En Route Inspections of Passenger-Carrying Commercial Motor Vehicles

The Commercial Vehicle Safety Alliance (CVSA) supports eliminating the provision, 49 USC § 31102(b)(2)(X), that prohibits roadside inspections of buses and motorcoaches carrying passengers.

The issue of bus and motorcoach safety has been thrust into the spotlight over the past several years due to a series of high profile, fatal crashes. According to Federal Motor Carrier Safety Administration (FMCSA) data and findings by the National Transportation Safety Board (NTSB), from 2005 to 2010, 262 people died in motorcoach crashes, and another 9,062 were injured. Meanwhile, travel by bus or motorcoach is growing. Since 2005, annual growth rates for intercity motorcoach service ranged from 5.1 to 9.8 percent between 2006 and 2010.¹

With any given trip, the carrier and, more importantly, the driver are responsible for the safe delivery of the vehicle’s cargo, which in the case of a passenger-carrying commercial motor vehicle (CMV) can be as many as 80 passengers. The state agencies responsible for overseeing the passenger-carrying industry need to have at their disposal as many effective tools as possible. The passenger carrier industry is relatively small, with approximately 12,000 companies, in comparison to approximately 525,000 property-carrying motor carriers in the United States. And, nationally, there are fewer CVSA-certified North American Standard Passenger Vehicle inspectors than there are CVSA-certified truck inspectors. Yet, approximately 750 million passengers board a bus or motorcoach each year. Enforcement agencies conducted 27,221 inspections of passenger-carrying CMVs in 2012; that’s compared with 3.3 million inspections of property-carrying CMVs in the same year.²

Passenger vehicle certified inspectors are specially trained commercial vehicle enforcement personnel equipped to inspect both the vehicle and the driver, while also taking responsibility for the safety of passengers. However, passenger vehicle certified inspectors are presently restricted on when and where they can examine a passenger-carrying CMV.

In 2005, as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Congress established a new section, subsection (X) in 49 USC § 31102(b)(2). This section prohibits roadside inspections of buses and motorcoaches carrying passengers, except in the case of an imminent hazard. This prohibition inherently puts travelers at higher risk.

The option to inspect a passenger-carrying CMV en route is an extremely important tool for effective enforcement. Currently, inspections can only be conducted at a scheduled, planned stop. This allows those seeking to avoid scrutiny and circumvent safety requirements to plan around inspections. Much like random drug testing, the possibility of an unscheduled inspection en route forces carriers and drivers to comply with safety regulations at all times. Furthermore, because of the current restrictions, there is an entire segment of the industry, known as curbside carriers, that are largely out of the reach of inspectors. These are generally intercity carriers operating under a business model where they pick up and drop off at a curbside location, rather than at a set facility. This model allows flexibility to meet the changing needs of customers, but opens the opportunity for carriers to choose to avoid the scheduled origin/destination inspections that carriers using the conventional fixed facility service receive. While curbside operations represent a smaller segment of the overall passenger-carrying industry, according to the NTSB report, curbside carriers have higher fatal accident and death rates and higher serious driver violations rates than conventional carriers.³

Under the current restrictions, inspectors do not have authority to pull over and inspect a driver and the vehicle unless there is a visible imminent hazard. But what if the imminent hazard present is one associated with the driver that is not visible? Research shows that most crashes are caused by driver-related factors. A driver could be operating their passenger-carrying vehicle without being medically qualified, without the proper class of license, without the proper license endorsement(s), driving despite a suspended or revoked license, and/or exceeding his or her allowable hours of service. However, unless the unlicensed, fatigued or otherwise seriously impaired driver is observed making an imminently hazardous traffic infraction, the first indication to inspectors of an imminent hazard may be when the driver falls asleep and crashes. As long as there is no visible problem, that hazardous driver will not be detected.
Proponents of the restriction will argue that it was put in place for the safety of the passengers, so they do not end up stranded on the side of a busy highway. However, traffic enforcement officers (who may or may not be passenger vehicle certified) already may stop a bus or motorcoach for serious traffic violations—excessive speed or other dangerous behavior. The restriction makes traffic enforcement stops, sometimes on the roadway shoulder, the only viable option to stop and check passenger-carrying vehicles and their drivers. But waiting for dangerous behavior by the driver does not prevent the risk to passengers, which is the purpose of the passenger-carrying CMV inspection in the first place. Certified inspectors are trained to make inspection stops in safe locations—preferably escorting the vehicle to an exit and a safe inspection site. Once subject to inspection, the inspector is responsible for the safety and security of the passengers, including the driver.

Proponents of the restriction will also argue that the restriction is necessary, so that carriers can maintain their tight schedules and meet pick-up and drop-off commitments to their customers. However, the trucking industry, which operates on the same tight timetables and under similar conditions on the roadways, has found a way to incorporate roadside inspections into their business model effectively.

Inspectors conducting roadside inspections are working to ensure that those carriers operating on the nation’s roadways are adhering to the safety standards established by Congress and the U.S. Department of Transportation. The purpose of the roadside inspection is to provide an unscheduled ‘spot check’, examining a carrier’s and driver’s compliance. Removing this option when it comes to passenger carriers hampers the enforcement community’s ability to do its job effectively and sets a lower safety standard for those carriers transporting people than for those moving property. CVSA supports eliminating the provision, 49 USC § 31102(b)(2)(X), that prohibits roadside inspections of buses and motorcoaches carrying passengers.

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