, has not been rated yet on vehicle safety.

State regulators say Fung Wah and Lucky River are safe, citing the companies' vehicle maintenance records, the results of regular state inspections, and the companies' willingness to be properly certified. Officials at the state Department of Telecommunications and Energy, which oversees all passenger buses, say the companies are responsive to inspectors and make recommended repairs quickly, often the same day.

"The idea that because the ticket price is low that therefore the carrier is unsafe is not fair," said Brian Cristy, head of the department's Transportation Division.

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Critics of the discount bus carriers, known by many passengers simply as "the Chinatown buses," have long accused them of cutting corners in order to offer low fares. Fung Wah charges $15 each way between Boston and New York, up from $10 two years ago. Lucky River also offers the $15 one-way fare. Peter Pan and Greyhound list online specials of $18 each way, but their standard fares range from $30 to $35 one way.

The Fung Wah fire and a similar incident involving another carrier in December prompted US Senator Charles E. Schumer, Democrat of New York, to call last week for more oversight of discount bus companies. Citing the federal safety statistics, Schumer said in a statement that he is urging regulators to conduct more surprise inspections, to require carriers to display safety ratings onboard buses, and to ensure that no unsafe buses get on the roads.

In March, a Travel Pack bus burst into flames on the Massachusetts Turnpike, and the passengers escaped uninjured. Travel Pack has since stopped its low-cost passenger service between Boston and New York and limited its business to charter travel.

Fung Wah officials attribute any safety issues on the company's rapid expansion and said safety is a paramount concern that they are addressing. During the past few months, Fung Wah has replaced its entire staff of 23 drivers, and in recent weeks, the company enlisted the help of state inspectors in conducting comprehensive driver training.

"When a small company grows so fast, sometimes it gets a little off," Fung Wah spokeswoman Mona Louis said last week.

Fung Wah is one of the oldest and largest of the Chinatown bus carriers. It was started in 1997 by Pei Lin Liang, a noodle factory deliveryman in New York City who emigrated from China 12 years earlier.

Liang, 43, borrowed $60,000 from relatives to buy four vans and started shuttling Chinese immigrants between Brooklyn and Chinatown in New York. Competition was too fierce, though, and Liang decided a year later to obtain a federal passenger-carrier permit and begin van service to Boston.

He says he thought Chinese immigrants with children attending colleges in the Hub could probably use a low-cost alternative to Greyhound and other established bus carriers. "I really wanted to provide a service to people who don't speak English," Liang said through an interpreter at Fung Wah's cavernous office in Boston's Chinatown.

He began with one trip a day, but within months, he was up to three. In 1999, Liang borrowed more money and bought several passenger buses.

Liang trained as a mechanic and did most of the minor bus maintenance himself. As his fleet grew, he hired more mechanics, and two years ago, he said, he hired a special contractor to help with maintenance, an experienced mechanic with the Massachusetts Bay Transportation Authority.

Fung Wah soon became one of the best bargains in Boston, an option for hip, budget-conscious travelers. Passengers could purchase a then-$25 ticket in a Boston Chinatown storefront, where someone would direct them, usually in broken English, to a spot on the street outside to catch the bus.

" 'Over there.' That's all they'd say," recalled Melissa Donovan, a New York filmmaker who once contemplated doing a documentary on the company.

The company now has 21 buses and runs 18 round-trips a day, seven days a week.

But with increasing popularity came a slew of problems. Chinatown residents and business owners complained about idling buses. Police began ticketing the buses regularly, and the company racked up thousands in fines before moving last year to a berth at South Station.

The company also drew increased scrutiny from federal authorities, who formed a task force in 2003 and hired a Cantonese-speaking inspector to check on Fung Wah and other Chinatown bus companies.

Fung Wah has paid $19,680 in fines since October 2003 for infractions, including three violations for failing to test its drivers for illegal drugs and alcohol, according to federal records. It has not received a violation since March 2004. In some cases,

federal officials say, Fung Wah officials' limited English skills contributed to paperwork oversights that led to some of the violations.

"For the most part, the carriers stepped up to the plate," said James Lewis, spokesman for the Federal Motor Carrier Safety Administration. "They responded and showed us that they were earnest about wanting to run legitimately."

Last year, Greyhound and Peter Pan Bus Lines sued Fung Wah, accusing it of not being properly permitted. The suit was dropped after the permit paperwork was cleared up.

Through all the problems, Liang repeatedly considered giving up because of the stress. He spends only three or four nights a week with his wife and three children in their two-bedroom apartment in Brooklyn. The rest of the time he's in Boston, supervising a staff of about 40, or on the road, driving a bus.

On Aug. 16, Liang was walking down a Chinatown street in New York, on his way to see his attorney, when his cellphone rang. A staff member at the New York ticket counter told him a driver had reported smoke coming from a bus en route from Boston. Liang rushed to get another bus and drove to the scene on Interstate 91 in Meriden, Conn. He was not prepared for what he found.

"It was unbelievable," he recalled.

The passengers had escaped only moments before the smoke turned into flames that shot high in the air and left the bus a charred mess. Liang, who arrived about 6 p.m., herded the passengers onto the other bus and instructed the driver to take them and their smoky, water-logged bags to New York.

Several passengers said that when they reached Chinatown in New York, they received little help or information.

Louis, who was inside the ticket office, said staff members did not speak English well enough to comfort the crowd. She said they hid from passengers at one point, afraid and not knowing what to do.

Louis said she and Liang have been working tirelessly since then, trying to address insurance investigators' needs, dealing with more inspections -- which turned up only minor violations -- and instituting the comprehensive driver training.

"We're just trying to do our best," she said. "But sometimes, we're misunderstood."

On a four-hour trip from New York to Boston on a recent Friday night, a Fung Wah bus hurtled down highways in Connecticut and Massachusetts, reaching 80 miles per hour on several occasions.

A bathroom on the bus had no light and no doorknob -- a piece of wire strung through the doorknob hole held the door shut.

The motor sounded like an overworked propeller.

Still, passengers said they would continue to take Fung Wah.

"With all the other things that can happen, with terrorism and that, I figure it's not a big deal," said Ann Sweeney, a social worker in Boston who heard about the low-cost buses from her 29-year-old son in New York.

"You can't worry about everything," she said. "Besides, I figure they're going to do more inspections now."

Donovan Slack can be reached at dslack@globe.com. Mac Daniel can be reached at mdaniel@globe.com. ■

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Some Low-Fare 'Chinatown' Buses Told to Halt Over Safety

Advert

By Bill Brubaker
Washington Post Staff Writer
Wednesday, November 23, 2005; Page A01

Federal officials have stepped up surprise inspections of low-fare bus companies in the Washington-to-Boston corridor amid concerns by federal and state regulators that some curbside operators are unsafe and under-regulated.

A late October inspection sweep of 400 buses by a task force of federal, state and local authorities turned up more than 500 safety-related violations, according to the Federal Motor Carrier Safety Administration, which regulates interstate bus and truck companies. The violations included speeding, a broken horn, and inadequate brakes and windshield wipers.

Following the inspections, the FMCSA ordered 56 buses and 13 drivers out of service, agency Administrator Annette M. Sandberg said yesterday.

District passengers Euri Lorenzo, left, and Isham Randolph have their reservations checked as they wait for their bus to depart for New York. (By Jahi Chikwendiu -- The Washington Post)

Most of the buses inspected were operated by budget carriers that have become increasingly popular, picking up passengers at designated curbsides and offering round-trip fares as low as $35 between Washington and New York -- below that charged by major carriers such as Greyhound. The budget carriers are commonly known as Chinatown buses

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A-8

because they once primarily served Asian communities in the Northeast.

