

**Remarks by Anne S. Ferro  
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Massachusetts Motor Transportation Association & Massachusetts  
Movers Association  
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***Introduction***

Good afternoon, everyone. Thank you for inviting me to speak with you about the Federal Motor Carrier Safety Administration's work to ensure the safest possible commercial motor vehicle industry and what that means to Massachusetts's trucking and moving companies.

Safety is the USDOT's number one priority. And at the Federal Motor Carrier Safety Administration, we see a correlation between safety and good customer service for household goods carriers. The companies that make safety a top priority also protect their customers.

All of us at FMCSA are committed to building on our promise to keep motor carriers as safe as possible and to hold rogue moving companies accountable. It takes a team to do this. With me today is **Rich Bates** our Division Administrator. As you well know, he is a great resource for you on FMCSA safety issues.

***FMCSA's Safety-First Mission***

We know that the majority of drivers and truck companies operate safely. Our job is to focus on those that do not.

We do this through three core principles: to raise the safety bar to enter the industry; to require high safety standards to operate, and to remove high-risk carriers, drivers and vehicles from the road.

Our strategy is simple: Apply all three core principles to motor carrier, driver, and vehicle safety. First, I will tell you how this strategy applies for household goods carriers.

### ***Ridding the Industry of Rogue Companies***

To raise the bar, we scrutinize applications for household goods operating authority. To enforce high standards, we operate a National Consumer Complaint Database where consumers can file complaints against unsafe or unscrupulous companies, including moving companies. These complaints are reviewed when we are investigating a company.

To remove bad operators from the business, we work with our enforcement partners that include the Inspector General, state regulators and attorneys generals and others.

This year alone, more than 35 million Americans will move. We work to ensure that the customers' memories and goods arrive on time and at the agreed upon price. This requires the moving industry to comply fully with our safety and consumer protection regulations.

It starts at the point of operating authority application. Since we began more careful screening of applications for household goods operating authority in 2009, through a program we call vetting, close to 40 percent of all applications have been rejected, dismissed, or withdrawn. They are rejected for reasons ranging from an incomplete application, to affiliation with an out-of-service carrier, inadequate insurance or a poor safety history.

FMCSA now has important new authorities from our most recent authorization, Moving Ahead for Progress in the 21<sup>st</sup> Century or MAP-21 to help us crack down on rogue moving companies. Specifically, MAP-21 authorizes us to take action to recover household goods held hostage by unscrupulous moving companies and assign all or a portion of hostage load civil penalties to aggrieved shippers.

All in all, MAP 21 helps FMCSA raise the bar for safety and consumer protection. Last year, FMCSA received more than 3,100 complaints, of which many were against rogue movers. We received **78 household goods complaints** last year in Massachusetts alone.

We use the data, together with extensive safety data to target the most non-compliant carriers and brokers. Once we identify fraud we often work with our Inspector General's Office, which utilizes a specially trained HHG team to go after criminal cases.

We use our resources strategically to identify companies that operate unsafely and intentionally overcharge unsuspecting customers and damage the industry.

***Enforcement Partner Programs***

We can also effectively work together through an enforcement partner program that helps to train state officials to conduct interstate household goods compliance reviews.

Ohio, Louisiana, and Texas are the first three states to join the enforcement partner program. Other states have expressed serious interest in taking part in household goods enforcement training. I hope Massachusetts considers joining us.

By becoming an enforcement partner, you can become a force multiplier on our efforts to tackle the rogue companies. It is one more way to protect consumers and improve the chances of catching and shutting down unsafe and illegal companies.

***Common Sense Consumer Protection***

We want to be sure that all consumers have the resources they need for a safe and hassle-free move.

The “Protect Your Move” web site is a one-stop shop to give consumers the information they need to protect themselves from fraudulent moving companies.

Our recently updated web site includes a user-friendly database that allows visitors to look up interstate moving companies and view both the consumer complaint history and the company’s on-road safety performance records.

Our 2013 on-line campaign will run until August and focuses on preventing and detecting moving fraud. To do that, we are using targeted internet ads to drive consumers to our web site. These ads will use a “red flag” theme to show consumers how to spot rogue movers. We are targeting top real estate web sites for these ads.

This year’s PSA uses the “red flag” theme to help the public learn how to spot a rogue mover. The 30-second PSA runs on the “Protect Your Move” web site, FMCSA’s Facebook page. It is available for download. It’s one more tool to help consumers **protect their move**.

Please direct your companies to link to the PSA and all of FMCSA’s resources. With your help, we can educate consumers to understand that moving fraud can happen to anyone.

