

Statement of Senator John McCain
Subcommittee on Surface Transportation and Merchant Marine
Hearing on S. 1501, the Motor Carrier Safety Improvement Act of 1999
September 29, 1999

I want to thank Senator Hutchison for holding this morning's hearing on S. 1501, the Motor Carrier Safety Improvement Act of 1999, which I recently introduced to improve truck and bus safety. In my judgement, truck safety legislation must be one of the Committee's top priorities and I plan to consider S. 1501 at the next Executive Session in October.

S. 1501 is chiefly designed to remedy weaknesses regarding the existing federal motor carrier safety program that were identified by the Department of Transportation's Inspector General (DOT IG) in April 1999. I am pleased that Ken Mead, the DOT IG, will testify this morning on my legislation. As always, Mr. Mead's input will be valuable as the Commerce Committee works to move motor carrier safety legislation to the full Senate for debate.

The Motor Carrier Safety Improvement Act would establish a separate Motor Carrier Safety Administration within the DOT. That agency would be responsible for carrying out the federal motor carrier safety enforcement and regulatory responsibilities currently held by the Federal Highway Administration.

Let me be clear that it is not my desire to substantially grow the federal government. But I do want to ensure the critical issue of truck safety receives the attention and leadership necessary to forcefully address driver and motor carrier safety deficiencies and in turn, improve safety for the road traveling public. In an effort to guard against increasing the already bloated Federal bureaucracy, S. 1501 would cap employment and funding for the new agency at the levels currently endorsed in May 1999 by the Administration for motor carrier safety activities. In recognition of the significant differences between truck operations and passenger carrying operations, my legislation would require the establishment of a separate division within the new agency to oversee commercial bus safety activities.

Aside from organizational issues, the Motor Carrier Safety Improvement Act would require the Department to implement all of the safety recommendations issued by the IG's April report. DOT has indicated it will act on some of the recommendations, but it has yet to articulate a definitive action plan to implement all of the IG's recommendations. I do not believe we can risk the consequences of ignoring the IG's recommendations and accordingly, my bill would require concrete action to eliminate the identified safety gaps at DOT.

S. 1501 includes other provisions to improve truck and bus safety. Specifically, the legislation would require States to report and include on a commercial driver's record all the traffic violations committed by a driver -- whether those violations occur when driving a passenger vehicle or a commercial vehicle. S. 1501 would also require DOT to initiate a rulemaking to combine driver medical records with the commercial drivers license and to ensure medical providers are knowledgeable of driver medical and physical requirements for commercial

drivers licensure eligibility.

The legislation directs the Secretary to carry out a program to improve the collection and analysis of data on crashes, including crash causation involving commercial motor vehicles. NHTSA, in cooperation with the new Motor Carrier Safety Administration, would administer the program. The bill includes a variety of other reforms including giving DOT authority to establish an advisory committee to assist the Secretary in the timely completion of ongoing rulemakings and other matters.

I want to discuss some of the history leading up to the introduction of S. 1501. In the last Congress, a comprehensive package of motor carrier and highway safety provisions was enacted as part the Transportation Equity Act for the 21st Century (TEA-21). This package was developed over a two-year period. Throughout the 105th Congress, the primary impediment faced by this Committee when crafting our highway safety legislation was an insufficient allocation of contract authority from the highway trust fund. Despite this serious constraint, the Committee did succeed in raising the authorizations for motor carrier and highway safety programs. At the same time, the Committee also succeeded in incorporating into TEA-21 almost every safety initiative brought to the Committee's attention.

Shortly after TEA-21 was signed into law, there was an effort on the House side to move authority over motor carrier safety from the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA). Advocates of this proposal argued such a transfer would improve highway safety, a goal we all can support. But since this proposal had never been discussed during the TEA-21 deliberations by the authorizing committees, I strongly felt we needed to first ascertain whether such a transfer would be an effective approach to improving safety. That is why I asked for the IG's counsel.

I chaired a hearing in April at which the IG released his report and offered several ways to improve motor carrier safety. After a near 6-month analysis, the IG was unable to endorse the proposed transfer to NHTSA. While this and several options were discussed, the IG stressed that the greatest problem impeding motor carrier safety was a fundamental lack of leadership as currently structured at DOT.

One way to raise the visibility of truck safety and bring leadership to motor carrier safety issues is to create an entity that has motor carrier safety as its sole purpose. Given that we have agencies responsible for air, rail, and highway safety, it seems within reason to provide similar treatment in this modal area, particularly given the many identified problems stemming from a lack of attention within its current organizational structure.

Further, creating a direct link with the Office of the Secretary would guarantee that motor carrier safety share holders, including owners, operators, drivers, safety advocates and even government employees, would not be forced to vie for attention, forced to compete against highway construction and other interests as is currently the case. As we have regrettably learned, the scales of safety and highway construction are not balanced and we need to take action to alter this inequity.

S. 1501 legislation was crafted over many months. Safety suggestions were sought from all the major organizations involved in commercial motor carrier operations. Many of these suggestions were incorporated into S. 1501. At the same time, I continue to welcome additional suggestions on how this legislation can be further improved. I am confident that with the input of today's witnesses and the advice of the other Committee members, we will be able to report a major motor carrier safety bill before the end of the session.