With the holiday travel rush underway, the agency has targeted specific companies for detailed reviews in early December, Sandberg said.

"My concerns are with operators who operate on the margins," she said. "Whenever somebody is operating on a very low margin . . . the first thing they cut is safety . . . whether it's safety management or maintaining the equipment or making sure they are doing drug or alcohol testing on their drivers . . . or carrying the proper levels of insurance."

Separately, the Justice Department says it has launched two investigations into whether discount carriers are complying with provisions of the Americans with Disabilities Act, department spokesman Eric Holland said. Sandberg said she has relayed to the department reports of budget operators that do not have wheelchair lifts on their buses.

The new government scrutiny follows two fires involving low-cost carriers on the New York-Boston route this year and concerns raised by Sen. Charles E. Schumer (D-N.Y.) that some discount carriers are being allowed to operate with "egregiously low" federal safety ratings.

A review by The Washington Post found that three companies offering service from the District to New York this year received low FMCSA safety ratings, including one, Tomorrow Travel & Tour Inc., that was ordered out of service last summer but kept operating.

"I am very concerned that because of lax safety precautions and insufficient oversight more incidents could happen, putting hundreds of thousands of riders in danger," Schumer wrote Sandberg on Aug. 28.

Sandberg agreed more needs to be done.

"I can tell you, being a former law enforcement officer: You try to get to crime or safety before the problem exists," said Sandberg, former chief of the Washington State Patrol. "But oftentimes, you are reacting at the back end."

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FEB-14-2006 16:51 PETER PAN BUS LINES 413 746 8671 P.02/04
Feb-14-06 02:08pm From-CONGRESSMAN JOHN OLVER T-082 P.002/004 F-578
FEB. 13. 2006 6:34AM DOT/EXEC. SECRETARIAT

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

February 10, 2006

The Honorable John W. Olver
U.S. House of Representatives
Washington, DC 20515

Dear ~~Congressman~~ John Olver:

Thank you for your October 14 letter regarding the requirements for over-the-road buses under the U.S. Department of Transportation's (DOT) Americans with Disabilities Act (ADA) regulations. You expressed particular concern about new "curbside" bus operators in the Northeast Corridor and their ability to provide accessible service to people with disabilities.

Let me assure you that I share your strong commitment towards enforcing the safety and accessibility regulations applicable to passenger motor carriers. Non-compliance is a disservice to carriers as well as passengers.

While responsibility for enforcing the ADA bus accessibility requirements within the motorcoach industry explicitly lies with the Department of Justice (DOJ), we continue to work closely with DOJ in facilitating that enforcement. DOT senior officials recently met with DOJ counterparts to underscore our commitment to the ADA accessibility regulations. We agreed to further our collaborative efforts, including sharing evidence of prosecutable carrier violations. We are optimistic that a strong message will be sent to carriers in the industry, reflecting the determination by both Departments that the ADA accessibility regulations be enforced.

In your letter you asked four specific questions. My responses to those questions concerning the Federal Motor Carrier Safety Administration's (FMCSA's) activities related to the ADA regulations for over-the-road buses are provided below:

<u>Question 1</u>: Over the past 24 months, how many applications for passenger motor carrier authority has FMCSA denied because of the applicant's failure to comply with DOT's accessibility regulations? Please list all such denials.

<u>Answer</u>: None. Compliance with ADA regulations is not a criterion for granting passenger motor carrier authority, or denying applications for such authority. Title 49 U.S.C. 13902(a) requires that motor carriers comply with economic, safety, and financial responsibility regulations to obtain interstate operating authority.

Question 2: Over the past 24 months, how many passenger motor carrier registrations has FMCSA suspended or revoked for the passenger carrier's failure to comply with DOT's accessibility regulations? Please list all such denials.

Answer: None. Compliance with ADA regulations is not a criterion for suspending or revoking passenger motor carrier authority.. Title 49 U.S.C. 13905(c) allows suspension or revocation when motor carriers fail to comply with economic, safety, and financial responsibility regulations applicable to interstate operations.

Question 3: Over the past 24 months, how many referrals has FMCSA made to DOJ for prosecution of violations of DOT accessibility regulations by passenger motor carriers?

Answer: Over the past 24 months, FMCSA has contacted DOJ regarding 11 complaints of non-compliance with the ADA regulations for over-the-road buses.

The Department's ADA regulations require all over-the-road bus companies to annually submit to FMCSA, a report documenting their progress in complying with bus accessibility requirements. For the reporting period that ended September 2004, FMCSA provided DOJ with reports from 563 over-the-road bus companies. These 563 reports were provided to DOJ for their review and analysis in determining possible prosecutable violations.

Question 4: During the past 24 months, what other actions has FMCSA taken to ensure that interstate passenger motor carriers are complying with DOT's accessibility regulations?

Answer: FMCSA has established a strong working relationship with DOJ's Civil Rights Division, Disability Rights Section. When FMCSA received a complaint of this nature, it promptly forwarded the complaint to DOJ. Over-the-road bus companies are required to submit information to FMCSA annually about the number of accessible bus service requests received, number of times accessible bus service was provided, and summaries of fleet composition including the number of accessible buses purchased and leased. FMCSA has provided all such information to DOJ.

Annually, FMCSA sends letters to all over-the-road bus companies informing them of ADA regulations for over-the-road buses and their responsibility to annually report their activities related to accessible bus service. FMCSA intends to propose in a forthcoming rulemaking to modify its new entrant safety audit process to educate over-the-road bus companies about ADA regulations and their ADA responsibilities, and determine whether the company has violated the regulations. Finally, any complaints or violations are reported to DOJ for possible investigation and enforcement action.

FEB-14-2006 16:52 PETER PAN BUS LINES 413 746 8671 P.04/04
Feb-14-06 02:08pm From-CONGRESSMAN JOHN OLVER T-092 P.004/004 F-578
FEB. 13. 2006 6:34AM DOT/EXEC. SECRETARIAT

FMCSA will continue to work closely with DOJ to ensure that persons with disabilities have access to over-the-road bus transportation. If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

Norman Y. Mineta

JOHN:
THANKS FOR BRINGING THIS TO MY ATTENTION.
FRANKLY, WE'RE LOOKING AT SOME RULEMAKING SO THAT FMCSA CAN DO ENFORCEMENT IN CERTAIN RESTRICTED AREAS. THE LAW GIVES PRIMARY ENFORCEMENT ACTION TO DOJ.

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Motor Carrier Details

US DOT:	778627	Docket Number:	MC348559
Legal Name:	USASIA CASINO TOURS/ENTERTAINMENT, INC.		

Doing-Business-As Name:	

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
1799 BAYSHORE HWY. BURLINGAME CA 94010	(650) 697-9086			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: TRUCK PROCESS AGENTS OF AMERICA, INC

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Monday , February 20, 2006 at 17:25:05

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kca Jan 11 2005 7 55 AM

> **QUOTE(mimosa @ Jan 10 2005 7 14 PM)**
>
> Gallen Lo Ka Leung, Sheren Tang Sui Man, Ma Ching Tao, & Shum Nga (Shen Ya) live in Reno, NV Feb 12,2005

Who is this Sheren Tang, Ma Ching Tao and Shum Nga?
No LA ticket box?

