Minutes

Motor Carrier Safety Advisory Committee Meeting

August 27 - 29, 2012

The Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) met August 27 - 29, 2012, 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 Official (DFO), called the meeting to order at 8:30 a.m. on Monday, August 27, 2012.

The following individuals attended the meeting:

**COMMITTEE MEMBERS PRESENT FOR ALL OR PART OF THE MEETING:**

Rob Abbott, Vice President of Safety Policy, American Trucking Associations

Paul Claunch, Major, Arkansas Highway Police

Bill Dofflemyer, Captain, Maryland State Police

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

John Lannen, Executive Director, Truck Safety Coalition

Jane Mathis, Board of Directors, Parents Against Tired Truckers

Stephen Owings, President, Road Safe America

Peter Pantuso, President and CEO, American Bus Association

David Parker, Senior Legal Counsel, Great West Casualty Company

Robert Petrancosta, Vice President of Safety, Con-Way Freight

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

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

Calvin Studivant, Motor Coach Operator, Community Coach

**FMCSA REPRESENTATIVES PRESENT FOR ALL OR PART OF THE MEETING:**

Bill Bronrott, Deputy Administrator

Anne Ferro, Administrator

Keyanna Frazier, Audit Liaison

Thomas Kelly, Division Chief, Compliance Division

Charles Medalen, Attorney-Advisor

Larry Minor, Associate Administrator for Policy

Bryan Price, Senior Transportation Specialist

Bill Quade, Associate Administrator for Enforcement

Shannon Watson, Senior Advisor for Policy and MCSAC Liaison

Dee Williams, Division Chief, Strategic Planning and Program Evaluation

**OTHERS PRESENT FOR ALL OR PART OF THE MEETING:**

Nicole Adams, Embassy of Canada

Sarah Alves, ICF International

Jim Angel, PeopleNet

Brock Bell, Brotherhood Mutual Insurance Company

Gary Catapano, FirstGroup America

C. Blett, OOIDA

Bryan Boyd, Virginia Intermodal Management

Steve Blust, IICL

Chris Burroughs, TIA

Garrett Bush, PIKE

Stephen Clark, Teletrac

Charity Coleman, MacroSys

Todd Dills, Overdrive

Earl Eisenhart, EEI

Neil Eisner, USDOT

Fred Fakkema, Zonar Systems

Mike Fox, NTSB

Jeffrey Greer, FEDEX Freight

Bruce Hamilton, ATU

Clyde Hart, American Bus Association

Callie Hoyt, TCA

Dave Kraft, Qualcomm

Ted Knappen, Greyhound

Michael Lindsay, Thomas Enterprise and Holiday Tours

Norm Littler, ABA

Bruce Lundgren, SBA Office of Advocacy

Arthur McFarland, Director of Training, Mississippi Highway Patrol Motor Carrier Division

Luis Mejias, Volpe Center

Brian Neal, FEDEX

Todd Nosal, ISO

Pat O’Connor, NDFR

Laura O’Neill, OOIDA

Paul Oakley, AMSA

Vic Parra, UMA

Julie Perrot, NTSB

Ken Presley, United Motor Coach Association

Marla Ratto, U.S. House of Representatives Small Business Committee

Al Smith, Greyhound Bus Lines

Rick Schweitzer, NPTC

Catherine Taylor, USDOT

Georgia Thu, ICF International

Rich Wilson, Tran Services

Greer Woodruff, JB Hunt

Bryan Vickers, FAM

Robert Voltmann, Transportation Intermediaries Association

Viktoria Ziebarth, U.S. House of Representatives Small Business Committee

**TASKS:**

The MCSAC Committee began discussion on Task 12-03: Compliance, Safety, Accountability (CSA) Program and solicited interest in sub-committee membership.

The Committee finalized the report on Task 12-02, Alternative Strategies the Agency Could Pursue to Address Outstanding National Transportation Safety Board (NTSB) Recommendations Classified as “Open-Unacceptable.” The Committee voted unanimously to approve the final report for Task 12-02 and submit it to the Administrator.

The Committee discussed Task 12-04, Strategies for Finalizing Agency Section 610 Reviews. The Committee will continue discussion at a future meeting.

**REMARKS:**

Anne Ferro, FMCSA Administrator, addressed the Committee on the extension of MCSAC in MAP-21. While the current charter runs through November 2012, a new charter is coming in late November that will establish new two-year terms for Committee members, renewable once, allowing for new members. The new charter establishes a Chairman and Vice Chairman, both two-year terms. The new charter codifies a membership representation for labor. The Agency issued a Federal Register notice in July that called for applicants for the four remaining slots on the MCSAC. The Administrator announced that she was reviewing the applications received and will announce a decision soon on the new members. She announced that the existing members whose terms were to expire in 2012 are being extended another term.

Administrator Ferro also stated that Dave Parker will serve as the MCSAC chairman through the fall and will begin serving as the CSA subcommittee chairman.

**MINUTES:**

The Committee unanimously accepted the minutes from the May 21-23, 2012, MCSAC meeting.

**PRESENTATIONS:**

Neil Eisner, Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation presented “Overview of Section 610 Reviews and the DOT Retrospective Regulatory Review.”

Catherine Taylor, Economist, Volpe Center, U.S. Department of Transportation presented “FMCSA’s Section 610 Reviews.”

**PUBLIC COMMENT PERIODS:**

***Michael Lindsay, Thomas Enterprise and Holiday Tours***

Mr. Lindsay asked how many Committee members have Class A licenses and have operated more than 2,500 miles to emphasize the disconnect between the Committee and conditions in the real world.

Mr. Lindsay urged the Committee to use caution when considering data collected from drivers as they will tell regulators what regulators want to hear, not necessarily what happens on the ground. As a result, some data FMCSA is collecting is not accurate and data needs to be revamped.

