Minutes

April 8-9, 2013, Meeting

The Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) met April 8-9, 2013, in Alexandria, VA. In accordance with the provisions of

Public Law 92-463, the meeting was open to the public. Mr. Larry Minor, the FMCSA Designated Federal Officer (DFO), called the meeting to order at 9:00 a.m. on Monday, April 8, 2013. The following individuals attended the meeting:

**COMMITTEE MEMBERS**

Rob Abbott, Vice President of Safety Policy, American Trucking Associations (*Tuesday afternoon*)

LaMont Byrd, Director of Health and Safety, International Brotherhood of Teamsters

Gary Catapano, First Student, Inc.

Paul Claunch, Major, Arkansas Highway Police

Bill Dofflemyer, Captain, Maryland State Police

Bruce Hamilton, President, Amalgamated Transit Union Local 1700

Henry Jasny, General Counsel, Advocates for Highway and Auto Safety

John Lannen, Executive Director, Truck Safety Coalition

Jane Mathis, Parents Against Tired Truckers

Robert Mills, Officer, Fort Worth, TX, Police Department

Janice Mulanix, Assistant Chief, Enforcement and Planning Division, California Highway Patrol

Donald Osterberg, Senior Vice President, Schneider National, Inc.

Stephen Owings, President, Road Safe America

Peter Pantuso, American Bus Association

David Parker, Senior Legal Counsel, Great West Casualty Company

Danny Schnautz, Operations Manager, Clark Freight Lines, Inc.

Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association

Boyd Stephenson, American Trucking Associations (*for Rob Abbott Monday and Tuesday morning*)

Calvin Studivant, Community Coach

Tami Friedrich Trakh, Citizens for Reliable and Safe Highways

**FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Anne Ferro, Administrator, FMCSA

Larry Minor, Associate Administrator for Policy, FMCSA

Richard Clemente, Driver and Carrier Operations Division, FMCSA

Sarah May, USDOT, Volpe Center

Luis Mejias, USDOT, Volpe Center

Julie Perrot, National Transportation Safety Board (NTSB)

Shannon Watson, Senior Policy Advisor and MCSAC Liaison, FMCSA

**OTHER ATTENDEES**

Sarah Alves, ICF International

Mark Andrew, Strasburger and Price

Sheila Andrews, AAIA/HDDA

Cindy Atwood, CVTA

Megan Benfatti, NSTA

Steven Blust, IICL

Ryan Bowley, OOIDA

Richard Cofer, Southern Company

Charity Coleman, MacroSys

Todd Cunningham, NRECA

Tom Ditzler, JJ Keller

Andrew Dye, CUTA

Maura Fitzpatrick, Howard Stein Hudson

Mike Gardner, Con-Way Freight

Adrian Gilder, CUSA

Dave Goch, CUTA

Reghan Grasty, Apex Capital Group

Phil Hinshaw, Sammons Trucking

M. Kampoon

William Keppen, Keppen Assoc.

James Kim, Seaton and Husk

David Kraft, Qualcomm

John Mason, Int’l Union of Operating Engineers

Oliver Patton, HDT

Ken Presley, United Motorcoach Association

Randy Rome, JJ Keller

Alan Smith, Greyhound Bus Lines

Rudy Supina, DATTCO Inc.

Randy Thomas, JJ Keller

Bryan Vicker, FAM

Jeff Vincent, Int’l Union of Operating Engineers

Ronna Weber, NSTA

Robert Weimer, Zonar

**TASK**

The MCSAC Committee completed action on Task 13-1: Recommendations on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle (CMV) Operators. The report was to be circulated electronically to the membership and submitted to the Administrator for the Agency’s consideration.

The Committee finalized the report on Task 12-04, Strategies for Finalizing Agency Section 610 Reviews.

The Committee finalized the report on Task 12-03 the Compliance, Safety, Accountability subcommittee report to the MCSAC.

**REMARKS AND COMMITTEE ACTION**

Anne Ferro, FMCSA Administrator, welcomed new Committee members, who, with continuing members, make up the largest MCSAC committee in FMCSA history. The Administrator presented former MCSAC Chairman, David Parker, and former MCSAC member Robert Petrancosta with Certificates of Appreciation. She commended the MCSAC for its role in developing and commenting on new rules, from Patterns of Safety Violations, Electronic Logging Devices and soon Entry-Level Driver Training.

Administrator Ferro reinforced FMCSA’s focus on saving lives and shutting down companies that insist on violating safety rules to beat competitors. FMCSA will ensure that companies that need to shut down remain shut down, while those that want to remediate can and are supported. The framework for the agency is to work harder and smarter to improve safety conditions for professional drivers.

The Administrator then stated that FMCSA’s current authorization, MAP-21, reflects agency initiatives. This year alone, FMCSA will complete a final rule on the Unified Registration System, which consolidates major registration systems and creates tighter entry to the industry.

The Administrator then discussed the drug and alcohol clearinghouse. FMCSA will issue a notice of public rulemaking this fall and the clearinghouse will insure that there is a foundation of positive testing information so companies will know whether drivers had a positive test and if they have they have remediated.

Another focus for FMCSA is a national clearinghouse of medical examiners which will create an electronic link from the medical examiner to the state of record to information posting, eliminating paper trail maintenance issues.

Finally, the Administrator stated that the Electronic Logging Devices rule will be a supplemental notice of proposed rulemaking. The intended goal is to have the rule available for public review by September. Once the rule is final, FMCSA must give industry two years to comply, and FMCSA is dedicated to move the process ahead promptly.

**MINUTES**

The Committee unanimously accepted the minutes from the December 3-4, 2012, MCSAC meeting.

**PRESENTATIONS**

Michael Huntley, FMCSA: “Intrastate Compatibility Overview.”

Martin Walker, Ph.D., FMCSA: “On-Board Monitoring for Commercial Motor Vehicle Safety.”

Robert Miller, FMCSA: “Regulatory Update.”

Christopher Bonanti, NHTSA: “Regulatory Update.”

Mark Greenberg, CVTA

Ellen Westland, Northern Middlesex Community College

**PUBLIC COMMENTS**

***Jeff Vincent, Operating Engineers***

Mr. Vincent is concerned about the correlation between evidence of enhanced safety in the new rules. A one-size fits-all rule is not preferable and a learning assessment for ELDT should be relevant to the heavy construction equipment industry. Whatever the rule will say should be a valid approach for our members with regard to height and weight restrictions. A quality program needs to take into account special large vehicle sizes and the specialized training our organization provides.

Mr. Vincent hopes the Committee makes safety recommendations specific to the construction industry, specifically with regards to off-road vehicles. Mr. Vincent would like to see their programs accounted for in discussion for accreditation. Their programs follow Department of Labor requirements, not Department of Education requirements. Mr. Vincent would like to see that classroom subject matter is not double counted; behind the wheel training should not duplicate classroom training.

**ADJOURNMENT:** The meeting was adjourned at 5:00 pm on Tuesday, April 9, 2013.

We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

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Stephen Owings

Chairman, MCSAC

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Larry W. Minor

Designated Federal Officer, MCSAC