Duncan Jan 11 2005 8 01 PM

i love watching him so much especially in golden faith... he is so cool and ... i jus like his movies so much...u rock!!!

cauchy Jan 12 2005 4 15 AM

Gallen Lo Ka Leung, Sheren Tang Sui Man, Ma Ching Tao, & Shum Nga (Shen Ya) live in Reno, NV Feb 12,2005

Date & Time:
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TEL: 510-656-2999

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Address	1799 BAYSHORE HIGHWAY SUITE 248 BURLINGAME, CA 94010		Mailing Address	1799 BAYSHORE HIGHWAY SUITE 248 BURLINGAME, CA 94010		
Telephone/Fax	(650) 697-9086 / (650) 697-5840		Email			
Number of Power Units	13	Number of Drivers 9	Transports HM	No		
Date of Last MCS-150 Update	07/31/2004		Date of Last FMCSA Review	11/15/2005	Review Type	COMPLIANCE REVIEW

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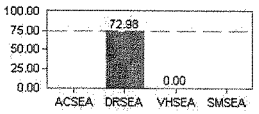
Summary of Safety Evaluation Areas (SEAs)

Deficient SEAs are those (>= 75)



ACSEA value is temporarily removed.
Crash event data will still be available.

A SEA value not displayed on the graph indicates insufficient data available in that SEA, and the SEA value could not be calculated.

Performance vs. Available Data

Data Groups

Performance Groups [1]Extensive [2]Moderate [3]Minimal

[1] All SEAs less than 50

[2] No Deficient SEAs (All Below 75)

[3] 1 Deficient SEA (One Above 75)

[4] 2+ Deficient SEAs (SafeStat Score)

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SafeStat

Score
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National Rank

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SafeStat Score = 2 × *Accident SEA Value + 1.5 × Driver SEA Value + Vehicle SEA Value + Safety Management SEA Value

★	★	72.98	0	Insuf. Data

★ Specific SafeStat information has been temporarily removed, click here for details.

SafeStat calculates a SafeStat score to rank carriers in descending order by their safety status (i.e. a carrier with the highest SafeStat score is the first ranked carrier in terms of poor safety status). SafeStat does not assign SafeStat scores to all carriers. To obtain a SafeStat Score, a carrier must be deficient

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: USASIA CASINO TOUI

Search

Company Snapshot

USASIA CASINO TOURS ENTERTAINMENT INC

USDOT Number: 778627

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	USASIA CASINO TOURS ENTERTAINMENT INC		
DBA Name:			
Physical Address:	1799 BAYSHORE HIGHWAY SUITE 24 BURLINGAME, CA 94010		
Phone:	(650) 697-9086		
Mailing Address:	1799 BAYSHORE HIGHWAY SUITE 24 BURLINGAME, CA 94010		
USDOT Number:	778627	**State Carrier ID Number:**	
MC or MX Number:	348559	**DUNS Number:**	--
Power Units:	13	**Drivers:**	9
MCS-150 Form Date:	07/31/2004	**MCS-150 Mileage (Year):**	600,000 (2000)

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 13

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	10	13	0
Out of Service	0	1	0
Out of Service %	0%	7.7%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	1	1	2

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	11/23/2005	Review Date:	11/15/2005
Rating:	Satisfactory	Type:	Compliance Review

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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Motor Carrier Details

US DOT:	842603	Docket Number:	MC371660
Legal Name:	SUNSHINE TRANSPORT SERVICE, INC.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
15 SPRINGFIELD STREET BROCKTON MA 02301	(508) 801-7247			YES

Authority Type	Authority Status	Application Pending
Common	INACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$0
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: UNITED MOTORCOACH ASSOCIATION

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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SafeStat Online

SafeStat Results as of January 27, 2006
Updated Monthly

US DOT #: 1083963 Carrier Name: SUNSHINE TRANSPORTATION INC

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		*View Detail Data*		*View Detail Data*	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: SUNSHINE TRANSPOI

Search

Company Snapshot

SUNSHINE TRANSPORT SERVICE INC
USDOT Number: 842603

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	SUNSHINE TRANSPORT SERVICE INC		
DBA Name:			
Physical Address:	965 CENTRE ST BROCKTON, MA 02302		
Phone:	(508) 580-1472		
Mailing Address:	P O BOX 1413 BROCKTON, MA 02303		
USDOT Number:	842603	**State Carrier ID Number:**	
MC or MX Number:	371660	**DUNS Number:**	--
Power Units:	3	**Drivers:**	2
MCS-150 Form Date:	03/27/2004	**MCS-150 Mileage (Year):**	

Operation Classification:

X Auth. For Hire	X Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
X Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 7

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	6	2	0
Out of Service	1	0	0
Out of Service %	16.7%	0%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	**None**	**Review Date:**	**None**
Rating:	**None**	**Type:**	**None**

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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Motor Carrier Details

US DOT:	1216817	Docket Number:	MC482859
Legal Name:	LUCKY RIVER TRANSPORTATION CORP.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
25-29 BEACH ST., SUITE D, 2ND FLOOR BOSTON MA 02111	(617) 426-8801 Fax: (617) 348-2878			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: ALL AMERICAN AGENTS OF PROCESS

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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FMCSA Federal Motor Carrier Safety Administration

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Motor Carrier Details

US DOT:	1216831	Docket Number:	MC482860
Legal Name:	LUCKY STAR TRANSPORTATION CORP.		

THIS CARRIER IS OUT OF SERVICE.

Doing-Business-As Name:	INACTIVE

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
27 BEACH STREET, 3RD FLOOR BOSTON MA 02111	(617) 426-8801	27 BEACH STREET, 3RD FLOOR BOSTON MA 02111		NO

Authority Type	Authority Status	Application Pending
Common	NONE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$0
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: ALL AMERICAN AGENTS OF PROCESS

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

SafeStat Online

SafeStat Results as of January 27, 2006
Updated Monthly

US DOT #: 933045 MC #: 401702 Carrier Name: LUCKY STAR TOURS INC

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

USDOT Number MC/MX Number Name

Enter Value: LUCKY RIVER TRANS

Search

Company Snapshot

LUCKY RIVER TRANSPORTATION CORP
USDOT Number: 1216817

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	LUCKY RIVER TRANSPORTATION CORP		
DBA Name:	LUCKY STAR		
Physical Address:	25-29 BEACH ST SUITE D 2ND FLO BOSTON, MA 02111		
Phone:	(617) 426-8801		
Mailing Address:	25-29 BEACH ST SUITE D 2ND FLO BOSTON, MA 02111		
USDOT Number:	1216817	**State Carrier ID Number:**	
MC or MX Number:	482859 482859	**DUNS Number:**	--
Power Units:	17	**Drivers:**	22
MCS-150 Form Date:	06/27/2005	**MCS-150 Mileage (Year):**	100,000 (2004)

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 49

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	30	33	0
Out of Service	1	2	0
Out of Service %	3.3%	6.1%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	1	1

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	**12/19/2005**	**Review Date:**	**12/07/2005**
Rating:	**Satisfactory**	**Type:**	**Compliance Review**

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site**.

