



# DEPARTMENT OF TRANSPORTATION

# NEWS

## FEDERAL HIGHWAY ADMINISTRATION

WASHINGTON, D. C. 20591

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REMARKS BY ROBERT A. KAYE, DIRECTOR, BUREAU OF MOTOR CARRIER SAFETY, FEDERAL HIGHWAY ADMINISTRATION, U. S. DEPARTMENT OF TRANSPORTATION, PREPARED FOR DELIVERY AT THE 41st ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF MOTOR BUS OWNERS, THE DRAKE HOTEL, CHICAGO, ILLINOIS, SEPTEMBER 17, 1970.

It is a pleasure for me to be afforded this opportunity to appear before this gathering of leaders of a dynamic and important industry. While this is not my debut as the newly appointed Director of the FHWA's Bureau of Motor Carrier Safety, it is my first public appearance before your segment of the motor carrier industry. I am honored to share this rostrum with such distinguished speakers both preceding and following me.

There are events that mark the end of an epoch and the beginning of a new era. My good friend George A. Meyer, the first Director of the Bureau of Motor Carrier Safety, and a former colleague in your industry, closed an epoch with his retirement last year. My appointment as the new Director will result in a number of changes in the manner in which the Bureau of Motor Carrier Safety will respond to its statutory authority to ensure the highest standard of safety in the motor carrier industry. Our mandate is fortunately the same as your industry's avowed goal.

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You certainly realize better than anyone that you are transporting the most precious of all commodities --- that is human life --- and you are well aware of the suffering, expense, and losses that can result from short cuts in operating practices and vehicle inspections and maintenance. There is another factor that comes into play, and that is that your industry is in the public eye because of some recent tragic motor bus accidents. Thus, the burden of proving that yours is a safe and responsible industry must be shouldered again.

With all of these factors working as obstacles to overcome, it will require the best efforts of management at all levels to firmly set the policy and concern of the carrier; the most conscientious adherence to inspection and maintenance procedures by mechanics and maintenance supervisors; the determination of dispatchers not to allow their desire to meet schedules to cloud their judgment in performing their task; and most importantly, reasonable, courteous, and prudent actions by drivers as they share the roadway with the public.

As I indicated, some changes are being made in the manner in which we conduct our business. Just to outline a few, I would like to mention first that we will be having more coordination with interested persons in the developmental stages of our rulemaking. In your case, we will do so by working through your national organization or committees designated to act in its behalf. A carrier, or anyone else who has an interest in a rulemaking

proceeding, is entitled to file separate comments in the public docket once that proceeding reaches the proposed rule stage. I am talking here about the developmental stage. Through this preliminary dialogue with all segments of our constituency, we hope to reduce the number of candidate rule changes or additions. This development will, we believe, inure to the benefit of the public, the Government, and the industry by allowing us to concentrate on those areas in which a proposal for rulemaking may truly have merit.

Next, we will be maintaining even closer coordination with the National Highway Safety Bureau to insure the highest degree of compatibility between their rules for new vehicles and our rules for vehicles in use. I am pleased to state that an excellent working relationship currently exists between our respective Bureaus in the coordination of our respective rulemaking activities. Certainly, there will be occasions when there will be honest differences of professional judgment or opinion, but we will work to minimize these differences.

I would like at this point to comment on two recent rulemaking actions which were closely coordinated with the NHSB and which may be of interest to bus owners and operators. On July 3, 1970, the Federal Register carried an amendment to the Motor Carrier Safety Regulations requiring the installation and usage of seat belts for bus and truck drivers. I was pleased to note that the National Association of Motor Bus Owners, in recognizing the safety value of seat belts for bus drivers and, indirectly, for the safety of their passengers and other users of the highways, did not oppose this regulation.

Your organization asked only for a 2-year period during which to retrofit the driver's seat belt on member's motor buses. This request was granted in the final rule.

