

STATEMENT OF ELIZABETH HANFORD DOLE
SECRETARY OF TRANSPORTATION
BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON SURFACE TRANSPORTATION
CONCERNING TRUCK AND BUS SAFETY

FEBRUARY 28, 1984

Mr. Chairman and Members of the Committee:

I am pleased to appear before this Committee to discuss truck and bus safety. As you know, I have publicly stated on many occasions my strong commitment to all aspects of transportation safety, especially on highways where more than 90 percent of transportation related fatalities occur. I have declared safety to be the Department's highest priority. The Department appreciates this Committee's interest and review of this important subject. The Department shares your concern that the safety of the traveling public be enhanced to the greatest degree practicable.

I would like to review with you some important legislative initiatives that are before you and then describe administrative actions that we are already taking to improve truck and bus safety.

NEW SAFETY ADMINISTRATION PROPOSAL

Last fall, we proposed an internal reorganization of DOT which would combine our commercial vehicle and automobile safety responsibilities into one agency. The legislation has already been introduced in both houses, H.R. 4519 and S. 2173. Our plan would also incorporate in the new agency the administration of section 402 highway safety grants, currently shared by the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA). The development of safety standards related to the

highway itself would, of course, remain in FHWA. This reorganization of functions, together with the State motor carrier safety grant program, will provide us with a well-rounded, unified approach to highway safety enhancement.

We are also aware of another legislative proposal introduced in the House as H.R. 4824. This proposal would statutorily establish the Bureau of Motor Carrier Safety (BMCS) within NHTSA, headed by an Associate Administrator appointed by the Secretary of Transportation, with direct control over the Bureau's functions and semi-autonomy from the rest of NHTSA. The bill would also prohibit the transfer of BMCS to another administration within the Department, and would establish civil forfeiture authority for safety violations and increased penalties.

Although DOT favors expanded authority and increased penalties such as provided for in H.R. 4824, we have serious objections with respect to the statutory delegations established in the bill. The bill would deprive the Secretary of Transportation of the necessary flexibility to make the most efficient use of the Department's safety resources. This is, in fact, the problem with the existing law which now mandates that BMCS be part of FHWA.

We prefer the approach provided in the Administration's proposal, which would remove the existing statutory delegation, thereby permitting the Department to transfer all of its motor carrier and automobile safety functions into a new National Traffic Safety Administration in a manner consistent with good management. Our proposal would place accountability in a single

Administrator, who would have the management authority and flexibility to make effective use of the complementary expertise of NHTSA and BMCS. It would be our intent to establish a senior position within the Administration to provide a focal point for motor carrier safety concerns and activities.

UNIFORMITY

The Department has been working with the States for several years on another important interstate commercial motor vehicle issue - setting uniform standards for vehicle registrations and highway user tax procedures. The importance of taking action in this area was recognized by the Congress in enacting section 19 of the Motor Carrier Act of 1980, which declared that State regulations and requirements imposed upon interstate motor carriers regarding licensing, registration, and filings were confusing, lacking in uniformity, unnecessarily duplicative, and burdensome. The Act directed DOT and the Interstate Commerce Commission (ICC) to develop legislation or recommendations to provide for a more efficient and equitable system of State regulation for interstate motor carriers. In response, the Department and the ICC delivered a report to Congress in December 1982 documenting the cost and inefficiency of the diverse State procedures. We also included a provision in our 1982 highway proposal to implement some of those recommendations.

In 1983, the Department submitted a new legislative proposal that has been introduced in the House as H.R. 4518. This legislation provides for the establishment of a working group whose voting membership would be composed exclusively of State representatives, who would be selected based on recommendations of the States. This working group will have one year to make

recommendations in the areas of uniform standards for vehicle registrations, fuel tax procedures, and "third structure" tax procedures. It will address areas such as standard forms; a base State certification; a single State unit for filings, applications, and permits; payments through the base State of fees and taxes due to other States; and equitable distribution of revenues among the States.

I want to stress that our legislation explicitly avoids interference with the ability of the States to set their own tax rates and fee levels for motor vehicle ownership and usage. I believe that by confining our proposal to the area of administrative forms and procedures, we will obtain efficiency improvements for the trucking industry and, ultimately, for shippers and consumers, without intruding into the rightful prerogatives of the States in the motor vehicle taxation area.

Finally, the proposed legislation would authorize DOT to enter into rulemaking on the subject of uniformity of State truck registration and tax administrative forms and procedures. This rulemaking would be based on the recommendations of the working group. The Attorney General could seek injunctive relief to enforce the resulting regulations.

I would note at this point that the National Governors' Association (NGA) has formed a task force to consider the motor carrier uniformity problem and has recently circulated a policy position on the issue. I found the policy position to be quite encouraging, particularly in its recognition of the need to make motor carrier reporting and administrative requirements less burdensome and of the possible need for Federal encouragement to resolve the problem.

While I support the voluntary efforts of the States and have directed my staff to continue to work closely with the NGA and other involved State organizations, I recommend that Congress proceed with our proposed legislation. I believe that our actions leading to the introduction of H.R. 4518 provided much of the incentive for the State activities that we are now seeing. Failure to proceed with our proposal will, in my opinion, have two effects. First, it will remove much of the sense of urgency from the State activities. Second, it will simply push further into the future the time when the interstate trucking industry can expect some relief from the inefficient and anachronistic system of State motor carrier tax regulations which now exists.