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Motor Carrier Details

US DOT:	1207983	Docket Number:	MC455024
Legal Name:	WASHINGTON DELUXE BUS INC.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
76 MORTON ST. BROOKLYN NY 11211	(718) 387-7523 Fax: (718) 387-3741			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: KENNETH M. PIKEN & ASSOCIATES

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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◉ USDOT Number ◯ MC/MX Number ◯ Name

Enter Value: 1207983

Search

Company Snapshot

WASHINGTON DELUXE BUS INC
USDOT Number: 1207983

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	WASHINGTON DELUXE BUS INC		
DBA Name:			
Physical Address:	482 BEDFORD AVENUE BROOKLYN, NY 11211		
Phone:	(718) 387-7523		
Mailing Address:	76 MORTON STREET BROOKLYN, NY 11211		
USDOT Number:	1207983	**State Carrier ID Number:**	
MC or MX Number:	455024	**DUNS Number:**	--
Power Units:	2	**Drivers:**	18
MCS-150 Form Date:	02/05/2004	**MCS-150 Mileage (Year):**	

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	0	0	0
Out of Service	0	0	0
Out of Service %	0%	0%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	None	Review Date:	None
Rating:	None	Type:	None

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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SafeStat Online

SafeStat Results as of January 27, 2006
Updated Monthly

US DOT #: 1207983 MC #: 455024 Carrier Name: WASHINGTON DELUXE BUS INC

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: WASHINGTON DELUX

Search

Company Snapshot

WASHINGTON DELUXE BUS INC
USDOT Number: 1207983

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	WASHINGTON DELUXE BUS INC		
DBA Name:			
Physical Address:	482 BEDFORD AVENUE BROOKLYN, NY 11211		
Phone:	(718) 387-7523		
Mailing Address:	76 MORTON STREET BROOKLYN, NY 11211		
USDOT Number:	1207983	**State Carrier ID Number:**	
MC or MX Number:	455024	**DUNS Number:**	--
Power Units:	2	**Drivers:**	18
MCS-150 Form Date:	02/05/2004	**MCS-150 Mileage (Year):**	

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	0	0	0
Out of Service	0	0	0
Out of Service %	0%	0%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	None	Review Date:	None
Rating:	None	Type:	None

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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FMCSA Federal Motor Carrier Safety Administration

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Motor Carrier Details

US DOT:	1247714	Docket Number:	MC490044
Legal Name:	DONG SHUN TRAVEL BUS CORP.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
605-19 NEW MARKET DR. NEWPORT NEWS VA 23605	(917) 567-1968	18 EAST BROADWAY, 6TH FLOOR NEW YORK NY 10002		NO

Authority Type	Authority Status	Application Pending
Common	NONE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$0
Cargo	NO	NO
Bond	NO	NO

BOC-3: NO

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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SafeStat Online

SafeStat Results as of January 27, 2006
Updated Monthly

US DOT #: 1247714 MC #: 490044 Carrier Name: DONG SHUN TRAVEL BUS CORP

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: DONG SHUN TRAVEL

Search

Company Snapshot

DONG SHUN TRAVEL BUS CORP

USDOT Number: 1247714

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800) 832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	**Carrier**		
Out of Service (Interstate Only):	**No**	**Out of Service Date:**	**None**
Legal Name:	**DONG SHUN TRAVEL BUS CORP**		
DBA Name:			
Physical Address:	**605-19 NEW MARKET DRIVE NEWPORT NEWS, VA 23605**		
Phone:	**(917) 567-1968**		
Mailing Address:	**18 EAST BROADWAY 6/FL NEW YORK, NY 10002**		
USDOT Number:	**1247714**	**State Carrier ID Number:**	
MC or MX Number:	**490044**	**DUNS Number:**	**--**
Power Units:	**1**	**Drivers:**	**1**
MCS-150	**05/11/2004**	**MCS-150**	

Form Date:		Mileage (Year):	

Operation Classification:

Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
X Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)

Cargo Carried:

General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	0	0	0
Out of Service	0	0	0
Out of Service	0%	0%	0%

%			
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	None	Review Date:	None
Rating:	None	Type:	None

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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Motor Carrier Details

US DOT:	1377503	**Docket Number:**	MC525766
Legal Name:	SAGO BUS GROUP INC		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
1109 S BROAD ST PHILADELPHIA PA 19147	(917) 578-3568			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: NATIONAL RESIDENT AGENT SERVICE, INC.

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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SafeStat Online

SafeStat Results as of January 27, 2006
Updated Monthly

US DOT #: 1377503 MC #: 525766 Carrier Name: SAGO BUS GROUP INC

Other FMCSA Websites: Select a Link

Safety Management SEA Report

How do I correct my data? | Print Ready Version | Help

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

USDOT Number MC/MX Number Name

Enter Value: SAGO BUS GROUP IN

Search

Company Snapshot

SAGO BUS GROUP INC
USDOT Number: 1377503

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	SAGO BUS GROUP INC		
DBA Name:			
Physical Address:	153 LAFAYETTE STREET NEW YORK, NY 10013		
Phone:	(215) 271-7123		
Mailing Address:	153 LAFAYETTE STREET NEW YORK, NY 10013		
USDOT Number:	1377503	**State Carrier ID Number:**	
MC or MX Number:	525766	**DUNS Number:**	--
Power Units:	2	**Drivers:**	2
MCS-150 Form Date:	05/26/2005	**MCS-150 Mileage (Year):**	

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 4

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	2	4	0
Out of Service	2	0	0
Out of Service %	100%	0%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	**None**	**Review Date:**	**None**
Rating:	**None**	**Type:**	**None**

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site**.

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Motor Carrier Details

US DOT:	1021769	Docket Number:	MC429551
Legal Name:	EASTERN TRAVEL & TOUR, INC.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
53 CHRYSTIE STREET NEW YORK NY 10002	(212) 925-9400	18 EAST BROADWAY, 6/FL NEW TORK NY 10002		NO

Authority Type	Authority Status	Application Pending
Common	INACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$0
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: ALL AMERICAN AGENTS OF PROCESS

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

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SafeStat Online

SafeStat Results as of January 27, 2006
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US DOT #: 1021769 MC #: 429551 Carrier Name: EASTERN TRAVEL & TOUR INC

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: Insuf. Data

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	Insuf. data	Hazmat Review Indicator (HMRI)	Insuf. data	Enforcement History Indicator (EHI)	Insuf. data
Safety Management Review Measure (SMRM)	Insuf. data	Hazmat Review Measure (HMRM)	Insuf. data	Enforcement Severity Measure (ESM)	Insuf. data
Summary Event Data					
Date of Review	None	Date of Review	None	Last Enforcement Date	None
Number of Critical Violations	N/A	Number of Critical Violations	N/A	Number of Closed Enforcements	0
Number of Acute Violations	N/A	Number of Acute Violations	N/A		
		Number of Severe Violations	N/A		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: EASTERN TRAVEL

Search

Company Snapshot

EASTERN TRAVEL & TOUR INC
USDOT Number: 1021769

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	EASTERN TRAVEL & TOUR INC		
DBA Name:			
Physical Address:	53 CHRYSTIE STREET NEW YORK, NY 10002		
Phone:			
Mailing Address:	18 E BROADWAY 6 FL NEW YORK, NY 10002		
USDOT Number:	1021769	**State Carrier ID Number:**	
MC or MX Number:	429551	**DUNS Number:**	--
Power Units:	1	**Drivers:**	1
MCS-150 Form Date:	02/04/2003	**MCS-150 Mileage (Year):**	

Operation Classification:

Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
X Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	0	0	0
Out of Service	0	0	0
Out of Service %	0%	0%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	None	Review Date:	None
Rating:	None	Type:	None

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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FMCSA Federal Motor Carrier Safety Administration

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Motor Carrier Details

US DOT:	789704	Docket Number:	MC352543
Legal Name:	KRISTINE TRAVEL & TOURS INC.		
Doing-Business-As Name:	TRAVEL TODAY		

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
23 B TYLER ST. BOSTON MA 02111	(617) 338-8222			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: EVILSIZOR TRANSPORTATION SERVICES

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

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SafeStat Results as of January 27, 2006
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US DOT #: 789704 MC #: 352543 Carrier Name: KRISTINE TRAVEL & TOURS INC

