

**Prepared Remarks for Jack Van Steenburg
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Intermodal Association of North America
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Introduction

- Thank you for the kind introduction and the opportunity to speak with you today.

- IANA is unique among our stakeholders. More than any other, you understand that goods move best when there is seamless integration between modes of transportation, and that our roadways work best when all travelers – from cars to buses to trucks providing intermodal drayage – work together to share the road safely.

- Today I would like to talk with you about FMCSA and intermodalism, and a few other topics of interest:
 - An overview of FMCSA port operations and examples of recent incidents at the ports;
 - Results of IEP investigations in 2013 and 2014 and top violations;
 - The importance of knowing your carriers;
 - And an update on FMCSA regulations.

- With me is Darrell Ruban, FMCSA’s top expert on IEPs, who will present a deeper dive into a number of key topics.

Overview of FMCSA Field Operations

FMCSA's primary mission is to reduce the number and severity of crashes involving commercial motor vehicles, which include container/chassis combinations.

By definition, an intermodal equipment provider (IEP) is responsible for maintenance/inspection of the chassis through a Uniform Intermodal Interchange and Facilities Access Agreement (UIAA) that establishes the responsibilities and liabilities of the parties in the supply chain.

- FMCSA conducts intermodal equipment provider (IEP) investigations each year.
- We select port locations from more than 100 IEPs nationally. We base these selections on data on port size (container movements per year), geographic location, history with FMCSA and the States, and inspection data.
- FMCSA's investigations team conducts its work on site and includes surveillance of port operations, interviews with various entities and investigations of the IEPs, motor carriers and inspections.
- Many of these have resulted in enforcement actions, to include civil penalties and cooperative safety plans.

Results of Investigations

FMCSA completed 16 IEP investigations in 2013-2014.

- All 16 were found to have a maintenance program out of compliance.
- The most common violations discovered included:
 - § 396.3(a) Failing to Systematically Inspect, Repair and Maintain Chassis,
 - § 396.17 Failing to Conduct Annual Inspections,
 - § 396.19 Using Unqualified Inspectors (mechanics) and
 - § 396.11 (c)(2) Failing to Retain DVIRs.
 - § 390.19 (b)(1) Failing to file MCS-150C before operating

Top Roadside Violations

Here's what our inspectors are seeing at roadside so far in 2015. This list is very similar to the top violations from 2014.

Top 5 Violations for IEPs from roadside inspections CY2015		
CODE	VIOLATION DESCRIPTION	#OF VIOLATIONS
3939	Operating Vehicle Not Having The Required Operable Lamps	2,695
39347E	Clamp/Roto-Chamber Type Brake(s) Out Of Adjustment	535
3939TS	Inoperative Turn Signal	403
39311	No/Defective Lighting Devices/Reflective Devices/Projected	336
39375C	Tire—Other Tread Depth Less Than 2/32 Of Inch	336

Here are the top Out-of-Service (OOS) violations for IEPs so far in 2015. This list, too, is quite similar to the 2014 list.

Top 5 Out Of Service Violations for IEPs from roadside inspections CY2015		
CODE	VIOLATION DESCRIPTION	#OF VIOLATIONS
3939	Operating Vehicle Not Having The Required Operable Lamps	602
3939TS	Inoperative Turn Signal	386
393126	Fail To Ensure Intermodal Container Secured	253
39375A3	Tire—Flat And/Or Audible Air Leak	177
39325F	Stop Lamp Violations	169

Know Your Carrier

Please, *know your carrier*.

IEPs should know their carriers based on their scores and safety history. I cannot stress this enough.

We compiled three examples of (unnamed) carriers in Miami, FL, that we inspected during the IEP strike force from March 23 to April 3 (*Note: SMS pages for each of three are provided in your read book*):

- **Carrier 1** [*Luis Trucking Solutions, Miami, FL*] **has a 27.6% OOS Rate with a CSA Maintenance Percentile Ranking of 81%**. It was cited for:
 - Failing to Systematically Inspect Repair and Maintain.
 - Maintenance Records failed to indicate service nature and due dates.
 - Requiring or permitting operation of a vehicle declared out of service before repairs were made.
 - Fined \$10,000 for not monitoring maintenance and repairs, and operating an OOS vehicle before repairs were made.

- **Carrier 2** [*Trucking Solutions of Miami, FL*] **has a 41.2% OOS Rate with a CSA Maintenance Percentile Ranking of 93%**. They were cited for the following:
 - Failing to Systematically Inspect Repair and Maintain.
 - Maintenance Records failed to indicate service nature and due dates.
 - Using unqualified inspector.

- They also failed to monitor and track maintenance and repairs and an Enforcement Case was opened for their shortcomings on inspection, repair and maintenance, failure to require drivers to prepare DVIRs, and using a vehicle that was not periodically inspected.
- **Carrier 3 [Atlantic Trucking and Warehousing, Inc, Miami, FL] has a 47.8% OOS Rate with a CSA Maintenance Percentile Ranking of 98% and** was found to have failed to ensure preventative maintenance and communication of DVIRs.
 - There were also violations cited and enforcement follow-on action taken for failing to Systematically Inspect, Repair, and Maintain.
 - The carrier also failed to ensure DVIR's are complete and accurate.

Two Recent Incidents

Safety is a shared responsibility among all those in the supply chain, including equipment providers, ocean carriers, rail carriers, leasing companies, and motor carriers.

