

Y 4
. In 8/4
85/4

1019

MSB
1/4
8/4
h288
h288

GOVERNMENT
Storage

OPERATION OF MOTOR VEHICLES BY DISABLED PERSONS

HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 827

A BILL TO AMEND THE INTERSTATE COMMERCE ACT TO
PROVIDE THAT DISABLED PERSONS MEETING CERTAIN
REQUIREMENTS MAY NOT BE PROHIBITED FROM OPER-
ATING MOTOR VEHICLES IN INTERSTATE OR FOREIGN
COMMERCE UNDER CERTAIN RULES AND REGULATIONS
OF THE INTERSTATE COMMERCE COMMISSION

MAY 14, 1963

Printed for the use of the
Committee on Interstate and Foreign Commerce



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1963

KSU LIBRARIES
111900 813710 ✓

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OREN HARRIS, Arkansas, *Chairman*

JOHN BELL WILLIAMS, Mississippi	JOHN B. BENNETT, Michigan
KENNETH A. ROBERTS, Alabama	WILLIAM L. SPRINGER, Illinois
HARLEY O. STAGGERS, West Virginia	PAUL F. SCHENCK, Ohio
WALTER ROGERS, Texas	J. ARTHUR YOUNGER, California
SAMUEL N. FRIEDEL, Maryland	MILTON W. GLENN, New Jersey
TORBERT H. MACDONALD, Massachusetts	SAMUEL L. DEVINE, Ohio
GEORGE M. RHODES, Pennsylvania	ANCHER NELSEN, Minnesota
JOHN JARMAN, Oklahoma	HASTINGS KEITH, Massachusetts
LEO W. O'BRIEN, New York	WILLARD S. CURTIN, Pennsylvania
JOHN E. MOSS, California	ABNER W. SIBAL, Connecticut
JOHN D. DINGELL, Michigan	GLENN CUNNINGHAM, Nebraska
PAUL G. ROGERS, Florida	JAMES T. BROYHILL, North Carolina
ROBERT W. HEMPHILL, South Carolina	DONALD G. BROTZMAN, Colorado
DAN ROSTENKOWSKI, Illinois	
JAMES C. HEALEY, New York	
HORACE R. KORNEGAY, North Carolina	
W. R. HULL, Jr., Missouri	
GILLIS W. LONG, Louisiana	
LIONEL VAN DEERLIN, California	

W. E. WILLIAMSON, *Clerk*

KENNETH J. PAINTER, *Assistant Clerk*

Professional Staff

ANDREW STEVENSON
KURT BORCHARDT

GEORGE W. PERRY
JAMES M. MENDER, Jr.

SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS

JOHN BELL WILLIAMS, Mississippi, *Chairman*

SAMUEL N. FRIEDEL, Maryland	WILLIAM L. SPRINGER, Illinois
TORBERT H. MACDONALD, Massachusetts	SAMUEL L. DEVINE, Ohio
JOHN JARMAN, Oklahoma	ABNER W. SIBAL, Connecticut
ROBERT W. HEMPHILL, South Carolina	

CONTENTS

	Page
Text of H.R. 827-----	1
Report of—	
Bureau of the Budget-----	1
Health, Education, and Welfare Department-----	2
Interstate Commerce Commission-----	3
Statement of—	
Cox, Ernest G., Chief, Section of Motor Carrier Safety, Interstate Commerce Commission-----	5
Goff, Hon. Abe McGregor, Vice Chairman, Interstate Commerce Commission-----	5
Neeley, J. R., on behalf of National Association of Motor Bus Owners-----	23
Rennolds, B. A., on behalf of National Association of Motor Bus Owners-----	31
Additional information submitted for the record by—	
National Association of Motor Bus Owners, statement on handicapped drivers-----	26
President's Committee on Employment of the Handicapped, letter from Melvin J. Maas, Chairman-----	33
Young, Philip W., letter from-----	34

CHARTER

1849

1	Post of H. H. H. H.
2	Post of H. H. H. H.
3	Post of H. H. H. H.
4	Post of H. H. H. H.
5	Post of H. H. H. H.
6	Post of H. H. H. H.
7	Post of H. H. H. H.
8	Post of H. H. H. H.
9	Post of H. H. H. H.
10	Post of H. H. H. H.
11	Post of H. H. H. H.
12	Post of H. H. H. H.
13	Post of H. H. H. H.
14	Post of H. H. H. H.
15	Post of H. H. H. H.
16	Post of H. H. H. H.
17	Post of H. H. H. H.
18	Post of H. H. H. H.
19	Post of H. H. H. H.
20	Post of H. H. H. H.
21	Post of H. H. H. H.
22	Post of H. H. H. H.
23	Post of H. H. H. H.
24	Post of H. H. H. H.
25	Post of H. H. H. H.
26	Post of H. H. H. H.
27	Post of H. H. H. H.
28	Post of H. H. H. H.
29	Post of H. H. H. H.
30	Post of H. H. H. H.
31	Post of H. H. H. H.
32	Post of H. H. H. H.
33	Post of H. H. H. H.
34	Post of H. H. H. H.
35	Post of H. H. H. H.
36	Post of H. H. H. H.
37	Post of H. H. H. H.
38	Post of H. H. H. H.
39	Post of H. H. H. H.
40	Post of H. H. H. H.
41	Post of H. H. H. H.
42	Post of H. H. H. H.
43	Post of H. H. H. H.
44	Post of H. H. H. H.
45	Post of H. H. H. H.
46	Post of H. H. H. H.
47	Post of H. H. H. H.
48	Post of H. H. H. H.
49	Post of H. H. H. H.
50	Post of H. H. H. H.
51	Post of H. H. H. H.
52	Post of H. H. H. H.
53	Post of H. H. H. H.
54	Post of H. H. H. H.
55	Post of H. H. H. H.
56	Post of H. H. H. H.
57	Post of H. H. H. H.
58	Post of H. H. H. H.
59	Post of H. H. H. H.
60	Post of H. H. H. H.
61	Post of H. H. H. H.
62	Post of H. H. H. H.
63	Post of H. H. H. H.
64	Post of H. H. H. H.
65	Post of H. H. H. H.
66	Post of H. H. H. H.
67	Post of H. H. H. H.
68	Post of H. H. H. H.
69	Post of H. H. H. H.
70	Post of H. H. H. H.
71	Post of H. H. H. H.
72	Post of H. H. H. H.
73	Post of H. H. H. H.
74	Post of H. H. H. H.
75	Post of H. H. H. H.
76	Post of H. H. H. H.
77	Post of H. H. H. H.
78	Post of H. H. H. H.
79	Post of H. H. H. H.
80	Post of H. H. H. H.
81	Post of H. H. H. H.
82	Post of H. H. H. H.
83	Post of H. H. H. H.
84	Post of H. H. H. H.
85	Post of H. H. H. H.
86	Post of H. H. H. H.
87	Post of H. H. H. H.
88	Post of H. H. H. H.
89	Post of H. H. H. H.
90	Post of H. H. H. H.
91	Post of H. H. H. H.
92	Post of H. H. H. H.
93	Post of H. H. H. H.
94	Post of H. H. H. H.
95	Post of H. H. H. H.
96	Post of H. H. H. H.
97	Post of H. H. H. H.
98	Post of H. H. H. H.
99	Post of H. H. H. H.
100	Post of H. H. H. H.

OPERATION OF MOTOR VEHICLES BY DISABLED PERSONS

TUESDAY, MAY 14, 1963

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 10:50 a.m., pursuant to call, in room 1334, Longworth Building, Hon. John Bell Williams (chairman of the subcommittee) presiding.

Mr. WILLIAMS. Our bill for consideration today is H.R. 827, which would amend the Interstate Commerce Act so as to permit certain disabled persons to operate motor vehicles in interstate commerce.

(H.R. 827 along with agency reports follow:)

[H.R. 827, 88th Cong., 1st sess.]

A BILL To amend the Interstate Commerce Act to provide that disabled persons meeting certain requirements may not be prohibited from operating motor vehicles in interstate or foreign commerce under certain rules and regulations of the Interstate Commerce Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (1) of section 204(a) of the Interstate Commerce Act (49 U.S.C. 304) is amended by inserting immediately before the period at the end thereof the following: “; except that no individual who has suffered the loss of a foot, leg, hand, or arm, or impairment or loss of hearing shall be prohibited from operating any motor vehicle in interstate or foreign commerce under any rule or regulation of the Commission prescribed under this subparagraph or subparagraph (2), (3), or (3a) of this subsection if such individual has been examined by a doctor of medicine or osteopathy admitted to the practice of medicine or osteopathy in a State and such doctor determines that such loss or impairment will not prevent such individual from safely operating such vehicle”.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 14, 1963.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of February 19, 1963, for a report on H.R. 827, a bill to amend the Interstate Commerce Act to provide that disabled persons meeting certain requirements may not be prohibited from operating motor vehicles in interstate or foreign commerce under certain rules and regulations of the Interstate Commerce Commission.

We are completely in accord with the objective of the bill to allow disabled individuals to operate motor vehicles in interstate commerce to the maximum extent consistent with safety.

2 OPERATION OF MOTOR VEHICLES BY DISABLED PERSONS

However, the Interstate Commerce Commission now has the responsibility for setting standards for drivers to assure the safe operation of motor vehicles. We are certain that whenever it is established that certain disabled drivers can safely operate motor vehicles, the Commission will revise its standards accordingly. In general, we do not believe it wise to enact legislation requiring a regulatory agency to take a specific action affecting safety which is already within that agency's authority, responsibility, and expert knowledge.

For these reasons, we cannot recommend favorable consideration of H.R. 827.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 14, 1963.

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of February 19, 1963, for a report on H.R. 827, a bill to amend the Interstate Commerce Act to provide that disabled persons meeting certain requirements may not be prohibited from operating motor vehicles in interstate or foreign commerce under certain rules and regulations of the Interstate Commerce Commission. It is identical with H.R. 4273, introduced in the 87th Congress.

The bill would withdraw the power of the Interstate Commerce Commission to prohibit a person from operating a motor vehicle in interstate commerce on the ground that he has lost a foot, leg, hand, or arm, or suffers loss or impairment of hearing, provided that a licensed physician or osteopath certifies that the loss or impairment "will not prevent such individual from safely operating such vehicle." The effect of the bill would be to repeal that portion of regulation 191.2 (49 C.F.R.), of the Commission, which now contains an absolute prohibition against the operation of such motor carriers by such disabled persons.

We are in accord with the objective of the bill.

It is our understanding that the Commission adopted this prohibition in 1940. Since that time advances in design of prostheses, and training of the disabled in their use, have enabled many amputees to compensate for their disability with sufficient adequacy to permit them to operate commercial carriers with safety. There is a persuasive body of medical opinion substantiating this view.

In this regard, it is germane that the strict medical standards applied by the Federal Aviation Agency to applicants for pilot licenses do not contain a blanket restriction of the sort imposed by the Interstate Commerce Commission.

The bill is defective in one respect, however. It would apparently make binding on the Interstate Commerce Commission the determination of any physician or osteopath selected by the disabled person that the loss or impairment referred to would not prevent that person from safely operating a vehicle. Such a practitioner's determination is not taken as conclusive as to the applicant's ability to drive safely in the case of nonamputees. In our view, responsibility for this determination should lie with a public body, the Commission, charged by law with the duty to protect the public in this respect. This is not to say that the Commission should not have discretion to utilize the services of private practitioners within the framework of an appropriate procedure established by it. Such a procedure is exemplified by the medical qualification of pilot applicants by the Federal Aviation Agency, which uses some 6,000 private physicians on call throughout the country to make the required examinations in accordance with physical standards prescribed by the agency.