Other FMCSA Websites: Select a Link

Safety Management SEA Report

How do I correct my data? | Print Ready Version | Help

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: 72.55

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	0.0	Hazmat Review Indicator (HMRI)	0.0	Enforcement History Indicator (EHI)	72.6
Safety Management Review Measure (SMRM)	0	Hazmat Review Measure (HMRM)	0	Enforcement Severity Measure (ESM)	10
Summary Event Data					
Date of Review	12/20/2005	Date of Review	12/20/2005	Last Enforcement Date	03/24/2005
Number of Critical Violations	0	Number of Critical Violations	0	Number of Closed Enforcements	2
Number of Acute Violations	0	Number of Acute Violations	0		
		Number of Severe Violations	0		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: KRISTINE TRAVEL

Search

Company Snapshot

KRISTINE TRAVEL & TOURS INC
USDOT Number: 789704

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	KRISTINE TRAVEL & TOURS INC		
DBA Name:	TRAVEL PACK		
Physical Address:	23 B TYLER ST BOSTON, MA 02111		
Phone:	(617) 338-8222		
Mailing Address:	23 B TYLER ST BOSTON, MA 02111		
USDOT Number:	789704	**State Carrier ID Number:**	
MC or MX Number:	352543	**DUNS Number:**	–
Power Units:	8	**Drivers:**	13
MCS-150 Form Date:	12/20/2005	**MCS-150 Mileage (Year):**	4,800,000 (2005)

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 64

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	55	43	0
Out of Service	7	3	0
Out of Service %	12.7%	7%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	12/22/2005	Review Date:	12/20/2005
Rating:	Satisfactory	Type:	Compliance Review

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site**.

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FMCSA Federal Motor Carrier Safety Administration

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Motor Carrier Details

US DOT:	954187	Docket Number:	MC405969
Legal Name:	FUNG WAH BUS TRANSPORTATION INC.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
25 EDINBORO STREET BOSTON MA 02111	(917) 567-5661			NO

Authority Type	Authority Status	Application Pending
Common	ACTIVE	NO
Contract	NONE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: ALL AMERICAN AGENTS OF PROCESS

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

Monday , February 20, 2006 at 10:05:20

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

C-9

US DOT #: 954187 MC #: 405969 Carrier Name: EUNG WAH BUS TRANSPORTATION IN...

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: 71.51

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	0.0	Hazmat Review Indicator (HMRI)	0.0	Enforcement History Indicator (EHI)	71.5
Safety Management Review Measure (SMRM)	0	Hazmat Review Measure (HMRM)	0	Enforcement Severity Measure (ESM)	9
Summary Event Data					
Date of Review	04/01/2005	Date of Review	04/01/2005	Last Enforcement Date	03/02/2004
Number of Critical Violations	0	Number of Critical Violations	0	Number of Closed Enforcements	2
Number of Acute Violations	0	Number of Acute Violations	0		
		Number of Severe Violations	0		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

◉ USDOT Number ○ MC/MX Number ○ Name

Enter Value: 954187

Search

Company Snapshot

FUNG WAH BUS TRANSPORTATION INC
USDOT Number: 954187

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	FUNG WAH BUS TRANSPORTATION INC		
DBA Name:			
Physical Address:	25 EDINBORO STREET 3RD/FLOOR BOSTON, MA 02111		
Phone:	(617) 338-8308		
Mailing Address:	25 EDINBORO STREET 3RD/FLOOR BOSTON, MA 02111		
USDOT Number:	954187	**State Carrier ID Number:**	
MC or MX Number:	405969	**DUNS Number:**	--
Power Units:	22	**Drivers:**	23
MCS-150 Form Date:	07/08/2004	**MCS-150 Mileage (Year):**	3,292,300 (2003)

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 127

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	83	66	0
Out of Service	9	7	0
Out of Service %	10.8%	10.6%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	04/11/2005	**Review Date:**	04/01/2005
Rating:	Satisfactory	**Type:**	Compliance Review

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site.**

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FMCSA Federal Motor Carrier Safety Administration

Menu Choose Menu Option GO

Motor Carrier Details

US DOT:	911125	Docket Number:	MC367489
Legal Name:	NEW CENTURY TRAVEL, INC.		
Doing-Business-As Name:			

Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
55-57 N 11TH STREET PHILADELPHIA PA 19107	(215) 627-2666 Fax: (215) 627-8166	55-57 N 11TH STREET PHILADELPHIA PA 19107		YES

Authority Type	Authority Status	Application Pending
Common	ACTIVE	YES
Contract	ACTIVE	NO
Broker	NONE	NO

Property	Passenger	Household Goods	Private	Enterprise
NO	YES	NO	NO	NO

Insurance Type	Insurance Required	Insurance on File
BIPD	$5,000,000	$5,000,000
Cargo	NO	NO
Bond	NO	NO

BOC-3: YES
Blanket Company: SERVICE OF PROCESS AGENTS, INC.

| Active/Pending Insurance | Rejected Insurance | Insurance History | Authority History | Pending Application | Revocation |

Friday , February 17, 2006 at 10:12:03

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United States Department of Transportation - **Federal Motor Carrier Safety Administration**

C-10

○ USDOT Number ○ MC/MX Number ◉ Name

Enter Value: NEW CENTURY TRAV

Search

Company Snapshot

NEW CENTURY TRAVEL INC
USDOT Number: 911125

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Information for this Carrier

- SafeStat Results
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to **SAFER General Help**.

The information below reflects the content of the FMCSA management information systems as of 02/16/2006.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	**Out of Service Date:**	None
Legal Name:	NEW CENTURY TRAVEL INC		
DBA Name:			
Physical Address:	55-57 N 11TH ST PHILADELPHIA, PA 19107		
Phone:	(215) 627-2666		
Mailing Address:	55-57 N 11TH ST PHILADELPHIA, PA 19107		
USDOT Number:	911125	**State Carrier ID Number:**	
MC or MX Number:	367489 367489	**DUNS Number:**	--
Power Units:	16	**Drivers:**	13
MCS-150 Form Date:	04/26/2004	**MCS-150 Mileage (Year):**	

Operation Classification:

X Auth. For Hire	Priv. Pass.(Non-business)	State Gov't
Exempt For Hire	Migrant	Local Gov't
Private(Property)	U.S. Mail	Indian Nation
Priv. Pass. (Business)	Fed. Gov't	

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
Cargo Carried:		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	X Passengers	Refrigerated Food
Motor Vehicles	Oilfield Equipment	Beverages
Drive/Tow away	Livestock	Paper Products
Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Utilities
Building Materials	Coal/Coke	Agricultural/Farm Supplies
Mobile Homes	Meat	Construction
Machinery, Large Objects	Garbage/Refuse	Water Well
Fresh Produce	US Mail	

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 02/16/2006

Total inspections: 44

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	23	42	0
Out of Service	5	10	0
Out of Service %	21.7%	23.8%	0%
Nat'l Average % (2003)	22.92%	6.78%	5.26%

Crashes reported to FMCSA by states for 24 months prior to: 02/16/2006

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	1	1

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 02/16/2006

Review Information:

Rating date:	01/31/2006	Review Date:	12/06/2005
Rating:	Conditional	Type:	Compliance Review

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the **FMCSA Licensing & Insurance site**.

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SafeStat Online

US DOT #: 911125 MC #: 367489 Carrier Name: NEW CENTURY TRAVEL INC

Safety Management SEA Report

Click on the underlined text below for an explanation of how an indicator or measure was calculated.

