

BEFORE THE SENATE SUBCOMMITTEE ON SURFACE TRANSPORTATION AND
MERCHANT MARINE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
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Mr. Chairman and Members of the Subcommittee. Good morning. Thank you for the opportunity to testify today on behalf of the Federal Motor Carrier Safety Administration (FMCSA). FMCSA has a critical role in protecting the security and safety of highway transportation, and I am very proud to serve the Administration and our country in these challenging times. I want to express my particular appreciation for the Senate Commerce Committee's recent efforts in the consideration of my nomination.

The Subcommittee on Surface Transportation and Merchant Marine is highly respected for decades of strong leadership in motor carrier safety, from the creation of Motor Carrier Safety Assistance Program (MCSAP)—the foundation of our safety partnership with the States—to the establishment of the FMCSA. I look forward to working closely with the Subcommittee over the months ahead as we take vigorous action to ensure the safety and security of our nation's highways.

The recent attacks on the World Trade Center and the Pentagon using hijacked airliners remind us all that we must respond to a new kind of terrorism—one that is well financed, well organized, and utterly ruthless. The credible threat of increasing terrorism directed toward our nation's transportation systems requires that we take immediate action to prevent, prepare for, and respond to violence—the nature and magnitude of which was once inconceivable.

FMCSA employees in our New York office near the World Trade Center were eyewitnesses to the first attack and were evacuated from their building. Our New Jersey staff was quickly on the scene in the Meadowlands helping coordinate the movement of emergency and rescue equipment into lower Manhattan. Members of the New Jersey Motor Truck Association voluntarily brought in thousands of pieces of heavy-duty equipment, flatbeds, refrigerated trucks, cranes, dump trucks, earthmovers, and front-end loaders, to help rescue efforts.

In the hours after the crisis, FMCSA closely collaborated with the Federal Bureau of Investigation and other law enforcement agencies, first to help identify activity related to the events of September 11, then to investigate any other leads that might be related to terrorist activity. FMCSA's Rapid Response team alerted state enforcement officials and transport and

hazardous materials associations across the country to be on the alert.

Secretary Mineta has challenged each modal administration to establish a new definition of “normal” in transportation security. We must maintain a new level of vigilance, while maintaining the mobility that underpins our country’s economic strength.

Commercial vehicles—buses and trucks of all types—present unique security challenges. There are more than 7.5 million vehicles and approximately 10.5 million holders of Commercial Driver’s Licenses (CDLs) widely dispersed throughout the country. Almost 2.5 million of the drivers who have CDLs have an endorsement that allows them to transport hazardous materials. It is relatively easy to acquire a truck or bus, even on a temporary basis, and each vehicle has a large cargo capacity. Trucks and buses are highly mobile with easy access to key national sites and population centers.

Our agency’s first actions have been focused on the areas of greatest potential risk, hazardous materials transportation and commercial passenger carriers. FMCSA and RSPA have coordinated their actions.

On September 26, FMCSA directed its credentialed staff in each State’s Division Office and every Resource Center to conduct Security Sensitivity Visits to hazardous materials carriers throughout the country to urge heightened vigilance. Companies we meet with are asked to assess their operations to identify all possible potential vulnerabilities—and take immediate steps to tighten procedures.

Particular emphasis is given to conducting thorough background checks on drivers and being alert for suspicious behavior from drivers, including applicants, shippers, consignees or the public. Company officials are being urged to conduct thorough interviews when hiring new drivers and verify U.S. citizenship or immigration documents for employees. Factors such as gaps in employment, frequent job shifts, and criminal history are to be considered.

Companies are asked to review their own security procedures, looking at who has access to their facilities and storage areas, and the adequacy of protection. Carriers are urged to know their business partners, their vendors, their service providers, and their shippers.

FMCSA is urging all carriers to avoid transporting particularly hazardous materials near high population centers, whenever possible, and reinforcing the need to strictly follow en route security measures. We are urging companies to take advantage of technical innovations that can improve security and communication, such as satellite tracking, surveillance systems, and cell phones as well as state of the art locks and seals, alarms, and engine controls.