OTHER LEGISLATION

I also want you to know that DOT is prepared to work with the Congress to reach agreement on safety legislation that has been pending since 1980. At that time, a bill which we believed contained important safety provisions was passed by the Senate but failed to win approval in the House. Significant elements of that bill, particularly in the area of expanding Federal authority over all commercial carriers and strengthening our enforcement capability, have been incorporated in a bill, S. 2174, the "Motor Carrier Safety Act of 1983," which is presently under consideration by the Senate Committee on Commerce, Science and Transportation. I believe that this proposal, if enacted with amendments, would provide the Department with an important safety tool. I seek this Committee's favorable consideration and influential support when and if it passes the Senate.

SAFETY INITIATIVES

Last September, I announced a number of initiatives to be undertaken by the Department to better meet its responsibilities to assure the highest possible degree of safety on the highways. Several of these initiatives relate directly to commercial highway transportation and involve tank truck safety, driver training, the National Driver Register, and grants to support State enforcement activities. I would like to discuss each of these in greater detail.

TANK TRUCK SAFETY

Because of the nature and volume of materials transported in cargo tanks, this type of highway movement presents a disproportionately high risk and requires careful attention from safety authorities. We are currently in the process of a complete overhaul of cargo tank specifications. We also have three significant research efforts under way involving the integrity of specification tanks. We are also developing procedures to audit cargo tank manufacturers to assure compliance with standards. Safe transportation of hazardous materials requires close cooperation among Federal, State, and local governments, and industry. Thus, we are working to establish a Hazardous Materials Advisory Group to assist in assuring the safe transportation of hazardous cargoes and adequate emergency response programs. Carriers, shippers, and manufacturers of hazardous materials containers will be represented in the group, as will State and local governments.

TRUCK AND BUS DRIVER TRAINING

We also recognize that the role of the driver in accident causation is an important element. Truck driver training programs offered by companies or commercial driving schools currently provide the basic educational needs of the industry, but studies have shown that these programs suffer from the absence of a universally recognized training curriculum. The BMCS worked in concert with the industry to address this situation and undertook a project to develop a standardized course and curriculum for schools offering training to drivers of tractor-trailer combination vehicles. This project has been 3 years in development at a cost of \$250,000, and recommended training criteria with the model curriculum will be released shortly.

NATIONAL DRIVER REGISTER

The NHTSA is testing model commercial driver licensing procedures which will be made available to State licensing authorities. The NHTSA is also making improvements to its National Driver Register which should enable the States to more readily identify problem drivers, including commercial drivers. The Department is undertaking efforts to encourage the broader State enforcement of commercial motor vehicle requirements aided by the availability of these services.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

The Surface Transportation Assistance Act of 1982 (STAA) authorized a new grant program to support expanded State enforcement of nationally consistent commercial motor vehicle safety regulations. I personally wrote to all the Governors to promote interest in the program.

The response has been truly gratifying. All but nine of the States and territories have submitted applications for either development or implementation grants. Most of these initial applications are for small grants to assist in planning and development of enhanced enforcement efforts. In many cases, States currently have limited truck safety programs - or no programs at all - and require substantial planning activities or legislative and regulatory revisions to bring them into compliance with the uniformity and consistency provisions in the STAA. We have approved all of the 26 development grants.

Even more significantly, 16 States submitted satisfactory enforcement plans which will enable them to implement federally assisted motor carrier safety programs in the current fiscal year. We expect to obligate nearly all of the \$8 million appropriated for the program this year, and have requested \$16 million in appropriations for FY 1985. The increased level of inspection activity by States will supplement our Federal program and will have a substantial positive effect on compliance with uniform, consistent safety standards.

SUMMARY

Safety in all forms of transportation is my top priority as Secretary of Transportation. More people are killed and injured and more property is lost in highway accidents than in all other modes of transportation combined. Progress has been evident in recent years, and the number of highway fatalities in 1983 confirms the continuing improvement. It is gratifying to note that last year's decline in fatalities was considerable and took place in a period of economic recovery when automobile use was increasing. With the economy

continuing to mend and fuel becoming plentiful, we must guard against slippage and maintain the positive safety trends.

The importance of commercial transportation by highway to our economic lifeline cannot be overstated. Demands for increased productivity in the trucking industry have resulted in a trend toward larger commercial vehicles, while fuel considerations have produced a reduction in the size of passenger cars. These developments carry certain safety consequences and we must be able to act quickly and intelligently to assure that possible adverse consequences are minimized. Deregulation is also a factor. It has benefited the consumer through increased competition, and has greatly expanded the number of highway carriers that must be audited and inspected by our safety staffs.

Despite these challenges, it is and will continue to be my belief and my goal that our safety record can be improved significantly, even with increased travel, vehicles and carriers. I pledge my full attention to transportation safety, and I believe that the programs I have outlined today will go a long way toward improving the Department's ability to carry out its responsibilities in the area of commercial motor vehicle safety.

That concludes my prepared statement. I will be happy to answer any questions you may have.