### ***Strong Enforcement Through CSA***

Safety is everyone’s business, and that is why FMCSA’s improved enforcement model, which we call Compliance, Safety, Accountability or CSA, is so important for all aspects of the motor carrier industry.

Our state partners work with us to maximize our resources; however our combined efforts address only a fraction of the trucking companies and trips each day.

Each year we conduct more than 20,000 investigations – a drop in the bucket when compared to the size of the industry. That’s why we need to use our extensive inspection data to focus our limited resources on the carriers that most need our attention.

FMCSA is committed to CSA’s continual improvement and its Safety Measurement System or SMS. We regularly engage all CMV stakeholders to improve our enforcement program and tools. That’s why we created a CSA subcommittee as part of our Motor Carrier Safety Advisory Committee.

Like MCSAC, the CSA Subcommittee brings together important perspectives from motor carriers, enforcement personnel, safety advocates, shippers, and the insurance industry, providing FMCSA with ongoing and constructive feedback on the CSA program.

Last month the MCSAC made its first recommendations for FMCSA to consider as we move forward with the CSA program. The report included ideas on how we can best use the crash data to address carriers’ safety performance.

Additionally, the MCSAC offered ideas about public accessibility of the SMS data. We appreciate the work of the MCSAC and look forward to receiving more of its ideas to improve how we carry out CSA.

This year, FMCSA is focusing on a number of SMS-related initiatives.

As a top priority, we are working to improve the public display of SMS data by reinforcing the understanding that SMS is the Agency's intervention prioritization tool, recognizing the association between the BASICs and crash risk, and better highlighting a motor carrier's individual, rather than relative performance.

And, of course, other significant priorities during 2013 include the completion of our Crash Weighting Research during the summer and continued work toward publication of the safety fitness determination notice of proposed rulemaking. Simply, the more you tell us, the more useful SMS can become.

These enhancements are part of FMCSA's work to continually strengthen its safety enforcement tools. Together, we can improve safety on our Nation's roadways.

### ***Hours-of-Service and Driver Fatigue***

Driver fatigue is a clear leader among causes of crashes. Our new hours-of-service rule reduces the effects of fatigue on drivers by cutting maximum allowable work hours from 82 to 70 hours per week, on average.

It requires drivers to take at least one 30-minute break, at a time of their choosing if they intend to drive later than the 8th hour after coming on duty.

Taking effect on July 1, these provisions make clear that FMCSA will assess the maximum civil penalties allowed by law against drivers and companies that commit the most serious violations of the legal driving limits.

Please make sure your drivers are knowledgeable about the new hours of service requirements. Please visit the FMCSA web site at: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). Our hours-of-service page has a variety of reference materials, including a hand book and logbook examples available for you to download.

To help get the word out, we will distribute “visor cards” to drivers on the new rule with the help of CVSA. These cards will be distributed during CVSA’s annual Roadcheck safety blitz in early June. Look for these cards as another tool for your drivers.

### ***Electronic Logging Devices (ELDs)***

Another way we are getting the job of safety done is by moving forward with a supplemental notice of proposed rulemaking (SNPRM) on electronic logging devices. This SNPRM will address employee harassment and meet the Congressional requirements in the Moving Ahead for Progress in the 21st Century Act or MAP-21, our most recent authorization.

FMCSA plans to publish the SNPRM later this year. As we move forward on the new electronic log rulemaking, we will continue to consider information and feedback that we receive from drivers, carriers, law enforcement personnel, and interested citizens.

### ***National Registry of Certified Medical Examiners***

All of us agree that safety begins with the driver. Toward that end, ensuring that drivers are fit, healthy, and well rested is a priority for FMCSA.



No driver should be issued a license or be driving if he or she does not meet the medical requirements. In keeping with this priority, FMCSA issued a final rule in May 2012 that established the National Registry of Certified Medical Examiners. Required by Federal law, the National Registry rule sets baseline training and testing standards for medical professionals who perform commercial driver physicals.

Medical examiners will be required to complete a training course and pass an exam to prove they understand FMCSA's medical standards.

The rule requires that by May 21, 2014, one year from now, all medical examiners authorized to perform FMCSA physicals must be listed on the National Registry. Once the rule is fully implemented, only medical certificates from medical examiners on the Registry will be considered valid.

Our goal is to make sure that examiners understand our medical standards so that they avoid issuing medical cards to those who should not be operating. By ensuring that medical examiners know FMCSA's medical standards, we hope to improve the *health* of our drivers and the *safety* of the traveling public.