We would, therefore, recommend that the Commission license any individual who is able to meet reasonable performance standards, to be established by the Commission, that would assure that his disability will not prevent him from safely operating a motor vehicle. If this cannot be done administratively, we would recommend enactment of legislation to this end.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

ANTHONY J. CELEBREZZE, *Secretary.*

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE CHAIRMAN,
Washington, D.C., May 13, 1963.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: This is in response to your letter of February 19, 1963, requesting comments on a bill, H.R. 827, introduced by Congressman Williams, to amend the Interstate Commerce Act to provide that disabled persons meeting certain requirements may not be prohibited from operating motor vehicles in interstate or foreign commerce under certain rules and regulations of the Interstate Commerce Commission. This matter has been considered by the Commission and I am authorized to submit the following comments in its behalf:

H.R. 827 would amend section 204(a) of the Interstate Commerce Act (49 U.S.C. 304(a)) which, among other things, authorizes the Commission to prescribe reasonable requirements with respect to the qualifications of employees of for hire and private motor carriers operating in interstate commerce. The bill would provide, in effect, that the rules and regulations so prescribed shall not prohibit any individual who has suffered the loss of a foot, leg, hand, or arm, or impairment or loss of hearing from operating any motor vehicle if such loss or impairment is determined by a licensed doctor of medicine or osteopathy to be of a type which "will not prevent such individual from safely operating such vehicle."

The Commission first prescribed minimum qualifications of drivers in July 1937. These initial regulations, general in scope, disqualified from driving in interstate commerce individuals who failed to possess "adequate hearing" or who had incurred a "physical deformity or loss of limb likely to interfere with safe driving." As amended in 1940, and again in 1952, these minimum qualifications were changed so as to specifically disqualify as drivers individuals whose hearing is "less than 10/20 in the better ear, for conversational tones, without a hearing aid" or who had suffered the loss of a "foot, leg, hand, or arm." So revised, these regulations remain in effect today.

Over the years the Commission has considered its statutory responsibility to establish physical and competence qualifications of drivers as a matter of paramount importance. This responsibility has become even more vital because of the major and relatively recent changes in commercial vehicle operations—changes which have resulted in greatly increased demands upon the physical stamina of drivers. Included among these changes are the development of heavier and larger vehicles, greater powered engines, complicated gears and other special devices, heavier loads, and higher speeds. These "behemoths of the highways," which are used to transport all kinds of commodities, including truckloads of explosives and other dangerous articles, are operated for prolonged periods over extensive distances in many types of terrain in all seasons of the year, regardless of weather conditions. It is clear, therefore, that due consideration of public safety requires that driver qualifications be maintained at the very highest level.

In this connection, it is significant that the rapid development of larger, more powerful tractor-trailer units has been paralleled by a phenomenal increase in the use of highways by commercial vehicles of all kinds. In 1952, for example, at least 917,534 motor vehicles were being operated in interstate commerce by private and for hire carriers subject to the Commission's safety regulations. By 1961, this figure mounted to an estimated 1,695,589 vehicles. In addition, we observe that total motor vehicle registrations (including trucks, buses, and automobiles) in 1937 amounted to 29,706,158. By 1952 this figure had risen to 52,651,835, and by 1961 it was 75,846,532.

Continued increases in the number of vehicles, both private and commercial, using our highways manifestly results in increased exposure to accident situations and, in turn, this circumstance requires continued maintenance of the utmost in safety standards. In particular, the Commission is concerned with the number and severity of accidents caused by loss of control of commercial vehicles on hills and curves. Such accidents occur on interstate movements notwithstanding the fact that drivers involved are required to meet present physical standards.

It is noteworthy that the President personally has urged renewed efforts to reduce the appalling highway death toll. His public statement of April 9,

4 OPERATION OF MOTOR VEHICLES BY DISABLED PERSONS

1963, was prompted by the approximately 41,000 deaths due to highway accidents in 1962.

In prescribing regulations relating to the qualifications of drivers of interstate commercial vehicles, the Commission must give primary and overriding consideration to the safety of the public, including the safety of the drivers themselves. At the same time, and in order to avoid imposing personal hardship through unnecessary disqualification of drivers for physical reasons, we have earnestly endeavored to keep abreast of all medical and technological developments which would provide a basis for reevaluation of our regulations.

In this connection, the Commission (division 5) had occasion to consider a proposed modification respecting amputee drivers in 1949. See "Qualifications of Employees and Safety of Operations" (49 M.C.C. 633). In that proceeding, a number of organizations interested in assisting the physically handicapped, including governmental agencies such as the Office of Vocational Rehabilitation of the Federal Security Agency and the President's Committee of the National Employ-the-Handicapped Week, urged the Commission to amend the rule so as to permit an amputee to demonstrate (by an examination promulgated jointly by the Commission and various other Federal and State agencies and private organizations) whether he possessed the requisite mental and physical ability to perform the duties of a driver in a safe manner. Upon careful consideration of the record developed at a public hearing, the Commission concluded that a change in the rule was not then shown to be warranted. The following extract from the concluding paragraphs of the division's report appears to be applicable today:

"The lack of competent evidence which would establish that the prosthetic devices now available to amputees are sufficiently durable to withstand the strain of driving motor vehicles, often under unfavorable conditions, or to perform the strenuous duties of drivers as outlined above, or are sufficiently flexible to permit the manipulation of the various buttons, levers, or other controls, leaves us no choice but to find that the proponents of a change have failed to prove that amputees are possessed of the physical ability necessary to drive vehicles in interstate or foreign commerce without being an actual or a potential hazard to themselves or to others. We have seen that all such devices are subject to certain limitations which, in our opinion, are such as to require a finding that they cannot properly be considered as adequate substitutes for natural limbs for the purpose of driving the various types of motor vehicles operated under our jurisdiction. Obviously a failure of prosthesis while an amputee was driving might easily lead to an accident resulting in death or injury, not only to the driver, but to anyone else who might be at that particular place at the time of the failure."

The "strenuous duties of drivers" referred to in the above-quoted language includes, for example, the operation of transmissions which require seven gear changes before a speed of 40 miles per hour is attained. The dexterity required to perform this and similar complex functions¹ is a matter of extreme importance in our determination of minimum physical standards for commercial drivers.

We are aware, however, of research work in this area being conducted by the Harvard School of Public Health under the sponsorship of the Office of Vocational Rehabilitation of the Department of Health, Education, and Welfare. When the results of this study, because of the complexities involved, are made available to us, careful examination of the findings and recommendations will be made to determine if they furnish a sufficient basis for a modification of our regulations.

With respect to the minimum hearing requirements, we are not aware of any information which would warrant a modification of the present standard. To substitute for such a specific standard a doctor's opinion of the adequacy of a driver's hearing would, in our view, be an unwarranted relaxation of the rules. The average physician could not be expected to be familiar with the physical conditions—and in particular the background noises—attendant upon such commercial vehicle operations. Two examples which illustrate the need for a specified measure of hearing are: (1) the emergency siren of an ambu-

¹ Examples of other functions which (at least in emergencies or during adverse weather conditions) require a high degree of dexterity are: (1) changing truck tires or installing tire chains, (2) coupling and uncoupling air system hoses and electrical connections, and (3) operating a fire extinguisher at points on the vehicles which are not easily accessible.

lance or fire engine warning all other vehicles on the road to clear the way; and (2) rail-highway grade crossings where in the last few years a number of very serious accidents have occurred in which the driver of a commercial vehicle that had collided with a train claimed he had not heard the locomotive whistle.

In view of these circumstances, we are unable to favor or support H.R. 827. Under this bill the ultimate decision as to the ability of an amputee or individual with subnormal hearing to safely operate heavy-duty tractor-trailer units over long distances would be made by a doctor or osteopath. We doubt that many of these are qualified by experience or training properly to evaluate (1) the unusual technological and operational complexities involved in driving such vehicles or (2) the effect of their case-by-case decisions in terms of the overall public interest. Moreover, it appears reasonable to assume that the judgment of individual doctors will differ in varying degrees.

Furthermore, in all fairness we feel that mere approval by a doctor of medicine or osteopathy as proposed by the bill would be inadequate to protect the public interest in safe operations on highways.

Finally, we would like to state that we recognize and are in sympathy with the humanitarian purposes which motivated this bill, and regret that we are unable to support it.

Sincerely yours,

LAURENCE K. WALRATH, *Chairman.*

Mr. WILLIAMS. Mr. Goff, I believe you are prepared to testify on this; are you not?

STATEMENT OF HON. ABE MCGREGOR GOFF, VICE CHAIRMAN, INTERSTATE COMMERCE COMMISSION, WASHINGTON, D.C.; ACCOMPANIED BY ERNEST G. COX, CHIEF, SECTION OF MOTOR CARRIER SAFETY

Mr. GOFF. Yes, I am, sir. Now, Mr. Chairman and gentlemen of the committee, I should mention that I have with me today Director Bertram E. Stilwell, of the Bureau of Operating Rights, who sat with me a few minutes ago; and on my left is Mr. Ernest G. Cox, Chief of our Section of Motor Carrier Safety.

We also have here Robert T. Wallace, legislative counsel; Sam Langerman, a legislative attorney. And I have here Milton G. Bilodeau from my office. I thought it would do him good to come up and listen to a hearing.

Speaking for the Commission now on H.R. 827: Section 204(a) of the Interstate Commerce Act, among other things, authorizes the Commission to prescribe reasonable requirements with respect to the qualifications of employees of for-hire and private motor carriers operating in Interstate Commerce.

H.R. 827 would amend this section to provide, in effect, that the rules and regulations prescribed by the Commission thereunder shall not prohibit any individual who has suffered the loss of a foot, leg, hand, or arm, or impairment or loss of hearing from operating any motor vehicle if a licensed doctor of medicine or osteopathy determines that his loss or impairment is not of a type which will prevent him from safely operating such vehicle.

The Commission first prescribed minimum qualifications of drivers in July 1937. These initial regulations, which were general in scope, disqualified individuals who failed to possess "adequate hearing" or who had incurred a "physical deformity or loss of limb likely to interfere with safe driving."

As amended in 1940, and again in 1952, they specifically disqualified individuals whose hearing was "less than 10/20 in the better ear for conversational tones, without a hearing aid" or who had suffered the loss of a "foot, leg, hand, or arm."

So revised, these minimum qualifications remain in effect today.

The Commission has always considered its statutory responsibility to establish physical and competence qualifications of drivers as a matter of paramount importance.

Its responsibility has become even more vital in recent years because of major changes which have occurred in commercial vehicle operations—changes which have resulted in greatly increased demands upon the physical stamina of drivers.

Included among these changes are the development of heavier and larger vehicles, greater powered engines, complicated gears and other special devices, heavier loads, and higher speeds.

These "behemoths of the highways" are used to transport all kinds of commodities, including truckloads of explosives, flammables, and other dangerous articles, and are operated for prolonged periods over extensive distances in many types of terrain in all seasons of the year, regardless of weather conditions.

Under these circumstances it is clear that driver qualifications must be maintained at the very highest level in order to safeguard the public.

I emphasize that the developments I have just mentioned have not occurred while highway traffic remained static. On the contrary, they have coincided with a tremendous increase in the use of highways by commercial vehicles of all kinds.

In 1952, for example, approximately 917,000 motor vehicles were being operated by private and for-hire carriers subject to the Commission's safety regulations.