Safety Management SEA Value: 89.45

View Methodology

Compliance Review Results Safety Mgmt (within 18 months)		Compliance Review Results Hazmat (within 18 months)		Closed Enforcements Initiated from Compliance Reviews (within 6 years)	
Measures and Indicators					
Safety Management Review Indicator (SMRI)	71.0	Hazmat Review Indicator (HMRI)	0.0	Enforcement History Indicator (EHI)	89.5
Safety Management Review Measure (SMRM)	28	Hazmat Review Measure (HMRM)	0	Enforcement Severity Measure (ESM)	6
Summary Event Data					
Date of Review	12/06/2005	Date of Review	12/06/2005	Last Enforcement Date	10/06/2004
Number of Critical Violations	1	Number of Critical Violations	0	Number of Closed Enforcements	2
Number of Acute Violations	0	Number of Acute Violations	0		
		Number of Severe Violations	0		
View Detail Data		View Detail Data		View Detail Data	

CAUTION: Please verify important data before relying on SafeStat results. Inaccurate or out-of-date normalizing data can result in SafeStat results that do not accurately reflect the motor carrier's safety status.

STATEMENT OF ANNETTE SANDBERG, ADMINISTRATOR
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES
MARCH 2, 2006

Chairman Petri, Ranking Member DeFazio, and Members of the Subcommittee, thank you for inviting me today to discuss the Federal Motor Carrier Safety Administration's (FMCSA) oversight role in curbside bus operations. I am pleased to appear before you to discuss FMCSA programs that will achieve our goal of improving bus safety on our nation's highways.

FMCSA was conceived out of the need for stronger commercial motor vehicle (CMV) safety – it is our mandate. Toward that goal, FMCSA is working to reduce the loss of life on our nation's highways.

Motorcoaches are one of the safest forms of commercial passenger transportation. According to FMCSA's Licensing & Insurance database, which houses information for all registered carriers, approximately 3,900 interstate motorcoach companies operate 35,000 motorcoaches in the United States. There are approximately 120,000 motorcoach drivers who have commercial driver's licenses (CDLs) with passenger endorsements. For the previous 10 calendar years, there has been a yearly average of 22.4 motorcoach occupant fatalities. For calendar years 2002-2005, each year's fatalities have been greater than the 10-year average. We must continue to work to reverse this trend. In my opinion, even **one** fatality is too many.

SAFETEA-LU

Safety is the hallmark of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) enacted last year. As a result, our Agency is making changes that will increase all CMV safety on our roads. They include the new National Registry of Certified Medical Examiners, Medical Review Board, and the revision of standards for diabetic drivers. Additionally, the medical certification rule required by the Motor Carrier Safety Improvement Act of 1999 (MCSIA) is to be published this summer. In addition, SAFETEA-LU requires FMCSA to act on several provisions that impact directly on motorcoach operations. Among these are the following:

- Establishing minimum levels of financial responsibility for <u>all</u> private motor carriers. Previously, for passenger carriers, a Federal insurance requirement has applied only to for-hire companies. Now, private motor carriers of passengers will become subject to some minimum level of financial responsibility. Organizations that operate a motorcoach for private use will now become subject to an insurance requirement.

- Funding for motorcoach inspections through our Motor Carrier Safety Assistance Program, known as MCSAP, shall only be used to conduct motorcoach inspections at stations, facilities, destinations, and other locations where the operator can make a safe, planned stop.

NATIONAL MOTORCOACH SAFETY PROGRAM

FMCSA has established a National Motorcoach Safety Program with an emphasis on six areas: (1) increase the number of motorcoach compliance reviews (CRs), which are investigations of a company's safety practices; (2) develop and implement a separate CR prioritization system for motorcoach carriers; (3) establish formal motorcoach inspection programs within all States; (4) improve safety data; (5) reduce motorcoach fires; and (6) expedite safety audits of new entrant motorcoach carriers. Addressing each of these areas is essential to improving passenger vehicle safety.

Motorcoach Company Compliance Reviews

FMCSA has planned an increase in the number of compliance reviews conducted on motorcoach companies. In FY 2005, FMCSA and our State partners conducted 457 motorcoach CRs, surpassing our established goal of 375. Our goal for FY 2006 is 450 CRs, a 20% increase from the previous year's goal. As in 2005, we have every confidence that we will meet and likely exceed this goal. Further increases are planned for future fiscal years.

Passenger Carrier Compliance Review Prioritization System

FMCSA has developed a quantitative, analytical system with the Volpe Center to prioritize motorcoach companies for a possible CR. The initiation of a CR is based on poor safety performance data in one or more of our safety evaluations areas—crashes, driver, vehicle, and safety management. FMCSA chose to develop a separate system for prioritizing motorcoach carriers for two reasons: 1) the availability of motorcoach safety data is more limited than that of property carriers because of infrequent roadside safety inspections and fewer CRs; and 2) the belief that bus companies should receive more program attention and enforcement resources. This approach aligns our selection criteria with the National Transportation Safety Board (NTSB) recommendation that FMCSA revise the SafeStat system to compare passenger carriers with one another. Justification is warranted for a separate system, given the potentially higher risk associated with the transportation of people as opposed to commodities. FMCSA will implement the passenger carrier CR prioritization system during this calendar year.

Motorcoach Inspections

While all States conduct motorcoach inspections, not every State has a formal motorcoach inspection program. By way of memorandum, FMCSA will require State agencies that receive MCSAP grant funds to revise their commercial vehicle safety plans (CVSPs) to include a bus inspection program. The CVSP is the State's plan to execute MCSAP grant money and defines the State's inspection and enforcement activities for the coming year.

FMCSA will conduct a meeting with our MCSAP partners in early May to discuss this issue. States will be encouraged to increase the number of carrier reviews conducted at bus companies as well as roadside inspections, especially inspections that cover both the vehicle and driver.

Improved Safety Data

Safety data are important for FMCSA to employ our resources effectively and efficiently. In the past three years, there have been significant improvements in the timeliness and quantity of our motorcoach safety data, largely through a series of recent inspection and compliance review strike forces. These strike forces are short-term, intensive enforcement activities in a limited area. These differ from task forces, which coordinate multiple strike force activities across a larger geographic area. Having accurate and complete data about the bus companies we regulate is vital to our safety mission. The more plentiful, timely, and reliable the data, the more effective the Agency will be in identifying those carriers with serious safety problems. We want to develop annual trend data on various types of crashes and highway use. Presently, we are conducting a Bus Crash Causation Study, mandated by MCSIA, to determine the reasons for and the factors contributing to serious bus crashes.

Motorcoach Fires

Another important aspect of our safety program relates to the problem of motorcoach fires. These fires occur nationwide from New York to Texas. It is likely that the NTSB investigation of the 2005 Hutchins, Texas, motorcoach fire, in which 23 people died, will result in recommendations to FMCSA. Presently, FMCSA is taking action to address bus fires. To this end, we have recently approached the National Highway Traffic Safety Administration about a coordinated data sharing program between our two agencies to more quickly identify and correct vehicle safety problems. Recently, motorcoach fires involving curbside bus companies have received media attention. FMCSA has found that bus fires are a chronic problem throughout the entire industry and are not limited to curbside bus companies. We are working together with NHTSA to identify the causes of these fires. Once they are identified our agencies will take appropriate action.

