



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

C/O: Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Room W64-232  
Washington, DC 20590

September 29, 2008

The Honorable John H. Hill  
Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE Washington, DC 20590

Dear Administrator Hill:

The Motor Carrier Safety Advisory Committee (MCSAC) accepted Task 08-01, Federal Surface Transportation Reauthorization, at its December 2007 meeting. Workgroup 08-01 was created to conduct work and was co-chaired by David Osiecki, Les Sokolowski, and Judith Stone. The Workgroup was tasked with the following:

Provide a priority list of safety provisions for inclusion in FMCSA's statutory program based on

- a) Recommendations issued to the Agency from the Government Accountability Office (GAO), U.S. Department of Transportation Office of the Inspector General (OIG), and the National Transportation Safety Board (NTSB); and,
- b) Input from each committee member's respective constituency.

The Workgroup met in person, held conference calls and conducted work via e-mail. It was determined that the best way to address both parts of the task was to issue two reports in June 2008 and a supplemental report in September 2008. At the June 2008 meeting, the Committee approved Report 1 of 2, which makes recommendations for Agency response to open recommendations from GAO, OIG, and NTSB. The Committee also approved Report 2 of 2, which makes recommendations for Agency consideration in reauthorization planning.

At the September 2008 meeting, the Workgroup submitted to the Committee a supplemental report, which makes three additional recommendations for Agency consideration during reauthorization. The Committee approved the report and recommended FMCSA consider the following three proposals:

1. Research sleep disorder screening and treatment options for all CMV drivers.
2. Allow hair testing for drugs as an alternative to urine testing for CMV drivers.
3. Adaptive cruise control systems on new CMVs.

I respectfully submit the enclosed report and recommendations to FMCSA for consideration as part of your ongoing reauthorization planning.

Sincerely,

//signed//

David R. Parker

Chair

Motor Carrier Safety Advisory Committee

Enclosure

**FEDERAL SURFACE TRANSPORTATION  
REAUTHORIZATION**

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**Supplemental Recommendations for Agency Consideration  
in Reauthorization Planning**

**Report from**

**Workgroup on Task 08-01**

**to the**

**Motor Carrier Safety Advisory Committee**

**of the**

**Federal Motor Carrier Safety Administration  
U.S. Department of Transportation**

**September 29, 2008  
Washington, DC**

The Motor Carrier Safety Advisory Committee (MCSAC) unanimously accepted Task 08-01, Federal Surface Transportation Reauthorization, at its December 2007 meeting. Workgroup 08-01 was created to conduct work and was co-chaired by David Osiecki, Les Sokolowski, and Judith Stone. The Workgroup was tasked with the following:

Provide a priority list of safety provisions for inclusion in FMCSA's statutory program based on:

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The Workgroup met in person, held conference calls and conducted work via e-mail. It was determined that the best way to address both parts of the task was to issue two reports in June 2008 and a supplemental report in September 2008. At the June 2008 meeting, the Committee approved Report 1 of 2, which makes recommendations for Agency response to open recommendations from the Government Accountability Office (GAO), the U.S. Department of Transportation Office of the Inspector General (OIG), and the National Transportation Safety Board (NTSB). The Committee also approved Report 2 of 2, which makes recommendations for Agency consideration in reauthorization planning. At the September 2008 meeting, the Committee approved this report, which contains three additional recommendations for FMCSA during reauthorization.<sup>1</sup>

### Discussion

The Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; ISTEA) is a federal law that posed a major change to transportation planning and policy, as the first U.S. federal legislation on the subject in the post-Interstate Highway System era. It presented an overall intermodal approach to highway and transit funding with collaborative planning requirements, giving significant additional powers to metropolitan planning organizations. Signed into law on December 18, 1991, it expired in 1997. It was preceded by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and followed by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and most recently in 2005, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). TEA-21 was enacted on June 9, 1998, Public Law 105-178, and authorized the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period from 1998-2003. SAFETEA-LU was enacted August 10, 2005, as Public Law 109-59, and authorized the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. SAFETEA-LU expires in 2009. FMCSA is in the planning phase for the next reauthorization cycle.

### Findings

The MCSAC considered and discussed issues of import to the constituencies of the committee members and developed supplemental recommendations to the Agency to address those issues. This report contains those recommendations and should be viewed as an extension of the reports provided to the FMCSA Administrator in June 2008.

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<sup>1</sup> Note: Requiring Electronic On-Board Recorders (EOBRs) also was on the list of recommendations after the June 2008 meeting. The WorkGroup on 08-01 took no action on this item at the September 2008 meeting. However, Steve Owings from Road Safe America went on record to note that there are numerous benefits to all stakeholders to recording driving time using EOBRs.

## **Recommendations**

The MCSAC hopes that FMCSA will consider the three recommendations contained in this report when planning for reauthorization and in developing Agency program priorities. The MCSAC recognizes that some of the recommendations may not be within the scope of reauthorization. However, as the Workgroup considered issues raised by their constituencies as directed in the Task Statement, it identified items that it felt need to be addressed by the Agency. Because the Workgroup members were not certain as to which items should be addressed through reauthorization vs. regulatory, policy, or administrative actions, it developed recommendations to the Agency on each item and included them all in this report. The FMCSA will thus need to determine the appropriate means by which each item should properly be addressed.

### **Supplemental Recommendations for FMCSA Consideration in Reauthorization and Program Planning**

1. Research sleep disorder screening and treatment options for all CMV drivers.
2. Allow hair testing for drugs as an alternative to urine testing for CMV drivers.
3. Adaptive cruise control systems on new CMVs.