By 1961, this figure had mounted to nearly 1.7 million vehicles. In addition, I should mention that total motor vehicle registrations for trucks, buses, and automobiles rose from approximately 52,650,000 in 1952 to almost 75,900,000 in 1961.

This rapid growth in the number of vehicles, both private and commercial, using our highways has naturally increased accident potentialities.

I invite your attention, in this regard, to the Commission's deep concern over the number and severity of accidents caused by commercial drivers losing control of their vehicles on hills and curves. Such accidents have occurred with marked frequency on interstate movements notwithstanding the present physical standards.

I believe it is also worthy of note that the President personally has urged renewed efforts to reduce the appalling highway accident toll. His public statement of April 9, 1963, was prompted by the approximately 41,000 deaths due to highway accidents in 1962.

In prescribing regulations relating to the qualifications of drivers of interstate commercial vehicles, the Commission must give primary and overriding consideration to the safety of the public, including the safety of the drivers themselves.

At the same time, and in order to avoid imposing personal hardship through unnecessary physical disqualifications, we have earnestly endeavored to keep abreast of all medical and technological

developments which would provide a basis for reevaluation of our regulations.

In this connection, the Commission (division 5) had occasion to consider a proposed modification respecting, amputee drivers in 1949. See "Qualifications of Employees and Safety of Operations" (49 M.C.C. 663).

In that proceeding, a number of organizations interested in assisting the physically handicapped urged the Commission to amend the regulations so as to permit an amputee to demonstrate whether he possessed the requisite mental and physical ability to perform the duties of a driver in a safe manner.

Upon careful consideration of the record developed at a public hearing, the Commission concluded that a change in the rule was not then shown to be warranted.

I would like to quote from the closing paragraphs of the division's report since the conclusions there expressed appear to be applicable today:

The lack of competent evidence which would establish that the prosthetic devices now available to amputees are sufficiently durable to withstand the strain of driving motor vehicles, often under unfavorable conditions, or to perform the strenuous duties of drivers as outlined above, or are sufficiently flexible to permit the manipulation of the various buttons, levers, or other controls, leaves us no choice but to find that the proponents of a change have failed to prove that amputees are possessed of the physical ability necessary to drive vehicles in interstate or foreign commerce without being an actual or a potential hazard to themselves or to others.

We have seen that all such devices are subject to certain limitations which, in our opinion, are such as to require a finding that they cannot properly be considered as adequate substitutes for natural limbs for the purpose of driving the various types of motor vehicles operated under our jurisdiction.

Obviously a failure of prosthesis while an amputee was driving might easily lead to an accident resulting in death or injury, not only to the driver, but to anyone else who might be at that particular place at the time of the failure.

I wish to emphasize the meaning of the phrase "strenuous duties of drivers." It means, for example, that a driver must shift gears at least seven times before a speed of 40 miles per hour can be attained with commonly used transmissions—automatic transmissions are almost nonexistent in the larger commercial vehicles.

It means also that at least in an emergency or during adverse weather conditions, a driver must perform certain duties requiring a high degree of physical agility. Some of these duties involve changing tires or installing snow chains, coupling and uncoupling air system hoses and electrical connections, and operating a fire extinguisher at points on the vehicle which are not easily accessible.

The dexterity required to perform these and similar strenuous activities is a matter of extreme importance in our determination of minimum physical standards for commercial drivers.

We are aware, however, of research work in this area being conducted by the Harvard School of Public Health under the sponsorship of the Office of Vocational Rehabilitation of the Department of Health, Education, and Welfare.

When the results of this study are made available to us, be assured that careful and sympathetic examination of the findings will be made. We hope these can afford a sound basis for modifying our regulations.

I should mention here that an important part of this bill is that it takes away the discretion that the Congress has imposed upon the Commission for more than 25 years. It is the intention of the bill, as I understand it, that a certificate from a doctor or an osteopath, would be considered as qualifying a driver as far as the loss of a limb or as far as their hearing is concerned.

Now with respect to the minimum hearing requirements, we are not aware of any information which would warrant a modification of the present standard.

To substitute for such a specific standard a doctor's opinion of the adequacy of a driver's hearing would, in our view, be an unwarranted relaxation of the rules. The average physician could not be expected to be familiar with the physical conditions—and in particular the background noises—attendant upon such commercial vehicle operations. And I might mention here that we have had a lot of crossing accidents with trains.

There are some indications in our investigations of these accidents that the driver just didn't hear the whistle of the train. There are also at times serious accidents where a siren from a firefighting vehicle or ambulance was not heard, and we feel that the ability to distinguish sounds when there are conflicting noises is a very important qualification in such an emergency.

Now let me provide two illustrations of occasions when the need for a specified measure of hearing is crucial. The first involves emergency sirens of police cars, ambulances, or fire engines which I just mentioned, warning all other vehicles on the road to clear the way.

The second relates to rail-highway grade crossings where, as I have also mentioned, many very serious accidents have occurred in the last few years in which the driver of a commercial vehicle that had collided with a train claimed he had not heard the locomotive whistle.

I invite the subcommittee's attention at this time to an often overlooked fact. The Commission's prescription of minimum driver qualifications is not generally applicable to persons employed wholly in local operations—even though interstate in nature—within a municipality or the commercial zone thereof.

This is an area in which commercial firms ordinarily operate small vehicles. As a result, competent persons who do not qualify under present regulations for driving in intercity service could be employed in such local service where the hazards to them and the general public are very much less than in long distance, high speed operations.

In view of the foregoing discussion, we are unable to favor or support H.R. 827. We note, in particular, that under this bill the ultimate decision as to the ability of an amputee or individual with subnormal hearing to safely operate heavy-duty tractor-trailer units over long distances would be made by a doctor of medicine or osteopathy.

We doubt that many of them are qualified by experience or training properly to evaluate (1) the unusual technological and operational complexities involved in driving such vehicles or (2) the effect of their individual and independently arrived at decision in terms of the overall public interest.

Moreover, it appears reasonable to assume that the judgment of individual doctors will differ in varying degrees. Under these circumstances, and in all fairness, we feel that mere approval by a doctor of medicine or osteopathy as proposed by the bill would not adequately protect the public interest in safe operations on highways.

For the record, however, please be assured that we recognize and are in sympathy with the humanitarian purposes which motivated this bill, and regret that we are unable to support it.

I might say here that it is particularly unfortunate in my situation to have to appear before you, Mr. Chairman, because this is your bill. I will tell the rest of you that I entered the Congress at the same time that your chairman did, some 17 years ago and knew him very well at that time.

I know that he is, himself, an amputee and I know the circumstances under which that amputation was suffered. He was in the military service and I hope all of you know the story, but of the five occupants of his military plane he is the only one to escape alive.

It makes it pretty hard for me to come up here and oppose a bill which has been submitted by him.

When we started on this I went into it rather carefully because I thought it was Williams' bill, because of my own admiration and affection for him. If there was any possibility of relaxation and still protecting the interest of the public, I was inclined to be sympathetic to the bill. But, Mr. Chairman, after going into it thoroughly I find that in the absence of better evidence than we now have, I just don't feel that we can safely approve the bill.

Now the other part is that Chairman Walrath—

Mr. WILLIAMS. At that point let me express the appreciation to you for your personal comments. However, I hope you will not consider this is a personal matter. I think probably I would be here regardless of whether I were disabled or not to sponsor some legislation by which a disabled person might be certificated to operate a motor vehicle in interstate commerce.

That does not necessarily follow I endorse all provisions of the bill. Actually, the bill was introduced two or three Congresses ago at the request of General Maas, whom you know very well, of the President's Committee on the Handicapped. This is not a personal matter with me by any means.

Mr. GOFF. I knew it would not be. Yet, I felt some diffidence about it. You mentioned General Maas. He also served in this House. He was a Marine colonel now a retired major general, who saw a lot of combat in World War II. I know his feeling for the handicapped and I know your feeling for them. I am just glad that Maas is not here to hear me because he has been one of the proponents of this relaxation of our regulations.

It is just one of those situations where we have responsibility in regard to safety and I know you don't take any personal feeling in it and yet you do have a deep sympathy, just as Maas does for those who have had some physical handicap.

Mr. WILLIAMS. I believe you wanted to cover one other point when I interrupted you.

Mr. GOFF. Yes. Chairman Walrath regrets he could not come up here. He left this morning on a trip, on official business out West.

I feel I should mention he would have been here had he been in the city.

Mr. WILLIAMS. Are there any questions of Mr. Goff?

Mr. HEMPHILL. Thank you, Mr. Chairman.

I want to congratulate you on your statement, Mr. Goff. In another hearing before this committee on the minimum rate bill, I have questioned continuously witnesses for certain parts of the transportation industry on the practice and problem of excessive speed.

As a prosecuting attorney, I learned that speed is the greatest cause of highway and traffic accidents and deaths. I had thought that drinking was. It has been distressing to me to see so many large vehicles speeding on the highways. I have no antipathy for them. It is just that I go from here to Quantico frequently and I obey the speed law and the passenger buses all pass me.

I wonder in that field what suggestions you may have to strengthen your hand in the matter? I am all for you in trying to promote the safety of these interstate vehicles. I think you are doing a good job.

They say it does not happen, that they have governors and everything else but you ride along in a car and it does happen to me. When one passes me and my car is going 60, whatever the speed limit is, I know they must be exceeding it. Do you have any suggestions? I am very much concerned about it.

I think it is something we all should be concerned about.

Mr. GOFF. Mr. Hemphill, I appreciate that statement. I have with me our real expert on safety. Mr. Ernest G. Cox has been with the Commission for 24 years. He was one of the first inspectors employed by the Commission for safety inspections out in the field. He has been in safety work with motor vehicles for 41 years. He is here and I think that you ought to have the opportunity to have an answer from him on some of these questions.

Mr. HEMPHILL. Thank you.

Mr. Cox. Mr. Chairman, Mr. Hemphill, and members of the committee, my own personal judgment is that a very real question exists with respect to the attainment and maintenance of present-day speeds, especially in view of the very considerable increase in the size and the weight of these vehicles.

Now, this is not a simple matter to demonstrate statistically. In fact, on the major toll roads of the country where an exact record is kept of the miles operated by vehicles of different classes and where, of course, higher speeds are maintained, and properly so, the lowest facility rates have prevailed for quite some time.

Mr. HEMPHILL. May I interrupt you there?

Mr. Cox. Yes, sir.

Mr. HEMPHILL. But you have an advantage there in the fact that the toll roads and the superhighways are constructed to accommodate the faster traffic.

Mr. Cox. You are quite right.

Mr. HEMPHILL. Let me inject something else about buses. I am convinced that the buses have some sort of immunity. They do not run at 70 and 75, they run at 90, it seems.

Mr. Cox. You have voiced precisely the opinion that was stated to me by a member of our own Commission from his return on a trip to the West some months ago.

I come now to a very important point and I think this is extremely important from the standpoint of the Commission and also from the standpoint of the Congress.

In its 69th annual report to Congress, the Commission made this statement:

Our function in the prevention of highway commercial vehicle accidents is a vital one. It is unique.

Then this statement appears:

Our function complements but it does not duplicate the activities of the States in this field.

The report goes on at page 50 to say that: our function has to do with the maintenance of basic accident prevention because factors such as qualifications of drivers, maximum hours of service, design and maintenance standards for vehicles, and we constantly have emphasized, sir, that the Commission is not empowered and it does not have the facilities with which to do the job that is properly that of State authorities.

I think this is most important. We must rely upon the people who are there and charged with the responsibility.