New Entrant Passenger Carriers

Addressing new entrant passenger carriers is a major challenge. Of the 40-50,000 new carriers each year, several hundred of these are new entrant passenger carriers. Research has shown that new entrant motor carriers have significantly more non-compliance and a higher crash rate than other motor carriers. We perform on-site audits of these new carriers to assess their safety status, educate them regarding their safety compliance responsibilities, and, in the case of passenger carriers, inform them of their Americans with Disabilities Act (ADA) accessibility responsibilities. FMCSA has implemented a new entrant program policy that makes passenger carriers a greater safety priority. New entrant passenger carriers are now subject to an on-site safety audit within 9 months of beginning operations instead of the usual 18 months for other motor carriers. Where we have indicators of safety problems,

Mr. Chairman, we go in immediately. Finally, we are working on a proposed rule to strengthen new entrant program standards across the truck and bus industries.

NORTHEAST CORRIDOR TASK FORCE

FMCSA has taken important steps in enforcing regulations that apply to curbside bus operators that provide fixed-route service among major cities in the northeast such as New York, NY, Boston, MA, Philadelphia, PA, and Washington, DC. In December 2003, FMCSA organized a task force to examine these companies. Some were providing for-hire fixed-route bus transportation without proper operating authority and/or adequate insurance. This marked the first time FMCSA had organized a task force to address a specific sector of the passenger carrier industry. At present, FMCSA has identified 24 curbside bus companies that are domiciled in the Northeast corridor. These companies operate approximately 200 motorcoaches. Sixteen of these curbside companies are assigned a satisfactory safety rating, two are assigned conditional ratings, and six are not rated. FMCSA plans to conduct compliance reviews and assign safety ratings to these six companies in the near future.

The task force has worked with State and local agencies in addressing curbside bus companies. As a result of the task force's work, the City of Boston limited pick-up and drop-off locations for motorcoaches, outlawing curbside pick-ups for fixed-route bus companies in August 2004. The New York City Police Department organized an inspection strike force that conducted driver and vehicle inspections of these bus companies. To date, FMCSA has conducted 28 CRs and prepared 15 enforcement cases in connection with the task force. Our field offices in Massachusetts, New York, New Jersey, Pennsylvania, and the District of Columbia are participating in the task force.

FMCSA investigators have found instances of curbside bus companies doing business for one another using the same trade name. Often the name on the bus is not the company providing transportation. When the media and industry access our on-line database using the bus' trade name, they may find the carrier to be "inactive," and assume the carrier does not have authority. We are working with these carriers to update the information in our database so that the carrier providing transportation will be easily identifiable.

In October 2005, FMCSA organized a bus inspection strike force in the Northeast corridor that resulted in 403 inspections. Many of these inspections were conducted on curbside bus companies. In December 2005, FMCSA's Passenger Technical Advisory Group, a specialized group of field investigators, conducted a bus company CR strike force along the Northeast Corridor. The strike force conducted CRs on 14 bus companies in the States of Massachusetts, New York, Pennsylvania, Maryland, and in the District of Columbia. Eight of these companies were curbside carriers. Of the CRs conducted on these curbside carriers, six resulted in satisfactory safety ratings and three in enforcement actions, which can occur simultaneously with a satisfactory safety rating. The most common violations were related to drug and alcohol testing. FMCSA has found that some small bus companies do not comply with drug and alcohol testing regulations because this testing is sometimes regarded as unnecessary if the company owner knows the driver personally. During the CRs, our investigators documented the compliance status with ADA regulations for over-the-road

buses. Documentation was forwarded to the Department of Justice for further action if necessary. FMCSA has found the use of multi-jurisdictional strike forces to be an effective tool in identifying and apprehending unsafe carriers.

ADA REGULATIONS FOR OVER-THE-ROAD BUSES

In September 1998, the Department of Transportation amended its ADA regulations to require accessible over-the-road bus service. The regulations ensure accessible, timely over-the-road bus service for passengers with disabilities, including wheelchair users. These regulations apply to intercity and fixed route bus operators and to demand responsive or charter operators. Fifty percent of the fleet of large fixed route bus companies must be accessible by October 2006 and 100% by October 2012. Small fixed route bus companies have no compliance deadline but must ensure their new buses are accessible and that they provide accessible bus service to passengers with disabilities on a 48-hour advance notice basis. Demand responsive or charter operators are not subject to the fleet accessibility requirements but must provide accessible service on 48-hour advance notice.

In short, an accessible bus fleet is the responsibility of large fixed route bus companies but not of other bus companies. A frequent complaint is that curbside bus companies operate in non-compliance with ADA regulations. According to MCMIS census data, small fixed route bus companies presently operating are by definition "small bus companies" because they have annual transportation revenues less than $7.2 million. Only new buses must be accessible for small fixed route bus companies.

Noncompliance with ADA regulations is an issue throughout the bus industry; it is not limited to curbside bus companies. Based on the hundreds of telephone calls FMCSA receives from bus companies about ADA regulations, we have found they frequently do not understand their responsibility to provide timely, accessible bus service to individuals with disabilities.

FMCSA's role under the ADA regulations is quite limited. The Department's ADA regulations require over-the-road bus companies to submit multiple reports annually to FMCSA. These reports include information about the number of requests for accessible bus service, number of times these requests were met, number of new and used buses purchased or leased during the past year, number of accessible buses, and the total number of buses in each company's fleet. Overall industry compliance with data reporting requirements has been low in part because there are no penalties for noncompliance. For the reporting period that ended September 30, 2005, approximately 21% of over-the road bus companies submitted at least one required report, a marked improvement over the 6% reporting rate in the years prior to 2004. FMCSA attributes this increase to letters we sent in October 2004 and 2005, reminding all known over-the-road bus companies of their reporting responsibilities. We will continue and strengthen this effort.

FMCSA does not have any authority to enforce ADA regulations within the industry. In general, DOJ enforcement of the ADA regulations has been limited to handling complaints.

The number of complaints from disabled individuals has been small since the ADA regulations were promulgated.

While DOJ is the only entity with the power to enforce violations of ADA regulations, the Department of Transportation has done much to assist its efforts. In addition to reminding motorcoach operators about their annual reporting requirements, FMCSA compiles and submits the industry data to DOJ. We provide DOJ with ADA bus accessibility complaints.

DOT's ADA regulations required the Department to begin reviewing the regulations for demand-responsive or charter bus companies in October 2005. A review of the ADA regulations for other over-the-road bus companies is required to begin in October 2006.

CONCLUSION

Whether it be a senior citizens' group traveling to see the Grand Canyon, a scout troop going to Disney World, or a class trip to Washington, D.C., we must ensure our carriers provide the highest possible level of transportation safety. The traveling public expects motorcoach transportation to be fatality free – the loss of one passenger's life is unacceptable. Our safety partnership with the motorcoach industry is vital toward making our highways safer. Each motorcoach company's effort is needed to improve the safety of highway passenger transportation. Mr. Chairman, during my tenure at FMCSA I have worked hard to accomplish the goal of increased safety for our nation's traveling public. Thank you for giving me the opportunity to outline the work FMCSA is doing to make this segment of transportation safer. I would be happy to answer any questions you may have.

Aimin(David) Wang
Co-Owner & Managing Director
Eastern Travel & Tour Inc.

Mr. Chairman and Members of the Subcommittee:

My name is Aimin (David) Wang, co-owner and managing director of Eastern Travel & Tours Inc. Thank you for inviting me to testify today on the important topics of "Curbside Operator: Bus Safety and ADA Regulatory Compliance."

Eastern Travel & Tours Inc. is a minority-owned small business, incorporated under the laws of the State of New York. It has been in business as a motor carrier of passengers since 2002. Currently we provide daily bus trips between New York City and Washington DC and limited service to Rockville (Maryland), Richmond (Virginia), under authority issued by the Federal Motor Carrier Safety Administration, MC-429551.

