

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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March 13, 2001



COMMISSION  
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CHAIRMAN

ROBERT B. HOLT  
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COMMISSIONERS

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Docket Clerk  
U. S. DOT Dockets  
Room PL-401  
400 Seventh Street, S.W.  
Washington, D.C. 20590

RE: FMCSA – 2000 - 7017-3  
Safety Requirements for Operators of Small Passenger Vans

Dear Sir or Madam:

The following comments are being submitted to you in regards to FMCSA Docket No. 2000 – 7017. I would ask that these comments be included in the file for the docket and to be included in your evaluation of all of the comments received for the docket to determine the future course of this rulemaking.

The Texas Department of Public Safety strongly supports the Federal Motor Carrier Safety Administration (FMCSA) efforts to require motor carriers operating commercial motor vehicles, designed to transport 9 or more passengers (including the driver), in interstate commerce to comply with the Federal Motor Carrier Safety Regulations (FMCSR) when they are directly compensated for such services, and the transportation of any passenger exceeds 75 miles.

I can fully appreciate the dilemma that the revision of the FMCSR will have on commercial motor carriers operating vehicles meeting the definition set out in this proposal. However, there is no way to determine exactly how many new motor carriers, drivers, and vehicles would be subject to the new requirements. We must not lose sight of what I believe was the primary motivation behind the change in the regulation – the 'camionetas' operating between major cities in Texas and other southern states to and from our borders with Mexico. These vehicles and drivers often provide the same transportation services over the same routes as the large bus companies, with the benefit of not having to comply with the safety regulations. The drivers operate unregulated for longer hours than their bus counterparts in vans that undergo an enormous amount of wear and tear on a daily basis. The passengers that subscribe to the service these carriers provide do so because of choice, convenience, and a greater sense of security with the driver and carrier. However, their decision to use these carriers should not be interpreted as a waiver of their rights to the same protection and safety assurances that they would receive by traveling on a major bus line.

While the camionetas may be the primary reason for the change in the regulations, I would suspect that there are other van service operations within the nation that inspire similar safety concerns. There are other van service operations, such as day care centers, hotel shuttles and rental car shuttles that would be exempt due to the limited distance they travel and the priority of their operation is not the transportation of passengers for compensation.

There are no accident statistics available within our database from which the FMCSA could analyze data to show the actual problem small van carriers are creating on the highways. Any accidents that may have occurred involving these carriers would be included in the database with all of the other accidents involving vans and trucks. Simply educating these carriers on the new requirements will be a major task in and of itself, given the fact that some of these carriers are mobile and will be difficult to locate.

I can appreciate your obligation to the public to be able to quantify the benefits of the rulemaking and prove that the benefits exceed the costs to the relevant segment of the industry and consumers before extending the FMCSR to the new class of motor carriers. The additional costs associated with complying with the regulations, while an issue for the industry, will be minimal given the costs that would be involved with the fatalities, injuries and property damage that will occur in an accident. The absence of quantifiable numbers and costs should not be the deciding factor in determining whether to apply the FMCSR to these carriers. Our goal is to protect the most precious cargo being transported over the highways of our nation – people.

Extending the FMCSR to more motor carriers will have a significant impact on the resources of the agencies that enforce the regulations. The majority of the state and municipal enforcement agencies are understaffed to meet the demands of the task of regulating the hundreds of thousands of commercial vehicles that operate daily on our highways. These vehicles will present different challenges to the agencies due to not being inspected at roadside inspection facilities where commercial motor vehicles are routinely inspected.

The carriers have to be held accountable for hiring qualified drivers, maintaining their vehicles to meet the minimum safety equipment standards, ensuring that their drivers are well rested before undertaking a 75 to 300 mile (one-way) trip, and in some instances even farther, to or from the border or between major cities. These carriers should be required to purchase and maintain appropriate liability insurance to protect the passengers in the event of a serious accident. There are times when the government has to be proactive instead of reactive. We have to strive to prevent loss of life while the opportunity presents itself instead of waiting to react to a disastrous situation.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Davis, Jr." The signature is written in black ink and is positioned above the typed name and title.

Thomas A. Davis, Jr.  
Director

TAD: ss

cc: James B. Francis, Jr., Chairman, Texas Public Safety Commission  
Robert B. Holt, Member, Texas Public Safety Commission  
M. Colleen McHugh, Member, Texas Public Safety Commission