First of all, speed limits vary from State to State and on different roads in the same State. Our regulations constantly have contained the requirement, first, that the laws of the States through which vehicles in interstate commerce operate must be observed and we also have maintained a regulation which requires that runs shall not be scheduled to require operation in excess of State-established limits.

Now this means that from the standpoint of the ICC we do not have the policing facility, personnel, nor do I think we should have.

This is a matter properly in the hands of the local and State authorities. Our function is exercised, however, in a substantial way by our influence with the managements of companies.

We meet constantly with the organized representatives of the American Trucking Associations, the State trucking associations, the National Association of Motor Bus Operators, and we continue constantly to emphasize those areas which, in our judgment, are conducive to a bad accident experience.

Now I must say in fairness to the facts of the situation, speaking now with respect to interstate buses, their accident experience in the last 3 years has been phenomenally good. Last year, bus accidents throughout the entire Nation reported to the Interstate Commerce Commission accounted for 123 fatalities. That means everybody, people who ran into the buses as well as those struck by them or those riding on them.

In 1961, the number was 122 fatalities. If you compare that with the fact that in 1946 this figure was 423 and for the 5 years subsequent to 1946, it always ranged about 300.

Miles have been reduced somewhat but fatalities and other accidental consequences have come down remarkably faster than miles.

This does not imply any complacency on our part. We constantly are looking for the reasons, the explanations for the occurrences that

do take place and we do our level best to hold on the brake when we think that a particular management is permitting too much speed.

Mr. HEMPHILL. Let me say it is not management. Management is not driving those trucks and buses. I know that management does not want speed because one accident, unless covered by a proper insurance, would wipe out a year's profits, especially for a small operator.

I am glad to have the statistics but that does not excuse speed. Maybe it does. I have wondered about this thing because, frankly, it irritates me in trying to train a person, to tell my children to obey the speed laws, or somebody going home with me driving my car, I say, "We will obey the speed law because people see our license and might judge South Carolina by the way I drive on the highways."

But it looks to me as if you people on the Commission with the safety responsibility and experience you have had, could ask us to write into the law, if you presently do not have the authority, the authority for you to take some guy's license if he is driving an interstate vehicle under a public service certificate of convenience and necessity, just as I understand they do in the State of Connecticut.

I went through there some years ago and I found out they took people's license's when you speed and they stopped it. They stopped it and I would be interested in that. I am not trying to be too hard on people. I think if we are going to do something about safety, let us be realists about it. Let us put some teeth in it and see if it works.

I think too many people in Government are so scared of the big trucking lobbyists, bus lobbyists, the power they have and the money they have, that nobody wants to tighten down on them.

I am saying that generally but that has been my feeling and I may be unjustified and wrong in saying that. But I have gotten that feeling because, they pass me going so fast, it just blows dust in your face when you are going 60.

Mr. Cox. Insofar as the matter of the Commission's safety responsibility is concerned, may I offer you our assurance that regardless of how big or small they are, if the matter of safety appears to be not receiving proper attention we do not hesitate once ever to ask the Commission to institute a proceeding looking toward possible suspension or revocation of the certificates.

This matter has had increasing attention in the last several years since we placed a great deal of emphasis upon our stepped-up vehicle inspection program.

Mr. HEMPHILL. Let me assure you my line of questions is not in criticism because I sympathize with the problem of a limited number of people. I just hope that you may have some suggestion where we might help you if we could help you, and help the American people with this problem.

Mr. Cox. One thing further I think ought to be said here as a matter of factual clarification: The Commission's responsibility in the matter of safety extends to about six times the number of firms who do not require certificates as the number who do.

This we feel is a vitally important part of our area of responsibility. But there is nothing we can take away from them.

Mr. HEMPHILL. Thank you, Mr. Chairman. I am sorry to have taken so long.

Mr. WILLIAMS. Are there any further questions?

Mr. Goff, your statement dealt at some length with persons having a loss or impairment of hearing. I must confess that I certainly would have to agree with your suggestion that persons who have suffered a complete loss of hearing should not be licensed to drive vehicles in interstate commerce.

However, impairment of hearing is something else. If that impairment of hearing is corrected by a hearing aid to the point of normality, does the Commission consider, under any circumstances, the granting of permission to a person to operate a motor vehicle in interstate commerce?

Mr. GOFF. I am familiar with our regulation, Mr. Chairman, but I believe I will let Mr. Cox answer that one, too.

Mr. COX. The response to that, Mr. Chairman, deals with these two factors: First, the regulation is extremely lenient. It calls for hearing in conversational tones at 10 feet where 20 is normal, in the better ear. In other words, there can be total loss in one ear and if the man can hear at half the normal distance in conversational tones—

Mr. WILLIAMS. Here is the point of my question, and I think a short answer will do the job. Do the Commission's regulations prohibit absolutely the granting of a certificate or permission to operate or what have you, whatever license is required, to persons who require the use of prosthetic devices of any kind?

Mr. COX. Yes, sir; we require this standard without dependence upon a hearing aid.

Mr. WILLIAMS. Do you consider eyeglasses as a prosthetic device?

Mr. COX. I think they are; yes, sir.

Mr. WILLIAMS. Therefore, you deny a license to operate to any person who requires eyeglasses in order to correct his vision to a certain point?

Mr. COX. No; we permit the use of eyeglasses when it reaches prescribed visual standards.

Mr. WILLIAMS. My point is this: If a person has 20/50 vision, which is correctable to 20/20 vision with eyeglasses, I would presume he would qualify to operate by the use of eyeglasses?

Mr. COX. That is right.

Mr. WILLIAMS. If a person has a low level of hearing but that is correctable by a hearing device to normal hearing he is denied the right to operate?

Mr. COX. That is right.

Mr. WILLIAMS. What is the reason for that?

Mr. COX. Fundamentally the reason is the fact that the background noises which are constantly present in a commercial motor vehicle are such that he cannot keep the thing turned on without tremendous annoyance to himself.

Mr. WILLIAMS. It is the nature of the prosthesis, itself?

Mr. COX. That is right. And the fact that it is dependent upon a source of power which must be kept constantly supplied, it has a great many delicate parts, any one of which could make it inoperative.

Mr. WILLIAMS. I think it might be well for the committee to understand just what the requirements are for a person to drive a motor vehicle in interstate commerce, the physical requirements at the present time.

What procedures does he have to go through? What physical examinations must he undergo and what kind of certificate must he obtain?

Mr. COX. He must possess certain specified minimum physical and competence standards.

Mr. WILLIAMS. How is that determined?

Mr. COX. These are matters of fact. He can either have 20/20 vision or not.

Mr. WILLIAMS. What about a fellow with a history of heart trouble?

Mr. COX. This is left to the judgment of the medical examiner.

Mr. WILLIAMS. Do you have designated medical examiners?

Mr. COX. No, sir. Any physician or osteopath, duly licensed, may examine this man and if they find him to be free of mental, nervous, functional or organic disease, he may be permitted to drive. He must be examined every 3 years.

Mr. WILLIAMS. Is he issued a certificate?

Mr. COX. He must obtain a certificate signed by the examining physician and it carries with it—

Mr. WILLIAMS. Is that the only requirement? Does he have to pass any kind of road test?

Mr. COX. This is left to the judgment of management who employs him. Our basic requirement is that he must be competent by experience or training to drive the type of vehicle which he operates. This is a determination made by the employer.

Mr. WILLIAMS. That I understand, and I think it makes good sense. But I go back to your general, your initial regulation which Mr. Goff says on page 5 of his statement:

disqualified individuals who failed to possess "adequate hearing" or who had incurred a "physical deformity or loss of limb likely to interfere with safe driving."

What does the term "likely" mean in that regulation and how has that been interpreted?

Mr. COX. That language you have just read was language in use for 3 years, 2½ years prior to 1940 as to amputations. After that we went to the specific no loss of hand, foot, leg, or arm. But we have relied upon that language with respect to organic and functional diseases. This, sir, frankly, has been something of a problem. There are tremendous variations among medical examiners as to what is likely to constitute interference.

For this reason I believe that our next major purpose will be to try to better clarify that portion of our rules dealing with these matters.

Mr. WILLIAMS. It does seem to me that there is a tremendous reservoir of talent which is arbitrarily prohibited from participating in interstate commerce by this rigid regulation of the Interstate Commerce Commission.

There are so many exceptions to the general rule that it appears to me that the Commission is being just a bit too arbitrary in its regulations.

I recall back during World War II one of the leading fighter pilots in Great Britain was a man who had lost both legs, Major Powell. Nobody questioned his ability to fly an aircraft. Nobody questioned

the fact that he was equally competent to those who were in good physical shape. Of course, the same yardstick would not necessarily apply to another man who had lost both legs.

Therefore, I feel that attention should be given to the individual and that certainly an individual should not be prohibited from doing that which he is fully capable of doing simply because he may have what appears to other people to be a disability.

I do not like to bring personal references into this but I have no difficulty whatsoever in flying an aircraft, although I have been subject to the loss of an arm and the loss of the use of a leg. I find that no handicap. Yet, I am selective in the type of aircraft I will fly. I know the ones that I can fly and there are some that I can't fly.

The Federal Aviation Agency has set certain standards by which amputees can obtain commercial licenses and fly. There is a one-armed commercial pilot out in California who is a crop duster and takes people on charter rides. It is rather difficult for me to understand why the Interstate Commerce Commission has not given more attention to opening the door to this type of person in order to let him take advantage of these opportunities.

In other words, it just seems to me that surely some regulations could be written which would permit the use of these people if they are fully competent.

Let us take a truck, for instance; a truck which may operate in interstate commerce which uses instead of the conventional type gear, it uses an automatic gear, hydromatic or what have you.

There is no reason why a one-legged person could not operate that type of vehicle as easily as a person with both legs. What is the reasoning of the Commission with respect to a situation like that?

Mr. Cox. The reason, sir, is this: First of all, these automatic transmissions are not used in the over-the-road type of equipment.

Mr. WILLIAMS. They are used in interstate commerce in certain types of equipment?

Mr. Cox. They are available in equipment up to 1 ton in capacity. Another part of our answer is that we have never prevented the use of certain persons in these locally commercial zone operations where that type of equipment is very commonly used.

So, our answer is that we have done, and always have done, precisely what you have suggested.

Mr. Goff. If I may add something there, Mr. Chairman. Remember that the vehicle that is used in this long distance interstate transportation of persons or property is a large vehicle. It is a large bus. It is a very large truck. It is a truck that on the freeways can go up to 98 feet by special permission. The difficulty is that it is an entirely different type of vehicle which is used for this long-distance hauling.

The tendency of all this interstate hauling is to go to bigger and bigger vehicles with heavier and heavier loads. Now we have here some pictures that I think might be of interest to the committee to demonstrate how big these vehicles are getting to be.

Mr. WILLIAMS. I think we are familiar with that. We have seen those on the highways.

Mr. Goff. There is the number of buttons and levers they have to push. That means that a man has to have a firm grip on the wheel with one hand and be manipulating all these gadgets with the other.

The tendency with the big vehicles is to increase the number of gearshifts which are necessary to bring it into high speed.

Mr. WILLIAMS. While all of that is quite obvious, there is no intention on the part of the sponsors of this legislation, including myself, to give a person *catre blanche* authority to operate any equipment that might be on the highways if he has a disability.

The purpose of this legislation, whether the legislation is correctly drafted or not, and we certainly welcome suggestions to make it conform to this purpose, is to permit under limited circumstances and under favorable conditions, persons who have certain disabilities which now prohibit them to operate motor vehicles in interstate commerce, to have the opportunity to operate certain vehicles in interstate commerce.