This amendment put to rest Ex Parte proceeding No. MC-69, begun when what is now the BMCS was part of the Interstate Commerce Commission. That proceeding concerned the possible installation of seat belts for bus passengers. But discontinuation of Ex Parte MC-69 does not put to rest the question of restraints for bus passengers. This question cannot be completely answered until all ejections from buses during accidents are eliminated. As is the case with other motor vehicles, we believe it is far safer to stay inside the bus during an accident than to be ejected.

The National Highway Safety Bureau is continuing to consider various methods of passenger packaging and restraint in its docket No. 2-11. At the same time, coordinate rulemaking actions by the Bureau of Motor Carrier Safety and the National Highway Safety Bureau on the subject of bus windows have recently been published. The thrust of these regulations is the requirement of a positive secondary latch on all push-out windows. We feel that push-out windows have proven their value as means of escape in serious accidents, but have often flown open when not needed and ejected bus occupants during accident situations. We understand that one large member of your organization, has, for a number of years, provided such a secondary latch on push-out windows. Unfortunately we have not collected accident data which would verify the effectiveness of this design.

One more comment on the coordinate National Highway Safety Bureau - Bureau of Motor Carrier Safety rulemaking actions, I believe you will find that these are only the first of an expanded series of fully coordinated rulemaking efforts. In those areas where it is necessary for the motor carrier to assure itself that safety devices included on its new vehicle continue to have their proper effectiveness during the life of the vehicle, motor carrier management will begin to see changes in the Motor Carrier Safety Regulations which will back up the intent of the Federal Motor Vehicle Safety Standards to insure a safe vehicle. The Department of Transportation feels strongly that the new vehicle and the vehicle in service represent different sides of the same coin and that it is necessary to insure the safety of both in order to make a substantial improvement in the fearful highway death and injury rate.

Another area of change relates to program emphasis. As you have seen in the past few weeks, we have significantly stepped up our bus inspection program and this emphasis is not just a flash-in-the-pan activity, but will be a continuing part of the Bureau's efforts for some time to come. Coupled with this, added emphasis is being placed on our education campaign. The "On Guard" safety bulletins and the "Instructions for Examining Physicians Pamphlet" are examples of our efforts to make problem areas known to the industry, and we hope that industry, once seeing the problem, will take corrective measures before we find it necessary to publish corrective regulations. A good example of this was brought out in our latest "On Guard"

bulletin. We learned through several sources that many drivers are not familiar with the proper procedure for a pre-trip check of their vehicle. In order to assist drivers and help the industry solve this problem the Bureau has published a brochure entitled, "Bus Driver's Pre-Trip Check List", containing a safe, sequential and time-saving procedure to check a vehicle before beginning a trip. This brochure which just came off the press, is available to the industry without cost, just for the asking. I might add that NAMBO assisted us in the development of this brochure, a good example of how we can work together for mutual benefits. In recognition of this splendid spirit of cooperation I would like at this time to present the first official copy of this brochure to your Association President, Mr. Charles Webb. We look forward to continuing to work with your industry in encouraging voluntary compliance in accomplishing our mutual safety interests.

There are a number of other procedural changes, largely in the enforcement area, which we intend to pursue, but which I am not at liberty to discuss at this time. The point is that we are going to do everything in our power administratively, program-wise, and legally, to maximize the motor carrier's contribution to the reduction of the carnage on our highways.

Much has been done by your industry to improve its safety record on the highways. I note with particular interest the downward trend in both the accident frequency and fatality rate as reflected in data taken from reports filed by the regulated bus industry. Yet, with this improved safety record,

we all know that buses are not nearly safe enough. I am concerned about the number of "one vehicle accidents" and the percentage of "preventable" accidents that our figures reflect. All too frequently catastrophic accidents are of these types and keep reminding us that we are not doing our job well enough. And I mean we when I speak. Government alone cannot do the job. The job must be done by a combination of motor carriers dedicated to safety, strong enforcement on the local, State and National level and intelligent regulation assisted by the best minds in the safety and motor bus business.

Also, gentlemen, I would urge you to use your influence and expertise in passenger carrier operations to bring about needed changes in the school bus operations of each State. You know in the public's mind, and in the press, a bus is a bus, with no differentiations between intercity, school or transit. The good or the bad rubs off on all passenger carriers.