## Research Sleep Disorder Screening and Treatment Options for all CMV Drivers

### **Issue**

Recent research shows that roughly 20% of drivers in test groups displayed some form of sleep disorder, ranging from mild to severe. Drivers with sleep disorders may be a danger to themselves and to the motoring public if their condition is not monitored and treated.

The cost associated with testing for sleep disorders is significant, and there is a real issue related to who should pay for this testing. Many drivers could not afford the tests, and many carriers would not want to spend money on testing drivers they may not ultimately hire.

### **Implementation Strategies**

- Determine the impact of sleep disorders upon driver safety and crash risk.
- Work in conjunction with the Medical Review Board (MRB) to define a sleep disorder screening process and identify treatment options.
- Explore possible incentives for screening and testing activities.
- Consider incorporating sleep disorder screening procedures in DOT physicals.

### **Potential Benefits**

- Safer driver pool.
- Reduced crashes.

## Allow Hair Testing for Drugs as an Alternative to Urine Testing for CMV Drivers

### **Issue**

Hair testing has proven to be effective as a means of detecting drug use in some circumstances. Because drug traces remain in hair samples for long periods it is an effective means of identifying lifestyle drug use. However, it takes time after drug use for traces to appear in hair samples. Urine testing is an effective means of detecting drug presence immediately or soon after ingestion. This form of testing is particularly useful in post-accident and reasonable suspicion testing.

### **Implementation Strategies**

- Conduct a pilot program to evaluate the suitability and merits of hair testing for drugs.
- Consider revising existing regulations to allow hair testing as an alternative to urine testing.

### **Potential Benefits**

- More effective identification of lifestyle drug users.
- Reduces job-hopping among drivers.
- Safer driver pool.

## Adaptive Cruise Control Systems on New CMVs

### **Issue**

Cruise control may contribute to drivers becoming less engaged or even falling asleep at the wheel. Adaptive cruise control systems require speed and following distance settings. When following distance limits are breached, the system applies measures to reduce vehicle speed until the desired buffer is regained.

### **Implementation Strategies**

- FMCSA should advocate that the only type of cruise control systems allowed on new CMVs be adaptive cruise control.

### **Potential Benefits**

- More attentive drivers.
- Reduced frequency and severity of crashes.



# APPENDIX I

## **Motor Carrier Safety Advisory Committee (MCSAC) Task Statement Task #08-01**

### **I. TASK TITLE**

Federal Surface Transportation Reauthorization

### **II. BACKGROUND**

The Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; ISTEA) is a federal law that posed a major change to transportation planning and policy, as the first U.S. federal legislation on the subject in the post-Interstate Highway System era. It presented an overall intermodal approach to highway and transit funding with collaborative planning requirements, giving significant additional powers to metropolitan planning organizations. Signed into law on December 18, 1991, it expired in 1997. It was preceded by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and followed by the Transportation Equity Act for the 21st Century (TEA-21) and most recently in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). TEA-21 was enacted on June 9, 1998, Public Law 105-178, and authorized the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period from 1998-2003. SAFETEA-LU was enacted August 10, 2005, as Public Law 109-59, and authorized the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. SAFETEA-LU expires in 2009. The Federal Motor Carrier Safety Administration (FMCSA) is in the planning phase for the next reauthorization cycle.

### **III. TASK**

The Committee should provide a priority list of safety provisions for inclusion in FMCSA's statutory program based on:

- a. recommendations issued to the Agency from the Government Accountability Office (GAO), U.S. Department of Transportation Office of Inspector General (OIG), and the National Transportation Safety Board (NTSB); and,
- b. input from each committee member's respective constituency.

### **IV. ESTIMATED TIME TO COMPLETE TASK**

1. The Committee should submit a report on recommendations issued to the Agency from GAO, OIG, and NTSB, that should be included in FMCSA's statutory program at the March 2008 meeting.
2. The Committee should submit a report outlining the priority list of safety provisions for inclusion in FMCSA's statutory program at the June 2008 Committee meeting.

### **V. FMCSA TECHNICAL REPRESENTATIVES**

- Pam Pelcovits, Director, Office of Policy Plans and Regulations (MC-PR), FMCSA, 202-366-5370, [pamela.pelcovits@dot.gov](mailto:pamela.pelcovits@dot.gov).
- Shannon Watson, Intergovernmental Affairs Specialist, Legislation Division (MC-AGL), FMCSA, 202-493-0030, [shannon.watson@dot.gov](mailto:shannon.watson@dot.gov).

## APPENDIX 2

### Work Group on 08-01 Federal Surface Transportation Reauthorization

David Parker, Chair, *Great West Casualty Company*

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John Bauer, *Kohl's Corporation*

Michael Greene, *Columbia Machine Works*

Clyde Hart, *American Bus Association*

Michael Irwin, *Michigan Center for Truck Safety*

Terry Maple, *Kansas Highway Patrol*

David Osiecki, *American Trucking Associations*

Steven Owings, *Road Safe America*

Robert Petrancosta, *Con Way Freight*

Robert Powers, *Michigan State Police*

Karen Sain, *North Carolina Highway Patrol*

Lester Sokolowski, *National Safety Council*

J. Todd Spencer, *Owner-Operator Independent Drivers Association*

Judith Stone, *Advocates for Highway and Auto Safety*

Roger Vanderpool, *Arizona Department of Public Safety*