As I mentioned a moment ago, I have no difficulty in flying certain types of aircraft. Other types of aircraft I would not dare touch because I know that I can't operate them. For instance, the airplane that I own is a little plane which has all of the controls on the right-hand side. The only thing I manipulate with my left arm is the wheel. I have no difficulty there. If I get in an AT-6 which has its controls on the left-hand side, I could not get the plane off the ground.

Now there is no reason why certain standards relating to the individual himself and the type of equipment that he can operate could not be promulgated by the ICC. It just does not make sense to me.

I do not see why a certain category of otherwise competent people should be arbitrarily prohibited from getting this particular type of job. They may be as competent as a person who is permitted to have that type of job.

Now, does it not stand to reason that the ICC could promulgate regulations that would eliminate this absolute prohibition and permit certain people under certain circumstances who may have certain disabilities to drive certain types of motor vehicles in interstate commerce?

Mr. Cox. We understand your question contemplates that this would be subject to limitations as to the type of vehicles.

Mr. WILLIAMS. Absolutely.

Mr. Cox. The size of vehicles and the range of operation.

Mr. WILLIAMS. Yes.

Mr. Cox. Is that implicit in your question, sir?

Mr. WILLIAMS. Yes.

Mr. Cox. I think it is not an unfair question. We have, frankly, been aware, as Vice Chairman Goff testified, of an extensive program of study of this whole program of the orthopedically handicapped which is going on under contract with the Office of Vocational Rehabilitation.

This is being paid for by Government funds. Very frankly, sir, we felt it would not be consistent or logical for us to attempt to prejudge the result until the study is completed.

Mr. WILLIAMS. How long has that study been going on? It was going on 4 or 5 years ago when we were holding hearings on this same legislation, as I recall.

Mr. Cox. I understand it has been underway for some time.

Mr. WILLIAMS. Do you think it will ever reach a head?

Mr. Cox. Yes, frankly, I do think so, sir. I believe that as the Vice Chairman has definitely assured the committee, when the results of that study are made available, we will give it the most careful consideration.

Mr. WILLIAMS. That sounds like some of my letter answering.

Mr. Cox. I want you to have a better opinion of us than this.

I think your question is not an unfair one. I hope you will have confidence in our willingness to be fair and to try to reach a judgment consistent with our obligation.

Mr. HEMPHILL. If the chairman will yield to me a minute, I think that you have a lot of discretion. It occurs to me in the exercise of that discretion you have the regulatory power now to do something about it; do you not?

Mr. Cox. Yes, sir.

Mr. HEMPHILL. Why have you not done something about it? If some of these people can qualify and nothing has been done about it, I am just curious?

Mr. Cox. Our answer is this: We have done that which we think the facts warrant and consistently our rules have permitted the use of these persons and drivers in what we call commercial zone operations.

Now this permits extensive use of people under circumstances where they are not exposed to great hazard to themselves or become a hazard to others.

The answer to your question, Mr. Hemphill, is the fact that we have done what we think is the right thing to do on the basis of present knowledge and particularly because with respect to the long-distance operations, as the Vice Chairman testified, the complexity of the situation becomes more and more obvious, it is our considered judgment that we have done what is the right thing to do within the framework of presently available knowledge.

Mr. HEMPHILL. Thank you.

Mr. WILLIAMS. Let me say this: I think the bill as it has been presented is entirely too broad. I would certainly agree with you on that. I do not feel that any doctor or osteopath is necessarily qualified to pass judgment on the ability of a handicapped person to operate any type of motor vehicle.

But I can conceive of situations where a trucking firm might have a person who is an amputee in its employ who would make an excellent driver. They would desire to hire him as a driver, he would want the job, he would make as good a driver as any driver they might have on any of their runs in spite of his handicap.

This word "handicapped" is overworked, incidentally, but in spite of his physical shortcomings. Yet, they are arbitrarily prohibited from hiring this man. I do not want and I am sure the members of the committee do not want to force this type of legislation on the Interstate Commerce Commission but there are times when things have to be done in order to protect the rights of our people and to give them equal opportunities under certain circumstances.

It just seems to me that this situation has gone long enough without action by the authorities who are in charge.

Now I would certainly hope that the Commission would come up with some kind of plan in the very near future which will obviate the necessity of this kind of legislation to force them to do something about it.

Now you have experts over there in the field of safety, you have your lawyers, you have your medical advisers, you have your standard sections, you have any number of good brains, and I am certain that they can come up with something.

I think if the committee could receive the assurance of the Commission that they will come up with something in the reasonably near future the committee thinks perhaps would give some thought to relaxing the drive on enactment of this legislation because we do not want to do the wrong thing.

We realize the situation you are up against. But at the same time it requires some kind of legislation to be passed if the Commission does not act.

Mr. GOFF. Mr. Chairman, I have great sympathy for your views. In the main I share them. But there are certain very practical difficulties that are ensued in taking care of these individual indications you talk about.

This unusual fellow who could qualify and they want him to qualify. I wonder if you realize the practical difficulties of arranging for a staff, for regulations that would have to be made.

Mr. WILLIAMS. Has the Commission taken a look at the law and regulations for licensing of aircraft pilots?

Mr. GOFF. I asked about that 2 or 3 days ago when I was going over this matter thoroughly before coming up here. They have a very complicated arrangement over there. Mr. Cox can tell you about it and I will have him tell you about it but before I finish, I want to state that it is a very expensive matter for the few people who would seek qualification or that trucking concerns would want to employ. You see, you have the trucker who is concerned about this, the insurance company, and the buslines.

The bus company management might feel that the people might not want to ride on their vehicle who did not understand.

Mr. WILLIAMS. This does not force this man on the bus company.

Mr. GOFF. Not at all, but there are a number of very practical considerations that have to be taken care of. I can assure you that—maybe there are but two people a year who apply for authority to drive who are handicapped this way. You would have to put up a tremendous organization to take care of those two people.

Mr. Cox can tell you about what they do over at FAA.

Mr. Cox. Yes, Mr. Chairman, we have been very closely in contact with the medical officials in the Federal Aviation Agency. They make this point. It is true they grant waivers.

Mr. WILLIAMS. They do not grant waivers any more. They impose limitations.

Mr. Cox. They impose limitations. But first of all, they are concerned with a very much smaller pool of people than are involved in the operation of the 2 million trucks operated throughout the country in interstate service. Furthermore, the point they make is that the man who makes the initial medical examination is designated by them.

The procedures that he follows they lay down. They bring these people to Washington periodically for seminars and other training procedures to emphasize the significance of the medical examinations that they lay out.

Then after this initial examination is made, sir, report and recommendations of the medical examiner are forwarded to headquarters office where they are reviewed by the medical staff of the FAA.

The safety supervisor of the FAA is instructed to ride with this applicant for an airman's license, to give specific attention to his ability to perform under operating circumstances.

First of all, the Commission does not have a medical staff. We think, as the Vice Chairman has said, the cost to the Government would be tremendously disproportionate to the few cases that might be made available to seek such justification.

Mr. WILLIAMS. Let me interrupt you at this point. It appears to me the medical staff would not be necessary because this deals with physical impairment. It does not deal with the general health of the individual. It deals with physical impairments.

When a person who has a disability of the amputation type applies for a pilot's license, he is given two checkups. He is given first a check ride which will determine his ability to fly the aircraft within the requirements that are needed for the granting of that particular type of license.

He is also given what is called a medical check ride in which the inspector pays more attention to how he makes up for his deformities than he does to how he flies an aircraft.

I recall in my medical check ride the inspector would drop papers on the floor, he would put the airplane in an unusual altitude and see how quickly I reacted and how quickly I made my corrections.

Is there any reason why the inspectors could not give individuals medical check rides on the type of equipment that they are seeking to drive?

Mr. Cox. I don't concede that it can't be done but it would be a highly dangerous business.

Mr. WILLIAMS. You do have a Bureau of Standards, a section of standards, drivers standards?

Mr. Cox. We call it the Section of Motor Carrier Safety. This is the part of the Commission's staff that recommends to the Commission what its minimum qualifications and requirements are.

Mr. WILLIAMS. The doctor examining an amputee who finds him otherwise in good condition would send a report to the Bureau of Safety stating that this man is in good health but that he has certain physical limitations, an amputation of the left leg 4 inches below the knee with a satisfactory working prosthesis.

The Division of Safety in Washington would check that and authorize a medical check ride for him in the type of equipment that he is seeking to operate. Assuming that his performance is satisfactory on that equipment, is there any reason why he should not be given an opportunity to operate a motor vehicle?

Mr. Cox. My answer is that I think it would be a highly complex and somewhat dangerous matter to test this man on a surface vehicle of this type and to anticipate the jackknifing, the types of emergency situations in which he would find himself under certain weather and highway conditions.

Mr. WILLIAMS. Is it less dangerous to test a person who has full use of all his facilities?

Mr. COX. We have the question of who would judge the fitting of the prosthetic device, the psychological adjustment of the person to it.

Mr. WILLIAMS. It is not a matter of fitting. It is a matter of how he uses them. You see, I am talking from experience.

Mr. COX. I am aware of this; yes. I do think you are proposing a dangerous, certainly a costly type of determination for which, if we are going to make a significant type of inspection, you would have to put this vehicle into the kind of—well, in terms of your experience, I will use the word "tailspin"—a jackknife operation, which I think would be very dangerous and certainly would be costly. We would have to find the personnel competent to administer it.

Mr. WILLIAMS. Is that not equally dangerous with any other person? In other words, you are just arbitrarily saying that a person with a disability is less competent in all circumstances than any other person who has his full facilities?

Mr. COX. No, I am trying to say, sir, in answer to your question, that to make the determination as to whether he was competent or not would be a costly and complex matter.

Mr. WILLIAMS. I do not believe I have any further questions at this point.

Does that conclude your testimony?

Mr. GOFF. It does conclude our testimony, Mr. Chairman. We appreciate your courtesy to us here. It is always a pleasure to appear before this subcommittee. I am happy that you and Mr. Hemphill stayed right to the end. We appreciate it.

Mr. COX suggests, Mr. Chairman, that if you would be interested at all in seeing one of these great big trucks that are used in long-distance hauling brought up just to examine it to see the size and complexity of it, that we can arrange to have it brought up here.

Mr. WILLIAMS. I do not think that is the issue here. We are not attempting to force disabled drivers on these tremendous vehicles that they can't operate. We are not suggesting that these people be forced. Understand, once they get their license they still have to get hired. The people who own the trucklines are the ones who are taking the chance on the liability in case of accident.

There is no requirement that anybody hire these people to drive these trucks. The only thing we are asking is that they be given an opportunity to compete.

Mr. GOFF. Mr. Chairman, we believe as a practical matter if there is a man in the situation you refer to that he can get a job. As has been pointed out in my original testimony, most cities have an area of commercial zone that covers more than the actual city limits.

The one around Chicago is a tremendous area. Now we exempt the drivers in these commercial zones from these safety regulations, that is as to their qualifications. If a man who is qualified—as you say, he can go to a fellow who does intracity trucking where they have smaller vehicles, he can get a job.

I think there are a number of them actually so employed right now. We don't interfere with that. They are much smaller vehicles, they go at much less speeds. As I say, their loads are much lighter

when they are just transporting them ordinarily inside a commercial zone and there is an opportunity for men in that situation to secure employment as drivers.

Mr. WILLIAMS. I understand that. But I feel that you are arbitrarily denying an opportunity to this man to make full use of all of his faculties, his facilities, and his abilities when his abilities may be equal to those who already operate.