It was just the other day that I was extremely pleased to read about a gentleman, who as a Consultant to the Department of Public Instruction, State of North Dakota, has been devoting his talents to writing special feature articles covering the subject of school bus safety. This gentleman, Mr. Harold Wakefield, was Superintendent of the high school in my hometown and was my Algebra teacher some 35 years ago. In his article which appeared in the August 1970 issue of North Dakota Motor Carriers Association, Inc.'s periodical, "Rolling Along," Mr. Wakefield outlines the responsibility of the

inter-related parties concerned with school bus safety. He lists the following as making a positive contribution to a successful school transportation program --- the highway department in maintaining, signing, and improving the highways; the school board and school administrators in providing safe and well-maintained buses, qualified drivers, and safe routes; drivers in keeping physically, mentally and emotionally fit; passengers in obeying rules of safety; the parents by instruction and disciplining of their children; and the motoring public's observance of rules of law and courtesy.

I believe this kind of approach can be utilized in improving both the image and the performance of your great industry. I pledge the Bureau of Motor Carrier Safety to work with you.

And finally, I wish to remind you that as far as the Department is concerned "safety is the name of the game." As Secretary Volpe has said on many occasions "safety is the number one priority of the Department," and, therefore, to pursue less than a vigorous program would be a default to our employer --- the United States public.



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REMARKS BY ROBERT A. KAYE, DIRECTOR, BUREAU OF MOTOR CARRIER SAFETY, FEDERAL HIGHWAY ADMINISTRATION, U. S. DEPARTMENT OF TRANSPORTATION, PREPARED FOR DELIVERY AT THE AMERICAN TRUCKING ASSOCIATIONS' NATIONAL SAFETY MEETING, MARRIOTT MOTOR HOTEL, ATLANTA, GEORGIA, JUNE 24, 1971.

### "The Outlook for Regulations"

I am pleased to be with you today and am honored by your invitation.

As many of you know, I have spoken before a number of groups during the past year. I have found that the results of grass roots dialogue with the motor carrier industry are beneficial to both Government and industry in promoting increased safety on the nation's highways.

It was just one year ago that I made my first public speaking engagement as Director of the Bureau of Motor Carrier Safety. It is significant to note that it was before this Council during its national meeting in Dallas. If the past 12 months of activity in the field of motor carrier safety is any indication of what to expect in the years ahead, I am certain that we will see an even greater emphasis directed toward achieving higher levels of "safety in the 70's."

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The motor carrier's involvement in highway crashes continues to be a significant part of the safety problem. Your involvement often has an adverse effect on how the public views the motor carrier industry in general. And the public image of the industry is perhaps more important to you today than almost any other single factor. Although you in the industry know how you can improve your image, I would remind you that it would help if motor carriers had a better safety record, if their vehicles were better maintained, their exhaust gases cleaner, their rigs quieter, and their drivers more qualified and skillful.

Gentlemen, I want to assure you that the Bureau of Motor Carrier Safety is serious about highway safety. But please keep in mind that we face these problems together. I could spend this time talking about the motor carrier industry and the job it has done - and I do talk about it, but you're the inside group on the daily firing line. You know the score. You are the people who must find solutions to the problems. I assure you that this Bureau stands ready to work with you in identifying these problems and developing solutions. One example of our efforts is the recent addition of an accident investigation specialist to each region in the nation, so we now have 9 of these men in the field. Their primary function is to make detailed investigations of selected motor carrier accidents. We are going to dig out the causative factors in these accidents, and we are going to develop remedial measures to prevent recurrence. Our program is a positive program. If investigations reveal flagrant violations

of the regulations, we have effective penalty provisions and we are going to invoke them.

Additionally, the Bureau has thus far entered into cooperative enforcement agreements with 49 of the 50 States. This program is designed to enable close cooperation between Federal and State regulatory agencies with a free exchange of information between these agencies.

I would like to look into my crystal ball and talk about the outlook of regulations for the trucking industry during the next decade.