### ***National Drug & Alcohol Clearinghouse***

Safe roadways depend on *responsible* employers and drivers that comply with the Agency's drug and alcohol testing requirements.

FMCSA prepared a notice of proposed rulemaking to establish a *Commercial Driver's License Drug & Alcohol Database* that would record positive drivers' test results for controlled substances and alcohol and other violations of the drug and alcohol testing regulations.

The rulemaking for a National Clearinghouse—supported by Congress and required by MAP-21—ensures that drivers who test positive or have refused to submit to testing, complete the return-to-duty process prior to returning to the road.

FMCSA believes that the National Clearinghouse will ensure that only qualified CDL holders operate commercial vehicles on our roads.

The proposed rule would require truck and bus companies to report verified positive drug and alcohol test results, test refusals, negative return-to-duty test results, and follow-up testing.

The President's Office of Management and Budget received the proposed rule on March 26. We expect to publish the notice of proposed rulemaking in the Federal Register this summer.

### ***Sleep Apnea***

I know many of you are interested in the FMCSA's work with sleep apnea. In a recent study, drivers with severe sleep apnea were 4.6 times more likely to be involved in a severe crash in the seven-year period than drivers who did not have sleep apnea. And, drivers with a BMI of 35 or greater are likely to have sleep apnea.

Last year, FMCSA's MCSAC and Medical Review Board met to provide joint recommendations for guidance for medical examiners regarding drivers with obstructive sleep apnea. Currently, we are reviewing the MCSAC and MRB recommendations, together with other resources and considerations.

When draft guidance is available for public comment, we will seek feedback from drivers, carriers, medical examiners, and others. Our goal is to find and put into place solutions that will make a difference in safety on our roads – by saving lives and promoting commercial driver health.

### ***What is on the Horizon?***

I'd like to end with a few words about how we are looking ahead with policies and programs to improve commercial motor vehicle safety by revising our expectations for safety and expanding our vision of where our policies, programs and enforcement efforts can take us in the future.

### ***Entry-level Driver Training***

In keeping with our commitment to safety, we are exploring how to implement a rule which would establish entry-level driver training standards for CDL applicants. We have held two listening sessions this year and our MCSAC completed its review of the proposed rule last month. Right now, we are still gathering information for proposed driver training standards.

Please give us your feedback before a rule is completed. Visit [www.regulations.gov](http://www.regulations.gov) and look for Docket ID FMCSA 2007-27748 and follow the on-line instructions.

### *Compensation*

Because drivers deserve adequate training and proper compensation, FMCSA plans research to examine the relationship between driver compensation and safety.

The proposed study will survey carriers to determine how they pay their drivers; by the mile or by the hour and what impact compensation has on safety.

### *Avoiding Crashes, Saving Lives & Preventing Injuries*

It is true that America's roads and highways are safer today than they've ever been. Truck-related fatalities dropped **28** percent between 2005 and 2011. But when nearly **4,000** people are killed and **88,000** people are injured in large truck and bus crashes every year – we know we must do more.

Every single day, **10** people on average are killed in large truck crashes, and **241** people are injured.

This is our daily reminder that we must correct the safety issues that continue to claim lives.

In Massachusetts alone, **30** people died in large truck-related crashes in 2011 and more than 1,000 people suffered injuries as a result of a crash. These lives are lost forever – fathers and mothers gone from their children’s lives, families torn apart and friends no longer with us.

Over the course of 2012, FMCSA and the **Massachusetts State Police** and **Department of Public Utilities** conducted more than **21,000** driver or vehicle safety inspections, **550** new entrant safety audits and **161** investigations of truck and bus companies. All of this enforcement activity feeds into CSA to detect the carriers and their drivers that fall through the cracks and evade our safety processes.

### ***Conclusion***

I want to thank the Massachusetts Motor Transportation Association and the Massachusetts Movers Association for inviting me to speak today about what we do to reduce crashes and save lives.

At FMCSA, we are committed to shutting down unsafe companies and keeping unsafe drivers off the road. We are clearly focused to make safety everyone’s first priority.

We have good tools in place to help us establish an operating environment where trucks can share the road safely, all vehicles are protected against crashes and the public is protected from moving fraud.

Thank you. And I would be happy to take your questions.

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***Presentation of State Fatality Rate Award***

This award recognizes States with the lowest commercial motor vehicle fatality rate in calendar years 2009 through 2011 based on vehicle miles traveled.

The winner is the Massachusetts State Police – which is one of only three agencies that contributed to their State having the lowest CMV fatality rate in 2011.

Congratulations and well done!