What I am suggesting is that the individual himself, this be put on an individual basis, and the individual who does prove himself to be equally competent to the other individual shall not suffer arbitrarily, and I use this word reluctantly, "discrimination."

It does not seem likely. I am sure you will have to agree with me in private that it is not right. Your objection to this thing is in the mechanics of doing it. Is that not right, basically?

Mr. GOFF. Well, I would not quite say that. I think I ought to invite your attention to the fact that the statutes say that we are responsible for safety. Now, however, I might have a human impulse, a humanitarian desire to individually approve qualification by one of these men, and heavens knows, I know plenty of them who I admire very much.

Mr. WILLIAMS. How about a fellow with the loss of a couple of fingers on his hand? Is he barred?

Mr. GOFF. No; he would not be.

Mr. WILLIAMS. Yet, with his three fingers he might not be as strong as a man with good working prosthesis.

Mr. GOFF. That may be true but our responsibility is to maintain as far as we can safety on the highways. We have no responsibility such as the Department of Health, Education, and Welfare, to take care of these other people, however, we might individually desire to do it.

Our responsibility on the Commission is to do what we think is going to assure safety on the highways. I can only point out that if we did have a man who is so handicapped with great big trucks, we could only have to have one bad accident and you know who would be blamed for it.

The answer would be, "What was wrong with those fellows, letting a man drive in that condition?"—they would not know all the answers, we are not dodging criticisms, we get it both ways, but it is simply that we know there is one way highways are going to be safe and that is that at least the fellow who has a terrific physical handicap won't be driving one of these vehicles. It is too dangerous.

It is the same proposition as I see it as putting a man with a prosthetic device in one of these big transport planes. I just don't think there is enough demand for it that anybody would do it.

Mr. WILLIAMS. Well, I quite agree with you except I do not think he should be barred from operating one of these big transport planes if he proves himself physically capable of doing so.

Perhaps you agree with me in principle on that?

Mr. GOFF. Mr. Chairman, I certainly agree with you on principle. I do.

Mr. WILLIAMS. As a matter of fact, we have handicapped people operating big transport planes, perhaps not for the airlines but they are operating.

Mr. HEMPHILL. Do you have any provision for a fellow who has awful big feet? I wonder if some of this trouble is caused by big feet, a heavy foot? I am not being facetious.

Mr. GOFF. No, you are not, because I know what you mean, it is heavy on the foot throttle.

Mr. HEMPHILL. A man with big feet would naturally have more pressure.

Mr. GOFF. Mr. Cox has one more statement. We don't want to take too much of your time.

Mr. Cox. It might be of interest to you, sir, to know that of those accidents that now occur under presently existing regulations, 56 percent of the truckdrivers who are killed are killed in accidents involving loss of control, jackknifing, overturning, vehicle leaving the road. Forty-four percent of those who are injured are drivers of commercial vehicles of the carriers reporting to us. Twenty-two percent of all the people injured in accidents reporting to us by common and contract carriers are drivers of the carrier-owned trucks.

For this reason we have felt that we are serving the interest of the handicapped person, himself as well as that of the public in general.

Mr. WILLIAMS. These statistics are very interesting but I fail to see relevance. When you have two individuals equally competent, one who may have suffered some type of physical impairment and the other who has not, why one should be arbitrarily ruled against and the other for it is hard for me to understand. As I say, we have pretty well covered the subject in this testimony. Let me ask you one more question.

Mr. Goff, this committee would like very much to have the agency or the Commission come up with some constructive suggestions for handling this situation. I think all of us realize that a central examination by a doctor of medicine or osteopathy probably does not meet the safety standards.

I certainly would welcome the cooperation of the Commission in assisting in the drafting of legislation should it become necessary or should the committee decide to approve such legislation to assist us in putting it into proper shape.

Mr. GOFF. Mr. Chairman, I am sure I speak for the Commission in saying that if it is the desire of this committee and you, Mr. Chairman, we will try to work some kind of proposal.

Mr. WILLIAMS. I do not think there is anyone on the committee and I doubt if there is anyone in Congress who would not be sympathetic to the purposes of this legislation. Of course, I am not authorized to speak for the Congress but I certainly have not spoken to an individual in Congress who has not expressed sympathy with this situation, and who has not said that something should be done to remove this absolute prohibition against these people if they prove themselves to be equally competent.

Thus far all we have from the Commission is just arbitrary opposition to any move that would be in the direction of licensing persons who may have suffered certain types of disability.

I would certainly hope that the Commission would cooperate with us, particularly in trying to set up certain criteria which should be followed in the licensing of these people should the Congress decide to take such action.

I would like to have some recommendations or suggestions from the Commission to this effect.

Although we oppose doing anything about it, nevertheless if the Congress insists upon it we would suggest so and so.

Do you follow what I mean?

Mr. GOFF. I do. If Congress directed or authorized us to certify drivers, that is permit drivers, to operate these long-distance vehicles in interstate commerce, what is our recommendation as to means to facilitate the desire of Congress if that desire is manifested by the Congress.

Mr. WILLIAMS. That is right.

Mr. GOFF. That is what you want?

Mr. WILLIAMS. That is right.

Mr. GOFF. We will go ahead on that basis. I think that Mr. Cox and his staff will prepare some recommendations for that purpose. Now I do think you should realize that this study which has been referred to at Harvard has taken a long while, and it is going on at a lot of Government expense. Just as Mr. Cox has stated, we feel that that is going on, they are going to make findings on this and we hesitated because why should we be spending money for the same purpose on which it is being spent at Harvard?

Mr. WILLIAMS. If they want to subsidize that study, let us move it on down to the University of Mississippi. We need the money.

Mr. GOFF. We will make some recommendations and get them up in a reasonable time.

Mr. WILLIAMS. Thank you very much, Mr. Goff. The committee, of course, will give you a reasonable length of time to submit suggested recommendations. We are not in a position to want to force a thing on the ICC which it cannot handle. I do feel and I am sure other members of the committee will agree, that this is not an impossible situation, it can be handled and it can be handled fairly. We would like to have the suggestions of the Commission in that respect. Thank both of you gentlemen very much.

Mr. GOFF. Thank you.

Mr. WILLIAMS. We have two other witnesses listed on this legislation appearing together, I believe. Mr. Neely and Mr. Rennolds. Mr. Neely, how long is your statement?

STATEMENT OF J. R. NEELY, VICE PRESIDENT, EASTERN GREYHOUND LINES, ON BEHALF OF THE NATIONAL ASSOCIATION OF MOTOR BUS OWNERS

Mr. NEELY. The two statements should not take more than 10 or 15 minutes, sir.

Mr. WILLIAMS. Fine. We will do our best. The House is in session right now. We will continue until we have to leave.

Mr. NEELY. Mr. Chairman and members of the subcommittee—

Mr. WILLIAMS. Mr. Neely, are you testifying on behalf of yourself and Mr. Rennolds?

Mr. NEELY. No; we have two statements to present.

Mr. WILLIAMS. I see.

Mr. NEELY. My name is J. R. Neely and I am vice president for safety and personnel training for Eastern Greyhound Lines with

headquarters in Cleveland, Ohio. I have been employed in the bus industry for more than 34 years. Presently, my duties are primarily concerned with safety of operations and personnel selection and training.

I appear today on behalf of the National Association of Motor Bus Owners, a national trade association which serves as spokesman for approximately 1,000 intercity motor common carriers of passengers who provide somewhat more than three-fourths of the Nation's total intercity passenger travel by motorbus.

I am also authorized to present the views of the Greyhound Corp. of which my employer, Eastern Greyhound Lines, is one of the four operating bus divisions. As a whole, Greyhound operates a fleet of 5,000 buses approximately half a billion vehicle-miles annually and, during 1962, supplied more than 10 billion passenger-miles of travel. To do this we employ approximately 10,000 drivers.

Our records show that our passengers are 17 times safer than those who travel by private automobile, 4 times safer than those who fly and equally as safe as those who travel by train.

This outstanding safety record is primarily the result of continuing emphasis on our safety programs involving maintenance of vehicles, constant attention to driver training and retraining and, of paramount importance, extremely rigorous standards in the selection of driver personnel; well under 10 percent of our applicants meet our standards and still fewer survive the training program and subsequent qualifying tests.

Specifically, applicants to qualify as Greyhound drivers must be between 25 and 35 years of age, 5 feet 8 inches to 6 feet 2 inches in height, 155 to 210 pounds in weight and proper proportioned; be in top physical condition and possess the appropriate psychological, emotional, and aptitude characteristics.

These requirements are substantially more stringent than those prescribed by the Interstate Commerce Commission in recognition of the fact that each one of our drivers, while on the road, has the sole responsibility for the safety and welfare of up to 50 passengers and must, therefore, be in top condition at all times.

During the course of a year the intercity bus industry bears the responsibility for the safety of more than 460 million passengers.

Mr. B. A. Rennolds, who will present a statement following my testimony, will provide more specific detail on the requirements of the busdriver's job, and I shall not repeat this material since our two statements have been coordinated as a package.

I wish, however, to comment briefly on three points. May I preface those comments, however, by emphasizing that we earnestly support the objectives of the various organizations which are encouraging the employment of handicapped persons.

We can and do employ such personnel in terminals, offices, stock-rooms, and in other capacities where such practice is consistent with safety. But we do not include driving an intercity bus in this category for reasons which Mr. Rennolds will detail.

Attached to my statement is a copy of an official policy statement on this issue as adopted by the National Association of Motor Bus Owners. Unless the subcommittee wishes me to do so, I shall not read this statement, but I respectfully request that it be included in the record.

Under H.R. 827, the Commission could not prohibit the operation of any motor vehicle in interstate commerce by an individual who has suffered the loss of a foot, leg, hand, or arm, or impairment or loss of hearing if the individual has been examined by a licensed physician who determines that the individual is capable of operating such a vehicle safely.

As Mr. Rennold's testimony will indicate, the safe operation of intercity motorbuses and all of the techniques involved therein constitute a highly complex and specialized field with which physicians in general could not be expected to be familiar.

By this same token, we, as safety specialists, do not presume to conduct physical and other examinations of drivers, delegating these functions to physicians and psychologists.

I recall a case in which we discharged a driver who had been diagnosed as a paranoid schizophrenic. The driver's own physician held that he was qualified to drive under certain specified conditions and the case went to medical arbitration under our labor contract.

Two of the three physicians held for the driver, and it was necessary for us to enlist the assistance of the Interstate Commerce Commission and the Public Health Service to get a final ruling that this man was not qualified to drive. I mention this to emphasize that we require the present regulation prohibiting the use of amputee drivers in view of the difficulties of enforcing our own company standards which our many years of experience have proved essential.

It should also be noted that we could not, in any event, employ handicapped drivers since to do so would put us in violation of regulations in a majority of the States which have adopted rules identical or similar to those of the ICC. This is so because, on virtually all of our operations, we carry intrastate as well as interstate passengers and are thus subject to regulation at both the State and local levels.

Finally, it should be pointed out that common carriers of passengers are required by law in most States to exercise the highest degree of care of their passengers consistent with the operation of their business. "Highest degree of care" means more than "ordinary care" as would be involved with other vehicular traffic and places a burden on the carrier to foresee any reasonable possibility that might result in an accident.

A determination by a jury of failure on the part of the carrier to exercise the highest degree of care in any accident or property damage litigation could result in a holding of negligence under the law. An accident involvement when the busdriver is handicapped might constitute prima facie evidence of failure to exercise the highest degree of care on the part of the carrier.

