

STATEMENT OF
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OF THE
AMALGAMATED TRANSIT UNION NATIONAL LOCAL 1700
BEFORE THE
HIGHWAYS AND TRANSIT SUBCOMMITTEE
OF THE
U.S. HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

HEARING ON MOTORCOACH SAFETY

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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 3,000 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 intercity bus service in the U.S., including ATU locals representing employees of Bonanza Lines, Martz Trailways, and Peter Pan Bus Lines.

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. 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's Commitment to Safety

According to the U.S. Department of Transportation (DOT), Bureau of Transportation Statistics, intercity bus travel, like that provided by Greyhound, is the safest mode of transportation over cars, trucks, trains, planes and other commercial vehicles.

The ATU is proud of the safe, efficient, friendly and affordable intercity bus service that our members provide across this country. We are committed to ensuring the continuation of this high level of service and we are willing to work with our industry groups and employers to ensure that we meet and, in many cases, exceed federally-mandated standards.

The ATU is especially committed to ensuring that our members, including operators and mechanics, receive comprehensive training and regular refresher courses that include hands-on experience and cover 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, driving in adverse weather conditions and other unusual or difficult traffic conditions, compliance with the transportation provisions of the Americans with Disabilities Act (ADA), and health and safety precautions.

Enforcement of Existing Federal Safety Standards

While the safety record of this industry overall is good, the emergence in recent years of numerous low-cost carriers that skirt federal safety rules and other regulations has threatened this record and the continuation of the valuable service ATU members provide.

Particularly troublesome are the "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, that follow federal rules and support good jobs for their employees.

While these rogue curbside operations have primarily been operating out of the Chinatown

neighborhoods of major cities on the east coast, including New York City, Boston, Philadelphia and Washington, D.C., we have recently seen similar bus operations providing service on the West Coast and across the Mexican border.

Unlike Greyhound and other large intercity bus operations, 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. Not only does this practice often violate local traffic and right-of-way laws, but it raises significant safety issues for passengers, pedestrians, and other drivers on the road who must navigate around these illegally parked vehicles.

Reports from passengers, ATU members, other legitimate bus providers, and state, local and federal officials paint a picture of operators who too often fail to comply with federal rules governing hours of service, drug and alcohol testing, driver qualifications, 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 over the past few years offer stark examples of what happens when safety standards continue to be ignored.

Just this year, we have seen two accidents involving one of the more notorious curbside operators - Fung Wah. First, on January 3rd, a Fung Wah bus lost two wheels while traveling on the Massachusetts turnpike. In this incident, the driver was cited by police for negligent operations, having false log books and faulty brakes. A little more than a month later, another Fung Wah bus crashed on the Massachusetts turnpike. In this case, the company was

cited for failing to properly maintain equipment. Fortunately, there were no serious injuries in either incident.

Other recent incidents involving curbside operators include:

- (1) a rollover accident (reportedly caused by speeding) in September 2006 that injured 34 Fung Wah passengers;
- (2) an August 2006 crash involving a Shun Fa bus operating from Pittsburgh to New York that injured ten passengers;
- (3) a bus fire in March of 2005 aboard a Travel Pack bus operating from New York to Boston; and
- (4) another bus fire in August 2005 aboard a Fung Wah bus.

In these cases, the drivers and companies were found to be in violation of numerous federal and local laws, including various moving violations, failure to properly maintain equipment, driving on a suspended license, failure to comply with random drug and alcohol tests and hours of service requirements, and allowing non-English speaking drivers to carry passengers.

In most of these cases, the companies were fined but were allowed to continue operating - even where the Federal Motor Carrier Safety Administration's (FMCSA) own data showed these companies to have poor safety ratings.

We have seen the tragedy that can result from allowing companies with poor safety ratings to continue transporting the public. In September of 2005, 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 an extremely low driver safety rating. 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 undocumented 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 and other regulations - and the penalties must be significant enough to deter violations.

Today, when fines are issued as a result of a safety or other 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 - a band-aid solution - but then commit violations in other areas or when regulators are not paying attention. Some of these curbside providers simply “go out of business,” under one name and quickly re-appear under another name.

Occasional and lax enforcement of our nation’s safety and operational rules is simply not working. 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 and other low-cost operators to ensure compliance with hours of service rules, drug and alcohol testing requirements, driver qualifications, maintenance rules, other safety critical procedures and compliance with ADA requirements. This is the only way to protect the passengers and pedestrians.

On the local level, cities should require all fixed-route intercity bus providers to operate out of a central bus terminal where oversight, accountability and safety 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, state and local 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 and therefore operate a “cheap ride”, 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.

Driver Qualification Requirements

I would like to expand on one specific safety issue which I referenced earlier, and that is the inability of many of the drivers for curbside and other low-cost carriers to speak English. It is crucial that commercial motor vehicle (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 and officials in an emergency.