Increased effort will be made to make the vehicle safer. Design and crash worthiness of vehicle interiors, and uniform control location and markings are just a couple of the areas being considered. Action is already outstanding in such fields as seat belts, fire extinguishers, tires, uphill performance, braking performance, stability and control, and side and rear splash and spray deflection.

The safety regulations presently contain requirements for inspection and maintenance of motor vehicles. Look for more comprehensive and specific requirements in this area. Emphasis will be placed on the need for more thorough inspection and maintenance practices to make these vehicles safer on the highways. The Bureau has recently published a pamphlet entitled, "Truck Drivers Pre-Trip Check List." The pamphlet was designed to provide the driver with a safe, sequential and time-saving procedure to check his truck. We are now in the process of distributing three quarters of a million copies of this pamphlet.

A major problem is air pollution. In his message on environment, President Nixon expressed deep concern over air pollution caused by motor vehicles. The past President of the Society of Automotive Engineers has stated in an article in the SAE Journal that automotive air pollution represents about 60% of the total mass of air pollutants.

In the future, I see more efforts made by the diesel engine manufacturers to "smogify" their engines. GMC has presented a "smog package" which can be installed on city buses. In a recent speech, Mr. Richard B. Stoner, Vice Chairman of Cummins Engine committed his company "to eliminate, to the extent technically possible, the pollutants, noise and wastes resulting from all of our products and each of our plant operations." And in the future I see an increase in the use of gas turbine engines by the trucking industry. These engines have the benefit of low emissions. And they also have the benefit of low noise levels, light weight, and low maintenance costs. Perhaps we are more lucky than the passenger car industry in having relatively clean burning diesel engines for present use, and what appears to be a practical low-emission engine for use in the near future, the gas turbine.

Another area in which the public is showing more and more concern is environmental noise. California, among other States and municipalities, enforces regulations against motor vehicle noise. Noise is a nuisance; we are all aware of that. And noise has become a political issue, as is air pollution. But noise, like air pollution, can be a health issue, also. The

Department of Labor has amended the working condition requirements under the Walsh-Healey Act. This Act requires that "contracts" entered into by the United States...in any amount exceeding \$10,000 must contain...a stipulation that "no part of such contract will be performed...under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract." The amendment included permissible continuous noise exposures, ranging from a maximum of 90 decibels for an 8 hour period to 115 decibels for a 1/4 hour or less period.

The Society of Automotive Engineers has developed standards and recommended practices concerned with the noise level of trucks and buses, as measured both inside and outside of the vehicle. We understand that many vehicles, however, do not meet these requirements. Furthermore, we are concerned that the noise level within the cab of many trucks may contribute to irreversible hearing losses by the occupants. I predict improved and more detailed regulation in this area in the future. The National Traffic Highway Safety Administration, the Bureau of Motor Carrier Safety and the various States are all very concerned with vehicle maintenance for safety and for the control of exhaust emissions and noise.

And I predict more stringent enforcement procedures in the future. Civil forfeiture has recently become an instrument which we can use against those who ignore our regulations and endanger themselves and the public. Thirty-one States, have adopted the Motor Carrier Safety Regulations in whole or in part.

I predict greater cooperation in the future between Federal and State enforcement agencies and greater agreement between the State and the Federal Government on what safety regulations are truly productive. And for those who feel that some of the National Highway Traffic Safety Administration's regulations for new vehicles are not effective, and hope to circumvent them by removal of the required equipment after they take delivery on the new vehicle, I can predict that improved coordination within the Department of Transportation will bring about operating regulations from the Bureau of Motor Carrier Safety which will require that devices installed pursuant to the Motor Vehicle Safety Standards will be maintained on all vehicles engaged in interstate or foreign commerce.

The future holds an increased need for conscientious inspection and maintenance practices by all motor carriers to do their part in decreasing highway fatalities.