Further, we are required by the ICC and the several State regulatory agencies to be adequately insured against public liability. Uncontroverted testimony in the proceeding before the Interstate Commerce Commission in *Ex Parte MC-40-Sub 1 (In the Matter of Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operations and Equipment*, decided September 16, 1949, 49 M.C.C. 669), in which consideration was given to possible modification of the present rule proscribing the employment of amputee drivers, showed that the largest inclusive insurer of motor carrier operations in the country would refuse to cover

any vehicle driven by an amputee. If coverage were obtainable at all in the case of bus operations, it would be at utterly prohibitive cost.

As I have indicated, Mr. Rennolds has a statement containing more specific operating data pertinent to this proposal. I believe it will be helpful if he may be permitted to present his testimony at this point, so that the subcommittee will have the full picture before it as a basis for any questions, which we shall be glad to answer.

(The document referred to follows:)

STATEMENT ON HANDICAPPED DRIVERS BY NATIONAL ASSOCIATION OF MOTOR BUS OWNERS

The National Association of Motor Bus Owners reiterates its vigorous opposition to any relaxation of section 191.2 of the Motor Carrier Safety Regulations promulgated by the Interstate Commerce Commission with respect to its application to intercity bus operations. This regulation prohibits the employment of drivers in interstate commerce who have lost a foot, leg, hand, or arm. In addition to approving in full the rationale of division 5 of the Commission in its decision of September 16, 1949, in *Ex Parte MC-40*, in which proceeding NAMBO participated, the following considerations are essential:

1. The driver of an intercity bus has sole responsibility for the welfare and safety of 40 or more passengers, often hundreds of miles from a terminal and with no supervision or assistance available. He must deal with passengers who may become ill or disorderly. He must be able to handle heavy baggage and express, often unassisted. On occasions he must make repairs to the vehicle, change tires weighing 200 pounds or more, install chains on icy highways, handle heavy fire extinguishers, and physically assist passengers in the event of an emergency.

2. The modern intercity bus is a powerful vehicle, capable of sustained high speeds and equipped with a wide variety of complex controls governing propulsion, air conditioning, warning devices, and two-way radio.

3. It is the considered opinion of the intercity bus industry that these as well as numerous other driver functions can be adequately and safely performed only by men in top physical and mental condition and with all their extremities intact.

Mr. NEELY. However, before turning this over to Mr. Rennolds, I would like to say, Mr. Chairman, that from an industry point of view it is true that we can control the people whom we initially hire but we do have a problem, which is a very serious one in my particular position, of drivers who have been employed and who become physically disqualified.

Under our labor agreement these matters, if they become disputed matters, are submitted to a medical board of arbitration.

Fortunately, our doctor who is our representative, of course has the obligation and the understanding of the medical-legal aspects facing our industry but that responsibility does not lie with the neutral doctor or the individual's personal physician.

Therefore, we have situations in a medical arbitration wherein the neutral doctor will rule the man capable of returning to driving duty and in those cases we really have only the court of last resort in the ICC regulations.

This case that I cited in my direct testimony is a case in point. This man had had several commitments, voluntary commitments, for his trouble. We pulled him out of service and the case went to medical arbitration; the third doctor ruled that he could return to work provided he did not use alcohol, that he receive 9 hours sleep at night, and that he have his wife attend with him for a periodic examination.

I felt so strongly that this man was not a man who should be driving a bus I took the position that this did not qualify the man within the limitations of ICC regulations. As such and without a contract violation perhaps as far as the union was concerned, I did submit it to the ICC who in turn, submitted it to the Department of Public Health and they supported our viewpoint.

I cite this to indicate that we do need in industry what support we can gain from the ICC regulations, not so much in the initial employment as in the type of situation that may arise after a man has been employed for some years.

In our particular company, actually the benefits a man who is employed receives under the disability part of our pension plans are very material. If a man, conceivably at a young age is incapacitated, the total moneys that he will receive over his lifetime are very, very substantial.

So this is not necessarily an economic matter because we do pay a considerable sum of money for disability cases that occur while on the job, but it is a question of the public responsibility and the problem we have as far as the public is concerned. We particularly, and all of the class I intercity carriers, feel deeply on this matter because of the fact that our cargo consists of human beings, and they are solely entrusted to our care.

The other side I would like to cover very briefly is Mr. Hemphill's inquiry about speed of buses. I would say as a safety man for Greyhound, and long associated with the bus business, management is very critical of drivers' speeds.

In our case, we have approximately 10,000 busdrivers, that is 10,000 individuals. Unfortunately, we cannot be with them every minute on the road but I might outline very briefly what we do on our division.

A man is requested and required to report any citation he gets. We follow up and render discipline on that citation regardless of the disposition made by the police authority.

We also have arrangements with most of the police authorities to notify us of any citations that are issued to our men because we want to be sure that they do report it to us. If they fail to report it we take even stronger disciplinary action.

In the case of Greyhound, we operate our buses with a governor which is a mechanical device, of course, and primarily controls the revolutions per minute of the motor and in turn, controls the speed. Like any mechanical device, it is not infallible and if one of our men is given a ticket or we pick them up in our road patrol for speeding, the standard instructions are that the governor is to be immediately checked out. If the governor is not properly set or there is a failure on the part of the maintenance man to set it properly, appropriate disciplinary action is taken in the maintenance department.

On Eastern Greyhound I have eight field safety men who spend about 75 percent of their time on the road observing what our drivers are doing. In safety we can lecture our drivers and discipline them, but the actual performance, and I think that is what Mr. Hemphill is referring to, the performance of the drivers, we feel we

have to know to the best of our ability what these men are doing out on the road.

If our safety supervisors pick up speed violations, in turn that results in disciplinary action. We do on occasion, of course, have complaints from the public about buses speeding.

If we know the time, place, and bus number, our usual procedure is to put a safety man out following that particular driver because we can't very well discipline on third-party evidence. So we actually go out and check that driver very thoroughly, possibly three or four times, to pick up violations, speed violations, violations in passing, or following too closely.

Again, operating half a billion miles we cannot follow every driver every minute. Unquestionably with that many individuals, we have some violating the law. We try to catch up with them as fast as we can and take strong action. I hope that explains a bit what industry does in this speed connection.

Mr. HEMPHILL. I thank you for that statement. What are your governors set at?

Mr. NEELY. Sixty-five.

Mr. HEMPHILL. I tell you now, most of them do not work. I tell you from firsthand information. If you want to ride with me sometime—I was asking some trucking people, for instance, in here the other day about this problem. I went to Quantico the next morning and I told my secretary to take me down there.

I said, "Let us see if we pass any trucks or buses." We did and were passed by every truck and every bus that came along. We were running exactly what the very law said the speed limit was.

Mr. NEELY. May I ask, is your speedometer calibrated?

Mr. HEMPHILL. Yes, sir; because in North Carolina they have a measured mile which I use and I am very careful about it because I have a license on the back of my car that tells you who I am. I do not want people to think wrong of my State because I take advantage of my immunity to disobey the law. I do not do it.

I am not beefing at management about this thing. I think if somebody raised their voice, maybe somebody would have real concern about it. If we are going to have speed laws, they should be obeyed or else we should not have the law. If the laws are not to be obeyed, or schedules are such that the drivers have to have speed to make it up, let us come out with it and we will try to help you with it. But this business of saying it does not happen but every so often—I see it every time. I never see the opposite. Let me tell you this: As a lawyer I have represented a great many bus companies at times. I have sued them, I have represented them. I know something about the facts of life about them because in trying a lawsuit you get it all.

So far as whether or not speed is concerned, there are all sorts of a buses about it. I have been somewhat concerned. Personally, it makes no difference to me about such a thing. I just wondered why it is so prevalent in any commercial vehicle. Maybe I am wrong. If I am wrong, you tell me or you come ride with me, either one.

Mr. NEELY. The one favor I would like to ask of you is that any time you do observe a Greyhound or I am sure what I say is also true of Trailways, if you would write the number down and the location

and direction the bus was going, we will be out there on that man right away as quickly as we can have somebody available to do it because we do not condone this.

I certainly wouldn't dispute the fact that it happens because I know it does happen. We are very anxious to get at the majority of drivers, actually in a sense, who are guilty of this type of thing. As far as management is concerned, we will move in fast and hard on them if we can nail it down to who it is.

Mr. HEMPHILL. I have no criticism of the management. I want to ask one final question: Does your management subscribe to a State law such as they have in Connecticut where speeders lose their license?

Mr. NEELY. Yes. In my work I have periodic contact with a great number of police authorities. Our position is that we do not want any special favors at all. We want our men to comply exactly with the law.

Mr. HEMPHILL. Do you believe that ought to be the law, you have the power to take their license if they are speeding?

Mr. NEELY. I think that is good law.

Mr. HEMPHILL. It is good policy, too; is it not?

Mr. NEELY. It is very good policy, but I think the facts have to be very well established.

Mr. HEMPHILL. Most of the policemen I know are fairly honorable people. The only time I ever got caught in my life, I was just as guilty as all get-out, I paid the fine and told the fellow I did not want to hear any more about it. He was one of the best friends I had.

Mr. NEELY. As far as our industry is concerned, management does not condone this. If a man is going to lose his license for doing it, we have no objection.

Mr. HEMPHILL. Do you have a company policy if you get caught for speeding or one of these violations which you know causes one of these big wrecks, "We take your license"? Do you have anything like that?

Mr. NEELY. It is a little more complex with a union involved for industry to do that. We have progressive discipline. This can be grounds for dismissal but on the basis of one speeding ticket I don't think we could actually discharge the man under the present collective bargaining situation. The union would not agree that that was sufficient ground for dismissal. But if a man has a cumulative bad record, including speeding or other violations, he is up for discharge. Again, it depends on the facts and ability to uphold before a board of arbitration.

Mr. HEMPHILL. Who pays the fine when the man gets caught?

Mr. NEELY. The man pays the fine. The company does not pay any fine. The only exception to that might be if a light goes out and it went out en route and the driver was not responsible for that or could not have controlled it. That type of thing the company will occasionally—or fail to have the proper license plate, we will pay that, but no speeding, no traffic violations does the company pay. That is the man's personal responsibility.

Mr. HEMPHILL. Thank you.

Mr. WILLIAMS. Mr. Neely, getting back to the bill at hand, as I understand your testimony, it is based on several objections. One is the difficulty that you have in negotiating with the Teamsters or the unions that represent your drivers. That is easy enough to understand. There is hardly a need to debate that or to get additional information on that.

Mr. HEMPHILL. Let me ask you this: Wouldn't the union cooperate with you on safety? I should think that would be their first ambition.

Mr. NEELY. The union will cooperate but when it comes to a matter of disciplining a man, their position is one of protecting the individual man. They have no liabilities as far as the performance of the man and they, in my opinion, lean over backward in the protection of the individual as compared to the safety position as far as the public and the company and the company's liabilities are concerned.

But this is a natural outgrowth of the politics involved and the role which they play. I don't say it critically in any sense of the word, but this is the tendency and many times the union president, will appeal a case he does not think he is right on, but if the membership wants it he is in there pushing it. This is part of the political atmosphere in which he lives.

Mr. HEMPHILL. That is part of his job. He has no choice. It is like the district attorney who gets a client he is told to prosecute. The grand jury by its indictment brings out a true bill. He does not want to prosecute. I have seen cases like that. But he has no choice if he is going to accept the honor as well as the responsibility.

Mr. NEELY. That is right.