Mr. Lindsay commented that the disparity between the required off-duty hours for motor carrier and bus drivers does not make sense. He also stated that the 10-hour day may not make sense because drivers may need to finish up in the 14th hour. Finally, he said the Committee needs to address how it came up with a 16-hour day once per week.

Mr. Lindsay stated a warning should be given, not a ticket, for infractions such as broken lights since the driver may be at the tail end of a long run.

Mr. Lindsay stated that the general public is unaware of what it takes to operate a truck and that the Committee needs to address how to involve drivers more directly.

Mr. Lindsay stated that it may be possible to do en-route inspections during layovers. It may also be possible that inspectors can ask to see the driver’s itinerary and to determine if an inspection can be performed when a bus is traveling empty.

Mr. Lindsay stated that both dispatchers and the bus company should take some blame for drivers going beyond the allotted time.

Mr. Lindsay stated that parking in D.C. is a problem. He stated that this is the third largest area for buses, but the worst at taking care of drivers as there aren’t enough places for buses to stop. He stated he is aware of a place within D.C. where up to 150 buses could be parked and their drivers allowed a rest.

Mr. Lindsay stated that there could be speed governors on bigger vans, which currently have no regulations. Also, he stated that recreational vehicles aren’t covered by any restrictions, nor are state-owned commercial buses. He suggested that there should be restrictions based on vehicle size and weight.

***Earl Eisenhart, Edison Electric Institute***

Mr. Eisenhart stated that he supports the idea of bringing in third party sources of crash risk data and that this issue is core to the purpose of CSA. He then stated that the issue of fault needs to be considered because some accidents are not the fault of the driver, for example when the truck is parked. He then agreed with the idea that all segments should be included on the sub-committee, including private carriers, utilities, etc. Finally, he stated that the Committee should keep in mind the severity of crashes as opposed to the number of crashes.

***Al Smith, Greyhound Bus Lines:***

Mr. Smith spoke to the Committee twice.

Mr. Smith stated that Greyhound today is a better carrier and is more conscientious because of CSA. He stated there was very little mention concerning motor coaches in the CSA discussion, and the motor coach industry’s voice should be heard because of it’s higher standards and should be represented on the sub-committee. He said he’s not aware of any other part of the motor carrier industry that had a two-week period.

Mr. Smith stated that last week, Greyhound had 180 interventions alone and that MAP-21 clearly defines how this should be done in the motor carrier industry.

Mr. Smith recommended to the Committee that they explore additional ways to reach the public, for example there is an iPhone application called Safer Bus that has a lot of public access. The Committee should consider putting a note on Safer Bus with the rules and regulations to inform the public.

Mr. Smith stated that if a transit driver goes from driving transit bus to motor coach, he needs to log it as on-duty time. He uses this to illustrate that even if the 10-50-70 rule changes, does not solve the problem. He stated that there are three important things to consider: education, enforcement, and empowerment. If applied appropriately, then we can do something to improve safety.

Finally, Mr. Smith offered an evaluation that he did of 1,100 Greyhound accidents. Of those, 93% occurred within 6 hours of starting a trip and 97% occurred within 7 hours of starting trip. These were not a result of fatigue.

***Rich Wilson, Tran Services***

Mr. Wilson stated that there are a lot of smaller carriers. He recommended that there be a credit for positives in addition to negative rankings. He said it’s important for positive inspections to be commended. Regarding corrective action plans, Mr. Wilson stated that they have to supply all documents even if only a few things are found wrong and that it sometimes can take a month to get up and running when copies of everything need to be delivered.

Mr. Wilson stated that there was a problem with inexperience in the courts, and that judges can easily judge on guilt but they’re not experienced enough to rule against a claim.

Finally, Mr. Wilson would like to see unification of the inspection process. He stated that some states are more stringent than others, and even some law enforcement officers are tougher than others. He stated that nowhere is anything accountable for officers/law enforcement.

***Robert Voltmann, Transportation Intermediaries Association***

Mr. Voltmann wants to know which carriers are unsafe; we want CSA to work for the agency as an inside agency tool, so that it identifies the carriers that are dangerous. We really don’t want to know anything else; we want to move away from the current system. We have one DOT that licenses, builds roads, and is responsible for safety and is the only agency that is responsible for safety. We want to make sure CSA really works for the agency. No need to dredge up extraneous information from the community.

***Ted Knappen, Greyhound***

Mr. Knappen stated that in 2003 Greyhound opposed not including buses with trucks because of several factors. There are some unique situations in motor coach industry, for example multiple stops and passenger breaks are necessary. When Greyhound did analysis of proposed 2003 rules for their system, there were two discrepancies. First, Greyhound tries to get as many drivers as possible home (in 2003 they were able to get about 90% of driver turns home by night), and with the new rules turns would have been broken, causing a big negative impact on drivers being home. The second discrepancy involved nighttime driving. Greyhound has regular drivers on night runs who are used to their schedule. With the proposed rules in 2003, Greyhound would not have been able to keep as many full time regular drivers on those runs; they would have needed many more drivers not used to those roles.

So far Greyhound is agnostic on proposed changes and will look into them.

Finally, Mr. Knappen stated that we should be looking at extent of the fatigue problem and whether or not that problem leads to need for hours of service changes. He is not sure fatigue is alone to blame, as it could be due to fatigue caused outside hours of service in which case it is an enforcement issue.

**ADJOURNMENT:** The meeting was adjourned at 12:00 pm on Wednesday, August 29, 2012.

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

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David R. Parker

Chairman

Motor Carrier Safety Advisory Committee

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Larry W. Minor

Designated Federal Officer

Motor Carrier Safety Advisory Committee