But we feel that the driver is and will continue to be the most important factor in insuring safe operation of motor vehicles. Our published accidents continue to show that motor carriers must exercise greater care in choosing drivers for their vehicles. In reviewing the last few published accidents, I find a driver carrying an oversize load under special permit, operating in darkness, against the requirements of the permit, without his glasses, speeding as he entered a narrow bridge where the load was dislodged, killing two persons and

injuring two others coming the other way in a passenger car. Another driver, under massive doses of amphetamines, ran off the road causing serious injury to himself and his co-driver and \$30,000 property damage. Still another published accident shows three fatalities caused by an intoxicated driver with a long criminal record. The driver's drinking problem was recognized by previous employers, but neither the motor carrier nor its agent had any record to indicate they had made any inquiries in that regard.

We are painfully aware of the increase in single vehicle accidents and multiple vehicle accidents where the probable cause was driver's fatigue. The Hours of Service Regulations are based on a U. S. Public Health Service study which was done over 30 years ago. Times have changed---the motor carrier environment has changed substantially and the technology of human factors has undergone a drastic change. There is a lack of data necessary to establish causative relationships among fatigue, hours of service and safety of operations. To meet the challenge, a request for proposals was issued on March 25, 1971, for a research and development study involving driver safety performance.

Due to the inherent difficulties in establishing consistently measurable relationships between driver fatigue and safety of operations, the research activities must be directed toward data collection from real world driving. The contract specifies actual field studies are to be conducted to define reliable operational measures of driver fatigue.

The contractor to perform the necessary research has been selected and the contract will be awarded within the next week. Pilot testing of procedures and equipment will start shortly after July 1, 1971, and the research study will be completed within 12 months.

Just 6 months ago major changes in Part 391, Qualifications of Drivers, of the Motor Carrier Safety Regulations, became effective. Federal Highway Administrator Francis C. Turner, said, in the preamble to this rule, that "Accident experience in recent years has demonstrated that the effects of organic and physical disorders, emotional impairments and other limitations of the good health of drivers are increasingly important casualty factors in accidents. The protection of the users of the highway require that employers obtain more information by which a potential driver's ability, training, mental attitude, and experience in the operation of commercial motor vehicles can be determined." We are convinced that the amended regulations will serve to reduce casualties to the public and to commercial drivers as well as to contribute to highway safety generally by selecting out the incompetent, the unfit and the unqualified driver.

In order to assist carriers in investigating the background of drivers a proposal by the Department of Transportation as part of our legislative program for the 92nd Congress, has been included to allow more efficient use of the National Driver Register. As you know, the "National Driver Register" is a

compilation of the names of individuals to whom the States have denied, terminated, or temporarily withdrawn motor vehicle operator's licenses. Under present law, the Secretary may release information from the register only to and at the request of a State or one of its political subdivisions or of a Federal Agency only "with respect to an individual applicant for a motor vehicle operator's license or permit."

The Department of Transportation is seeking legislation that would permit a State to "enter" the Register upon a request received by it from a carrier (employer) seeking information concerning a job applicant. In turn, the State would be allowed to make the information obtained from the Register available to the carrier for inclusion in the applicant's personnel record as required by the Motor Carrier Safety Regulations. In addition, a State would be required to furnish at no cost to the individual involved, copies of information furnished to the employer. This would allow him ample opportunity to rebut or qualify damaging or erroneous information which might be contained in the Register.

It should be pointed out that at present any information stored in the National Driver Register is obtainable from any State upon direct inquiry to that State. The procedures set forth in the Department's proposal would merely substitute a simplified and less costly procedure for the present complex one.

The Department of Transportation is of the opinion that the right of the travelling public to be safeguarded clearly outweighs any entitlement of an

operator to deny access to his bad driving records, and strongly urges enactment of its proposal.

I think our action makes it obvious that, in the years ahead, the Bureau of Motor Carrier Safety will be taking a much closer look at the men who drive commercial vehicles, as well as the vehicles themselves.

And we are becoming more concerned about the environment in which the driver works. As I mentioned earlier, we are concerned about the effect of noise level of driver hearing and fatigue. We feel that vehicle and ride and handling, visibility, and temperature and humidity control also effect driver fatigue. We are in the process of conducting research in these areas. Our goals include a qualified and competent driver inside a vehicle which can be properly controlled by him at all times.