Mr. WILLIAMS. That was the first problem that you brought out, not necessarily in order, but that was one of the problems. That is certainly worth giving thought to.

The second one that you brought up was the possible conflict with State laws, dealing with the same subject. That could be very easily handled by, I believe, by the subcommittee in writing legislation by putting a proviso in there and I am enough of a States' righter to advocate that the passage of this legislation would in no way affect the operation of laws in effect in any State. I do not think that would pose much of a difficulty. Of course, you never can tell about this crowd across the street over here what they might do if it ever gets to them.

Mr. NEELY. That is correct, if the interstate regulations said that it did not restrict the amputee from driving and the State of Maryland did, you could not hire a man to drive in Maryland in intrastate service.

Mr. WILLIAMS. I would not want to try to repeal any State laws. The third thing you brought up is that you find yourself in great sympathy with this legislation but otherwise, you oppose it. It is similar to legislation sponsored by 85 Senators in the other body but they cannot get it out of the subcommittee. That happens so often.

What you are saying in effect is that notwithstanding the actual capabilities of two people, one who may have an amputation and the other may not, that it follows ipso facto that a person with the amputation is less capable than the person without the amputation?

Mr. NEELY. Well, that inference certainly could be drawn from the testimony. I think, however, that in an explanation of that in the bus industry the duty or the work of the driver is governed entirely by seniority. He can bid certain jobs as he gets older.

In the bus industry basically we have three different models of buses at the present time. But this is standard because any driver may get any bus at any particular moment.

In other words, the equipment is not tied in necessarily to the driver. The equipment, and this is one of the basic principles that bus transportation has been successful on, is that we have so many buses and if they are qualified to go anyplace and the drivers are qualified to go anyplace, that the public demands transportation to, we can take care of them because we have always worked on the premise that we try to take care of all the people who present themselves for any particular schedule. Anything that would diminish that flexibility of either the equipment or the utilization of drivers in turn would make for additional problems.

This is not like you can assign a man to drive between point A and B with the same bus every time because the industry does not function that way. Our problem, of course, is to get utilization of equipment.

Mr. WILLIAMS. If you will excuse me, I do not think that poses too great a problem with respect to this legislation because of the fact, as I would contemplate the legislation, it would permit the ICC to prescribe rules and circumscribe the type of equipment that could be operated by any individual. So as to the seniority aspects, while he might be entitled to it as a company policy or under some type of union agreement when he moved from one type of equipment to another, the ICC regulations might prohibit him from operating the other type of equipment.

We will now hear from Mr. B. A. Rennolds, who will present a statement on behalf of the National Association of Motor Bus Owners.

STATEMENT OF B. A. RENNOLDS, VICE PRESIDENT, VIRGINIA STAGE LINES, ON BEHALF OF THE NATIONAL ASSOCIATION OF MOTOR BUS OWNERS

Mr. RENNOLDS. Mr. Chairman and members of the committee, my name is B. A. Rennolds and I am vice president for operations, Virginia Stage Lines, Charlottesville, Va. My company is a member of the National Association of Motor Bus Owners which has been described by the previous witness.

Virginia Stage Lines is also a member of the National Trailways Bus System, an association of nearly 50 companies operating coast to coast. I am also authorized to speak for the latter organization in this hearing.

I have been associated with the intercity bus industry for 27 years, during 15 of which I was director of safety for my company. As operating vice president, safety of operations constitutes an important portion of my responsibilities.

As Mr. Neely has pointed out, we earnestly support the objective of employing increasing proportions of handicapped workers, but we feel equally strongly that we cannot risk the safety and welfare of our passengers by employing them as intercity bus drivers.

As the members of this committee know, the modern intercity coach is a relatively heavy vehicle with complex characteristics. Many of the operations are over modern expressways on which all traffic moves at comparatively high speeds.

To operate under these conditions, top physical condition is essential, and we are convinced that a driver, equipped with a prosthetic device, is inevitably subject to some increase in reaction time whenever the limb or member so fitted is involved. For a number of reasons, this is extremely important.

Our coaches are equipped with power steering which is very sensitive to slight movements. Full use of both feet and legs is necessary since we do not use automatic transmissions. The left foot is required for use of the air-assisted clutch and the right foot for accelerator and air-brake control.

Almost constant use of these controls is required while driving in congested areas. Numerous other controls have to be manipulated with great frequency such as headlight dimmers, turn signals, inside lights, ventilation, and air-conditioning controls.

Particularly in the case of the very sensitive devices that govern operations of the vehicle, a sense of "feel" or "touch" is vital and, of course, is absent in any member fitted with a prosthetic device.

For example, instantaneous and absolutely accurate steering response is essential in the case of a front-tire failure, and delay of the smallest fraction of a second could be catastrophic. Any abrupt movement of clutch, accelerator or airbrake pedal could readily result in injuries to passengers, some of whom might be in the aisle on their way to or from the restroom.

It should also be noted that these operations must continue under all sorts of varying highway, terrain, and weather conditions.

In addition to actual operation of the vehicle, drivers are required to load and unload baggage and express packages up to 100 pounds, assist or even carry disabled passengers (particularly in the event of an accident or other emergency), cope with disorderly passengers, make minor repairs to the coach, apply or remove heavy chains, and change tires weighing 200 pounds or more.

Frequent movement by the driver in and out of the coach is also necessary on many runs where substantial volumes of package express and mail are picked up or deposited.

It is our firm conviction that the performance of these tasks requires the unimpaired use of all physical characteristics, and especially so in the case of an emergency such as an accident or a fire.

We have not overlooked the improvements that have been made in the design and manufacture of prosthetic devices. As already noted, they nevertheless still lack the ability to permit rapid reflex reaction and the sense of feel or touch essential to safe operation of a coach with its human cargo; nor is any prosthetic device completely infallible.

Further, the driver of an intercity coach is, in most cases, the entire crew, and he must be able to cope with all types of situations often many miles from any supervisor or other company employee or even any outside assistance at all. Failure of a prosthetic device under such conditions would be extremely serious.

We therefore earnestly urge the subcommittee not to report this measure favorably and, in any event, not to make any relaxation of the present regulations applicable to motor carriers of passengers.

We appreciate this opportunity to present our views and, as Mr. Neely has indicated, will be glad to respond to your questions.

Mr. WILLIAMS. The committee appreciates receiving your statement, Mr. Rennolds, and wishes to thank you for your appearance.

Mr. RENNOLDS. Thank you, Mr. Chairman.

Mr. WILLIAMS. The bells have already rung, so the committee will stand in recess.

(The following material was submitted for the record:)

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED,
Washington, D.C., May 13, 1963.

Hon. JOHN BELL WILLIAMS,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN WILLIAMS: I appreciate this opportunity to express my views and the views of the President's Committee on H.R. 827.

The Executive Committee of the President's Committee has endorsed the principles underlying H.R. 827, and we urge its speedy enactment. It may be possible that specific details are in need of refinement, but these in no way lessen the need for this measure.

At present, the Interstate Commerce Commission will not permit handicapped persons to operate commercial motor vehicles in interstate commerce, regardless of their individual qualifications. This, as we see it, is in violation of one of the most basic principles of the President's Committee, which we have been striving to further for the past decade and a half—that every applicant for employment have the right to be considered on his own merits as an individual, and not be deprived of consideration merely because of the fact of his handicap.

We have made progress in furthering this philosophy over the years—but our progress has not extended to the Interstate Commerce Commission. There, the very fact of a handicap is sufficient, per se, to deprive the applicant of consideration for employment.

This rigid principle of inequality is hardly in keeping with our times, which have seen an extension of opportunity for the handicapped, rather than a contraction.

Further, this rigid principle of inequality, if extended in its logical direction, could result in a general negation of much of the progress achieved over the years.

If amputees and the deaf are to be deprived of the opportunity to qualify as drivers in interstate commerce merely because they happen to be amputees or deaf, why shouldn't they also be deprived of the opportunity to work in other fields of endeavor? If the amputees and the deaf are to be deprived, why not persons with other types of disabilities?

Where does this stop? The circle of inequality could widen extensively, were the ICC philosophy to gain widespread acceptance.

We do not ask that the ICC suddenly throw open its doors and give top priority to all the amputees and all the deaf.

We do ask that the ICC take into consideration the appreciable advances made over recent years in quick-to-respond prosthetic appliances for the handicapped and in fingertip special controls for motor vehicles.

We do ask that the ICC take cognizance of the fine records handicapped drivers have made in intrastate commerce—records that easily could stretch across State lines, were the ICC willing.

We do ask that the ICC begin to evaluate human beings as human beings, and not as outmoded stereotypes wearing tags, "amputee," "deaf."

We do ask that the ICC—as well as all Government agencies and all private industry—evaluate individuals as individuals, and not bar them merely because of handicaps.

34 OPERATION OF MOTOR VEHICLES BY DISABLED PERSONS

The ICC no longer can afford to ignore this trend toward equality, any more than it can afford to ignore the advances of modern science in making it feasible for the handicapped to drive safely.

The really dangerous result of its static policy is that it has served as a model for States and local bodies which frequently pick up Federal rules and incorporate them into their own regulations. Thus a basic error is perpetuated and snowballed.

The President's Committee firmly believes the cause of employment equality for the handicapped would be served by passage of H.R. 827.

Cordially,

MELVIN J. MAAS, *Chairman.*

MAY 13, 1963.

Re House bill H.R. 827.

MR. OREN HARRIS,
*Chairman, House Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

SIR: It is my understanding that the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce will hold hearings to begin on May 14, 1963, on H.R. 827 which proposes to relax the present requirements of the Interstate Commerce Commission governing the minimum physical requirements of drivers in interstate commerce. These changes are of vital importance to the safety of the general driving public and to the welfare of the trucking industry.

The bill as it now reads would require trucking companies operating in interstate commerce to hire as drivers those individuals who have suffered the loss of a hand, arm, leg, or hearing. As the safety director of an interstate motor carrier, and as a private individual, I must firmly protest this proposed legislation.

The accident, fatality, and injury rates in the United States are growing daily. The efforts of truck safety men, highway safety and police organizations, and organizations such as the National Safety Council and the AAA, are constantly directed toward the reduction in the number of accidents on our highways. If this bill is passed and trucking companies are required to turn over big equipment to individuals who must rely upon the mechanical function of various contraptions to control their vehicles, many more thousands of innocent people will be killed and maimed.

I plead and pray that every member of the subcommittee and the Committee on Interstate and Foreign Commerce will carefully consider the hard facts that will be presented to the committee by the Interstate Commerce Commission Section of Safety and private safety organizations, and not be swayed by the pressure groups representing the handicapped. There are many, many positions available in the trucking industry alone for the handicapped and we hire the handicapped in the company I represent, but we do not and could not turn over to these individuals the power to kill. Over-the-road equipment in interstate commerce today is by necessity big and heavy and designed to haul many tons at high speeds. Tragic accidents occur even though the drivers of this equipment are physically fit and fully equipped with all their appendages and hearing. Therefore, I ask you how, in the name of commonsense, Congress hopes to help the handicapped by allowing the one-armed, one-legged, or totally deaf individual to drive a vehicle, through which means thousands more will become handicapped?

In my opinion the energies of your committee and those of the various subcommittees should be directed toward assisting rather than hampering the Interstate Commerce Commission's Section of Safety and the trucking industry in their efforts to tighten up on the minimum physical requirements truck drivers must now meet under the motor carrier safety regulations.

Very truly yours,

PHILIP W. YOUNG.

(Whereupon, at 12:40 p.m., the subcommittee recessed.)