It is believed that a Travel Pack driver’s inability to speak English led to a bus accident in 2001 in New Brunswick, Canada, that killed 4 middle school students from Massachusetts. The driver flipped a bus after failing to heed signs warning of a sharp turn at the end of a highway exit ramp. And two years ago, 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.

Under federal motor carrier safety regulations, a commercial motor vehicle driver must be able to read and speak English sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records. Despite this, some states, including New York and Wisconsin, allow applicants for commercial driver's licenses to take the CDL test in a foreign language or to bring an interpreter.

A recent investigative report by a Boston television station, found that, over an 18 month period, every single bus driver cited in Massachusetts for not speaking English, obtained their CDL in New York. Massachusetts offers the test in English only.

Steps must be taken to ensure that CDL holders can speak and read sufficiently to understand highway signs, converse with passengers and law or emergency response personnel, and otherwise transport their passengers safely.

Bus Operator Fatigue

Another common problem in the bus industry is operator fatigue. This issue has often been cited as a contributing cause of accidents involving over-the-road buses. Despite this, the Department of Transportation in the past has proposed increasing the number of hours that an intercity bus operator is allowed to drive. The ATU, along with Greyhound, opposed the DOT proposal and, as a result, the proposal was eventually adopted only for non-passenger carrying motor vehicles.

As a result, intercity bus operators continue to be subject to a limit of ten hours of driving within a fifteen hour on-duty period after eight hours of off-duty time. The ATU would urge this Congress to oppose any future proposals by DOT to increase the hours of service that

bus operators are allowed to operate.

I strongly believe that the best way to reduce operator fatigue and accidents caused by operator fatigue is to increase wages and benefits for operators. Decline in wages in the industry has put pressure on drivers to work longer hours in order to earn a living. Drivers shouldn't have to wear themselves out at work to the point of risking killing themselves and their passengers in order to make a living wage.

One way to achieve this is to make it easier for intercity bus operators to organize and bargain for better wages and benefits. I want to thank the members of this Committee who voted recently to pass the Employee Free Choice Act. This important legislation will allow thousands of intercity bus employees the opportunity to join a union and fight for a fair wage and safe working conditions. I encourage you all to talk to your counterparts in the U.S. Senate and urge them to likewise pass this legislation.

Vehicle Safety Standards

Other motorcoach safety issues which have been raised recently relate to vehicle safety standards. These include issues such as the depth of tire treads, whether seat belts should be required on motorcoaches, and whether window glazing would prevent glass from shattering and passengers being thrown from vehicles. This last issue has been raised in connection with the recent tragic bus accident in Atlanta.

As a driver, I do not claim to be an expert in the field of vehicle standards and occupant protection measures. I do know, however, that tire blowouts and fires caused by tires do happen and are a concern for the members I represent. I would recommend better reporting of these incidents and further research on these issues and issues such as seat belts and

window glazing, to determine if current vehicle standards can be improved. Our drivers and passengers deserve it.

Security Issues in the Intercity Bus Industry

The final issue on want to touch on today is the issue of over-the-road bus security. I am aware that the leadership of this committee has introduced legislation that would provide significant funding for both operating and capital expenditures to enhance the security of our nation's intercity bus network. The ATU strongly supports these provisions.

In particular, I firmly believe that intercity bus employees must be trained to be aware of and to respond to security threats. The Rail and Public Transportation Security Act of 2007 (H.R. 1269) would provide the necessary funding and requirements for this training.

While the threat of terrorism against our industry is real and must be addressed, we must also take measures to protect our intercity bus operators from everyday assaults. Violence against bus operators is a significant safety and security issue. Not only do violent acts harm the driver, but they also put the passengers at risk.

In this realm, we would urge Congress to take action to clarify provisions of the federal criminal code to ensure that crimes against intercity bus employees are treated the same as crimes against transit, school bus and charter bus operators.

Specifically, we are seeking to modify the criminal code to clarify an ambiguity recently identified by the U.S. Sentencing Commission with respect to 18 U.S.C. 1992, which makes it a federal criminal offense to attack a rail or mass transportation vehicle or the driver of that vehicle. Without this clarification, intercity bus drivers, such as those who drive for

Greyhound, would be without the federal protection against attacks and assaults that virtually every other bus driver has, whether they drive charter buses, sightseeing buses, school buses, or transit buses.

Further, we would recommend revising the incident reporting requirements for intercity bus operators to include assaults against employees. This would allow us to better determine the extent of the problem and to identify measures to address it.

Conclusion

Again, I thank you for the opportunity to appear here on behalf of my fellow ATU Brothers and Sisters. I look forward to working with the Committee and 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 the motorcoach safety issues raised here today. I am happy to take any questions at this time.