Studies are in process to increase the productivity of accident report data. One area under consideration is a higher criterion for the monetary reporting base. Increased cost of repairs and equipment has made the present base of \$250 unrealistic. This must be raised.

Another factor is the area of the industry reporting. A more in-depth study can be made if we receive reports from all carriers using the highways, thus, we are considering rescinding present exemptions which allow certain carriers freedom from reporting.

Though the monetary base will be raised the additional carriers reporting

will increase the number of accident reports received by at least 60%. This of course means we must go to computer analysis to increase the output and evaluate data more expeditiously.

Additionally, we are correlating with industry, insurance carriers, and the National Conference of State Transportation Specialist to try and reach a long sought after goal...A uniform accident report that will be generally accepted.

We expect within 30 days to begin preparation on a Notice of Proposed Rule Making soliciting your comments and suggestions in this area.

The Bureau is now considering a change in the regulations which would permit the use of hearing aids by commercial vehicle drivers. The rules have required a certain level of hearing, but the aid of hearing devices has been prohibited in the past. Because of the technical advances in the various hearing devices, however, a number of interested persons have petitioned for a change in the rules. These petitioners have been joined by such organizations as the International Brotherhood of Teamsters, the Amalgamated Transit Union, and the National Association of Motor Bus Owners in support of the change.

As a result of the Notice of Proposed Rule Making which the Bureau published in the Federal Register on April 15, 1971, over 200 comments have been submitted pertaining to the use of hearing aids. We have discussed this matter with medical people who are specialists in the audiometric testing field and who are thoroughly familiar with the problems and characteristics of motor carrier transportation.

An Order is now being prepared based upon the sound evidence which has been submitted. I think this is a good example of our openmindedness to any suggested change in the regulations which would prove beneficial to drivers or motor carriers and which does not detract from the high standards which are so important in maintaining safety on the highways.

We are aware that all these improvements of which I have spoken are going to cost you, the carrier, money. We also realize that you are in business primarily to make as much money as possible. This is what private enterprise is all about. I want to point out, however, that compliance with even stricter safety and pollution regulations is not all cost with no benefits.

Benefits are great. Of course, there are benefits to the nation as a whole. And there are direct monetary benefits to you in terms of fewer accidents and fewer law suits. And fewer workman's compensation claims.

But there are great benefits to be gained in terms of public relations also. As a private citizen, it appears to me that the image of the trucking industry contributed to the failure of the passage of the "big truck bill." Passage of such a bill would represent increased profits to you, the truck operators, as well as lower costs to consumers.

Robert M. Saxton, Editor-in-Chief of Fleet Owner discussed the trucking industry's image in a recent editorial. He suggested increased public relations work by each motor carrier and by every individual associated with the trucking

industry. In addition, I suggest an improved public image, a better foot forward. It can start with clean equipment with your company's name or product tastefully pictured on the side. But in the long run, the public will be more impressed if drivers show more courtesy, if trucks no longer frighten the public by tailgating. And the public will be impressed if black smoke no longer billows forth from our stacks. Those who live near our new freeways will be impressed if all they hear are motorcycles, no longer the roar of trucks (let the motor cyclist's worry about their own image.) We may not have trucks with the power of Jaguar's, but equipping our vehicles with adequate engines, combined with a large dose of courtesy, will improve our image to those who follow us up mountain grades.

And accident data has been quoted against our industry as well as for it. We look forward to a day when accident data on the trucking industry will prove only one thing, no matter how it is manipulated. We want that data to show that trucks, under all circumstances, are the safest form of transportation, period!

Improvements in public relations, unfortunately, are very hard to show to accountants, whereas increased costs for safety are easily seen by all. Enlightened, public-spirited top management must see the benefits, as well as the costs of an improved image for our industry. And such managers will see the monetary benefits of such a policy in the long run. We all see the necessity of pollution control and increased highway safety. My crystal ball tells me the trucking industry will lead the way toward increased safety and environmental improvements in the seventies...I hope that I read it correctly...