The mission of Eastern Travel & Travel Inc. is to provide low cost and safe bus transportation for our customers, and quality service is always our top priority. In order to accomplish our mission, we operate with a business model that allows us to offer tremendous value to consumers. Just as importantly we also rigorously maintain our fleet in order to ensure the safety of our customers. It is not in my best interest as a business owner to offer unreliable or unsafe bus service. Just as the owner of R. Jack Heavy Equipment, our contract maintenance facility, says, " David (Aimin), you are the only one I know is to maintain the buses, not just repair only when needed".

Mr. Chairman and Members of the Subcommittee, our big competitors always wonder how curbside operators make money with such deep price cuts. They claim that we do not comply with government regulations and skirt the laws to gain an unfair advantage. As stated in the American Bus Association's 2006 *State of the Motorcoach Industry* report, "The issue of curbside operators is quickly becoming more than industry news and it expands beyond the Northeast region. Curbside operators are now making national news with stories on Fox News and major national networks as well as articles in Washington Post, Time Magazine, the Wall Street Journal and other national news outlets. Stories profile how these low-cost operators skirt the rules to save money; conducting business outside of required regulations and guideline governing safety, ADA compliance, environmental laws and even security".

I stand here before you today as a business owner who has complied with regulations set forth by the Department of Transportation. My company has all necessary insurance and the buses I use have met all safety standards. I do not succeed in my business by avoiding the laws; I succeed because I have taken a different approach to operating my bus company. Just as Southwest Airlines found a new formula for running a profitable airline, so-called "curbside" bus operators have found a way to offer reliable and safe service at a lower cost to consumers. This is extremely threatening to traditional carriers and they will try and find a way to maintain their favorable position in the bus transportation industry in this country.

Now let me explain how do we make money despite offering consumers low fares? First, we do not have overpaid chief executives. Second, we make money because we, like all small business owners, work very hard around the clock. Many business owners actually

drive their own bus. Third, we save money by eschewing traditional advertising in favor of word-of-mouth advertising. If we really had such big problems with safety issues like our competitors say, then we should have no customers or at least a decreased customers base. Nobody would risk their life or their family members' lives, just to save a couple of dollars. My business has grown every year, not just because we offer low fares, but also because we offer reliable and safe bus service.

Let me make a calculation: When Peter Pan replaced American Coach Lines on the New York-Washington DC bus route in June 1992, it offered an introductory fare of $9.95 to gain publicity and build customer loyalty. Greyhound, the remaining competitor, responded by lowering its fare to $7 and then to $5. Peter Pan matched each reduction. If we assume the inflation rate is about 5% each year, the $5 in 1992 is about $9.90 in 2006. If these big competitors could run $5 in 1992 without skirting the rules to save money, why can't we run the same line for $20, twice as much as their price in 2006 dollars?

It is also worth pointing out that the real winners here are consumers. One need only look at the routes where there is competition from curbside carriers to see the lower fares offered by the traditional carriers. Greyhound, which charges a whopping $4 per ticket service charge for purchasing online, is somehow able to forgo this charge on its New York-DC and New York-Boston routes.

Do bus carriers need to adhere to the regulations set forth by the government? Absolutely. However, we should be very careful that companies with a lot of lobbying power do not cry unfair competition in order to maintain the status quo and get rid of competition from small business owners.

Mr. Chairman and members of the Subcommitte, let me address the central issues of today: how do we comply with "Bus Safety and ADA Regulatory"?

When we talk about safety issues, I have to point out that most of buses are leased from New Oriental Tour Inc., which has interstate authority under the Federal Motor Carrier Safety Administration, MC 317281, and intrastate authority from Department of Transportation of New York State, NYDOT #:33665. I also want to point out that the motor carrier safety rating for New Oriental Tour Inc. is "satisfactory" for both 2004 & 2005 and buses are inspected by New York State DOT agents every six months plus at least eight times a year randomly inspected by Federal Motor Carrier Safety Administration in New York City and Washington DC.

Here is an overview of the measures we take to ensure the safety of our passengers:

1. Bus Safety:

a. <u>Controlled Substances and Alcohol Use and Testing</u>:

We have a written company policy about substance abuse and testing, and each driver has a copy of it. We have Pre-Employment test; Pre-Transfer test; Random Test; Post-

Accident Test; Reasonable Suspicion Test; Return-to-Duty Test; Follow-Up Test, also our supervisors receive 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use.

b. Qualification of Drivers:

This is our "to do" list for all drivers:

- Complete application for employment
- Make inquiries to previous employers
- Get a NYS-DMV report through insurance company or driver
- Resubmit a DMV report, if the driver has been employed more than 1 year
- Copy the driver's medical certificate
- Fill out the annual violations list if driver has been employed more than 1 year
- Fill out the I-9 Immigration form and review proper identification
- Road test the driver
- If driver is new to the company, he must complete the hours of service record to document all work in the previous 7-day period
- Get the driver to sign a release and contact previous employers to check on drug and alcohol testing results.
- Provide the driver with a copy of our drug & alcohol testing company policy along with a contact name and phone number. Get the driver to sign a receipt that he/she has received our policy.
- Send the driver for pre-employment drug test and do not use the driver until we get the results of the drug test.
- Check the driver's CDL to be sure that he/she has the proper endorsements to driver buses.

In addition to the above, every driver must be 19A active under New York State law.

c. Additional Safety Measures

Eastern Travel & Tours, Inc has a driver's manual & written safety policy. In addition we have a motor vehicle accident register, documented safety meetings and motor vehicle maintenance logs. We also carefully control driver's hours of service, follow 10/60/70 rule, all our drivers' daily logbooks are standard with the bus driver's vehicle inspection report.

2. ADA Regulations:

Eastern Travel & Tours Inc. is committed to protecting the rights of persons with disabilities. All persons with disabilities have priority when boarding the bus. We ensure that the drivers are trained to properly use lift and securement devices, properly maintain lift and securement devices, and to assist and treat individuals with disabilities who use the service in a respectful and courteous manner.

In addition, Eastern Travel & Tours Inc. has a log sheet to record special disability service request, it includes customers name, telephone number and the date the customers made the request. As a small operator, we do have one coach equipped with wheelchair lift and it is running on a daily base.

Conclusion:
We firmly believe in the tightly held American value of the free market. We also firmly believe that if you work hard, anyone can achieve the American dream. As small business owners, we are working hard to run our businesses, and to comply with bus safety and ADA regulations. We are out there everyday making our businesses successful. For example Betty Ungar, owner of Washington Deluxe, mother of 10 children, collects bus tickets every Sunday by herself and has no time to spend with her kids on Sunday. We don't mind competition; we are willing to cooperate with federal and state agencies to ensure bus safety and ADA compliance.

What we do not want is to be targeted just because we are threatening the bottom line of the big bus companies. As Steve Baily of the Boston Globe put it, " There is no secret what is going on. "The big dog out there, Peter Pan, is dead set against them," says Timothy Shevlin, executive director of the State Department of Telecommunication and Energy, which regulates bus companies. "They don't want that kind of competition."

If there is problems that need fixing, the government agencies should help us deal with those problems. We do need more help from Department of Justice about ADA issues, we do need more help from Department of Homeland Security about terrorist issues, and we do need more help from Federal Motor Carrier Safety Administration about safety issues. And, Mr. Chairman and the Members of the Subcommittee, we do need your help to protect consumers rights, to prevent the price of bus tickets from Washington DC to New York City to skyrocket to $45 one-way again.

Once again thank you for inviting me to appear before you today.

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