Enhanced communications systems provide another window of opportunity for companies to tighten security. A good communications network can help detect patterns of activities that when taken alone may not seem significant but when taken as a whole may cause

concern. Security messages and training should be regularly and widely provided to employees and should be comprehensive, covering overall company security, specific security procedures, and the employee's personal role in security.

In addition to directly contacting carriers, each FMCSA State Director and Field Administrator has been asked to contact trucking associations and other trade associations involved with hazardous materials. Associations are asked to contact their members and share detailed suggestions for improving security.

Our enforcement partners in the States are stepping up security measures as well. The lead MCSAP agency in each State has been asked to place greater priority to hazardous materials enforcement at the roadside. States are stepping up "driver only" (Level III) inspections and conducting Commercial Driver's License Information System (CDLIS) inquiries on all hazardous materials drivers.

FMCSA has been cooperating with the Federal Bureau of Investigation and other law enforcement agencies to check on drivers who hold licenses to transport hazardous materials. In the past two years, our agency has substantially increased its scrutiny of state licensing agencies to root out corruption in commercial licensing. We have been involved in the current investigation of a fraudulent hazardous materials licensing scheme in Pennsylvania.

Even before September 11, States were cooperating with FMCSA in stepped up examination of their licensing procedures. This started when cases of fraud emerged in Illinois and Florida. Last year FMCSA conducted a special review of operations in Illinois and Florida and issued recommendations on specific actions these and all States could take to prevent fraud. State employees and private individuals within States have been our most fertile source of tips on fraudulent licensing schemes. We have encouraged each State to review its procedures and spot test its systems to detect fraud. During Fiscal Year 2001, FMCSA made more than \$15 million available to States to evaluate and improve the systems. A similar level of funding has been requested for Fiscal Year 2002.

Fraudulent licensing schemes come in many forms--from use of a language interpreter, who actually provides answers to the test taker, to third party testers who pass on the basis of fees paid, to licensing personnel who take kickbacks. FMCSA now reviews a third of the State CDL programs each year to see if they are complying with Federal requirements. In this process, FMCSA points out State procedures or practices that may make their programs particularly susceptible to fraud. For example, we discovered that one State gives discretionary authority to a desk clerk to override checks of CDLIS for license applicants without consulting supervisors.

Since the events of September 11, over-the-road bus companies and other commercial passenger carriers and their related trade associations are cooperating with FMCSA to heighten security by reviewing baggage checks and ticketing procedures, consulting security

professionals, and, as much as possible, avoiding locations that might pose security risks to passengers.

Last week, at 4 a.m., a disturbed passenger on a Greyhound bus viciously attacked the bus driver causing a crash that tragically took 6 lives. Although the incident is not believed to be related to terrorist activity, it highlights how we must anticipate what we never before could have imagined. Greyhound is to be highly commended for their quick, aggressive action to suspend operations to ensure further episodes would not occur if terrorism was involved. The Department of Transportation provided Greyhound with appropriate intelligence and security support to expedite its resumption of service.

FMCSA is evaluating the additional measures that will be needed to protect security in the passenger carrier industry.

While the focus of this hearing is security, before I conclude my remarks, I want to underscore for you my personal lifelong interest in motor carrier safety. I believe my background in industry will be an asset in helping the FMCSA meet its safety goals. When I was in the industry and its trade association, I was an early supporter of measures Congress passed into law, such as the Commercial Driver's License, random drug testing, and significant increases in roadside inspections. All are now responsibilities of the agency I now head. I understand the business of this industry which is so vital to this country's well being. A core element of that understanding is the absolute requirement for sharing the highways safely and with due regard to the rights of those who travel alongside commercial vehicles.

I very much hope that I may make a contribution to building a safer and better motor carrier system. To do that, I will engage parties throughout the spectrum, from carriers to truck inspectors, and from safety advocates to safety directors—to listen and to learn. One of my priorities will be seeing that a Commercial Motor Vehicle Safety Advisory Committee is established as soon as possible. I believe an advisory committee could be a real resource for the agency, potentially providing guidance and expertise in matters of security as well as safety.

Again, I look forward to working closely with this Subcommittee in the months ahead, and I would be happy to answer any questions that you may have.