Two recent incidents *involving IEP-provided equipment* remind us that we still have work to do on the safety front. In citing these examples, I am not saying the IEPs were somehow negligent. Nor does it appear that the chassis caused the accidents.

- On March 2 at the Port of Savannah, Georgia, a commercial carrier pulling an intermodal chassis struck a Georgia Port Authority Police Officer as he was

directing traffic. At the time of the crash, the CMV driver was taking three controlled-substance pain medications and tested positive for cocaine. The incident left the officer in critical condition.

- On November 19, 2014, a commercial carrier pulling an IM chassis in Union County, North Carolina, approached an intersection and was unable to stop. The vehicle struck a stopped tanker, veered left and overturned onto two passenger cars, one of which was a Union County Deputy Patrol car. The Deputy died at the scene. The CMV had multiple OOS violations at the time of the crash, including defective brakes.

Regulatory Update

Let me take a few minutes to update you on a number of significant initiatives and rulemakings underway that will affect the intermodal industry.

34-Hour Restart Study

We are moving ahead on a naturalistic study comparing the operational, safety, health, and fatigue impacts of the restart provisions in effect before and after July 1, 2013, as required by FY2015 Consolidated Appropriations Act that was passed by Congress last December.

- We have successfully met our recruitment and enrollment targets for a sample of drivers from fleets of all sizes, operations, and sectors of the industry.
- The study is underway with a university transportation research institute and some of the Nation's leading experts on fatigue. It is subject to OIG oversight

and independent peer review. Five months of data will be collected for each driver enrolled.

- We are on track to finalize the study later this year.

Electronic Logging Devices (ELD)

- We will publish a Final Rule in 2015.
- The ELD rule is designed to help businesses cut paperwork, increase efficiency of law enforcement personnel and safety inspectors reviewing driver hours-of-service (HOS) records, and protect drivers from harassment.
- By improving HOS compliance, ELDs are expected to prevent about 20 fatalities, over 400 injuries each year, and produce an economic savings of close to \$400 million.
- We are evaluating all 1,700 comments on the NPRM and will determine whether changes may be appropriate for the final rule.

Unified Registration System

- We are committed to completing the implementation of our Unified Registration System this year.
- This effort is designed to improve the accuracy and timeliness of the information in our database of registered motor carriers.

- It will consolidate the 16 different registration forms currently in use for carriers, freight forwarders, and brokers into a single, “smart form.”
- The first big step in this process – the Biennial Update – is underway. We began deactivating carriers that failed to renew their two-year registration at a rate of 15,000 to 20,000 carriers per month.
- As of late April, 195,745 carriers have been deactivated. Most of those are carriers that have left the business.
- This simple but significant change has improved the quality of the data in our system greatly and given us a clearer picture of the carrier population operating on roadways.

URS and IEPs

- IEPs must continue to submit the MCS 150C to FMCSA to complete their required biennial update.
- However, after October 23, 2015, they will use the MCSA-1 form—an online form that combines all of our previous registration forms into one.
- URS will eliminate the use of the MC number that is issued when interstate operating authority is granted.

- Carriers will have only a single number – the USDOT number – for operating authority registration, insurance, and process agent designations.

National Registry

We all care about driver health and its impact on safety. That is the reason FMCSA created the National Registry of Certified Medical Examiners.

For the past year, we have been requiring all medical examiners who perform USDOT physical examinations and issue medical certificates to be trained and tested on our medical qualification standards and listed on the Registry.

We have now exceeded our goal, with more than 40,000 MEs registered and serving throughout the country.

National Registry II

Last month we published the National Registry 2 Final Rule to speed up the submission of medical information about CMV driver physicals to FMCSA for transmission to the State licensing agencies.

- The Final Rule requires medical examiners to use an updated Medical Examiner Report form and gives them a one-day deadline to report results of driver physicals.
- This new rule is the next significant step in ensuring that only medically qualified drivers are on the roads.

Drug & Alcohol Clearinghouse

- Last February, we published a Notice of Proposed Rulemaking to establish a Commercial Driver's License Drug & Alcohol Clearinghouse.
- The NPRM would require commercial truck and bus companies -- and other entities responsible for managing drug and alcohol testing programs -- to report verified positive drug and alcohol test results, test refusals, negative return-to-duty test results and follow-up testing into one nationwide system.
- This information would then populate a federal repository with verified positive drug and alcohol tests on CDL holders.
- The comment period for the rule closed recently, with 162 responses docketed. The Agency will address all of the significant comments in the final rule.

FMC and Port Congestion

Last thing before I wrap up, let me plug a report issued by one of our sister agencies about a subject you are interested in:

Last month the Federal Maritime Commission published a report on congestion at the ports titled, [Report: Rules, Rates, and Practices Relating to Detention, Demurrage, and Free Time for Containerized Imports and Exports Moving Through Selected United States Ports.](#)

- The report is available online at the FMC website.

- FMCSA is looking forward to working with FMC to explore opportunities to collaborate to address concerns of the Intermodal community.

Conclusion

- Improving safety, reducing crashes and saving lives is at the heart of our mission.
- We are committed to keeping open lines of communication so that we can share information, work together, and ultimately improve the conditions of intermodal chassis.
- We are grateful for your dedication to safety, and we look forward to continuing to work with you to make our roads even safer.

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