



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

### Meeting Minutes June 15–16, 2015

The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) met on June 15–16, 2015, in Alexandria, VA. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Col. Scott Hernandez, MCSAC Chairman, called the meeting to order at 9:00 am.

The following individuals attended the meeting:

#### **MCSAC COMMITTEE MEMBERS**

Rob Abbott, American Trucking Associations  
Sam Bell, Maryland Department of State Police (*surrogate for Bill Dofflemeyer*)  
LaMont Byrd, Director of Health and Safety, International Brotherhood of Teamsters  
Gary Catapano, Senior Vice President of Safety First Student, Inc.  
Bruce Hamilton, Vice President, Amalgamated Transit Union  
Scott Hernandez, Chairman; Colonel Colorado State Patrol  
Peter Kurdock, Advocates for Highway and Auto Safety (*surrogate for Henry Jasny*)  
John Lannen, Vice Chairman; 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  
Stephen Owings, President, Road Safe America)  
David Parker, Senior Legal Counsel, Great West Casualty Company  
Danny Schnautz, Clark Freight Lines, Inc.  
Calvin Studivant, Motorcoach Operator, Community Coach (*Absent*)  
Pete Pantuso, President and CEO, American Bus Association  
Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association  
Tami Friedrich Trakh, Citizens for Reliable and Safe Highways

#### **FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Larry Minor, Associate Administrator for Policy and Designated Federal Officer (DFO),  
FMCSA  
Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA  
Bill Bannister, Chief, Analysis Division, FMCSA  
Robert Miller, Director, Office of Policy, Planning, and Regulation, FMCSA  
Steven Smith, Ph.D., Director Office of Analysis, Research and Technology, FMCSA  
Gary Shuler, United States Department of Transportation (USDOT)  
Martin Walker, FMCSA  
Kimberly Rhoads, Strategic Planning and Evaluation Division, FMCSA  
Brian Routhier, FMCSA  
Cynthia Shaffer, USDOT, Volpe Center



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

### **OTHER ATTENDEES**

Lauren Bailey, National Automobile Dealers Association/American Truck Dealers  
Richard Cofer, Southern Company & EEI  
Tom Ditzler, J. J. Keller & Associates, Inc.  
Matt Erim, National Motor Freight Traffic Association  
Mirna Gustave, Digital iBiz  
Don Karol, National Transportation Safety Board (NTSB)  
Steve Keppler, Commercial Vehicle Safety Alliance  
Michael Lindsay, Hours of Service (HOS) Change Me/Concerned Driver  
Kelly McNelis, Digital iBiz  
Eric Miller, Transportation Topics  
Julie Perrot, NTSB  
Irwin Shires, Panther Premium/The Expedite Association of North America  
Alan Smith, Greyhound  
Mark Valentine, Owner-Operator Independent Drivers Association  
Donna Weber, National School Transportation Association  
Ivanna Yang, American Association for Justice

### **REMARKS AND COMMITTEE ACTION**

The Committee approved the meeting minutes from March 15–16, 2015.

#### **1. Strategic Plan Discussion**

The Committee reviewed the Strategic Plan main topics that need to be implemented for 2016 and identified short-term strategies for implementation in 2018. FMCSA's strategic plan should align with the updated DOT Strategic Plan budget.

#### Discussion Topics

##### **Pedestrian and Biking Safety Initiative**

- The committee noted that the content of the plan says “crashes” and not “accidents” because a crash is not necessarily the drivers fault.
- Most pedestrian and bike crashes happen in urban environments. Fatalities often occur in non-intersections where pedestrians should not be.
- The committee recognized and supported the updated infrastructure for pedestrians. However, pedestrians are still one and a half times more likely to be injured or killed per trip than a driver.
- If a driver or pedestrian is more at fault then they may be cited. However, the focus is primarily on education.
- The Federal Transit Administration (FTA) is launching a safety program. The Strategic Plan will look at transit buses in urban areas, pedestrians, and cyclists. Reduced fatality numbers are a DOT safety goal.
- Research on pedestrian collision warning systems may be a priority. However, this would be a National Highway Traffic Safety Administration (NHTSA) effort



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

rather than a FMCSA effort.

### **Drug and Alcohol Testing**

- Information in the Strategic Plan is based on crash reports.
  - Information from sources other than police reports should be included.
- If the driver shows no signs of impairment on the scene, the officer will not gather further evidence of intoxication.

### **Bakken Oil Fields**

- The top out-of-service violations discovered in the Bakken Oil Field area included brake systems, tires and wheels, safe loading, hazardous materials, shipping paper, hours of service, breaks, and false records.
- Brake systems are typically the number one vehicle violation.
- A copy of the Bakken Oil Field statistics is currently on the MCSAC website.

### **FMCSA Large Truck and Bus Alcohol-Related Data**

- Of the large trucks involved in fatal crashes, 2.1% had a blood alcohol level of .08 or above in 2012, and 2.4% had a blood alcohol level of .08 or above in 2013.
- Of the passenger vehicle drivers involved in fatal crashes, 22.7% had a blood alcohol level of .08 or above in 2012, and 22.9% had a blood alcohol level of .08 or above in 2013.
- Further information regarding the increase in alcohol-related fatalities from 2012 to 2013:
  - In 2012, 3,774 trucks were involved in fatal crashes; this is where the 2.1% comes from. In 2013, 3,858 trucks were involved in fatal crashes; this is where the 2.4% comes from. This is a 0.3 percentage point increase.
  - In 2012, 18,171 passenger vehicles were involved in fatal crashes; this is where the 22.7% comes from. In 2013, 17,731 passenger vehicles were involved in fatal crashes; this is where the 22.9% comes from.
    - The number of passenger vehicles involved in fatal accidents decreased, but there was a 0.2 percentage point increase in fatalities.
- If an officer suspects impairment, drug and alcohol testing is initiated.
  - Officers can perform different tests, depending on the type of impairment. Different States only employ certain tests.
  - A portable breath test can be done at the side of the road. If the results come up zero and the officer suspects impairment, then the officer can move forward in the investigation for drug impaired driving.
- If a driver's blood alcohol level is over .08, a drug test is typically not initiated.
  - If drugs are found in the vehicle, and driver demeanor is consistent with found drug, then the officer may do a drug test.
  - Most officers feel that if a driver's blood alcohol level is over .08, then they



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

have enough evidence to prosecute.

### Occupational Safety Program

- FMCSA needs to assess and ensure safe and healthy work environments for agency personnel. This is especially important for Agency personnel in the field, at the roadside and on carrier premises.

### Strategic Focus Area and Goals

The committee reviewed and discussed Part II of the Strategic Plan: Strategic Focus Areas and Goals.

- Driver Fitness Testing was removed from the Strategic Plan.
- Part of the Strategic Plan for the Agency needs to be continually reviewed and validated if any of the regulations relate to crashes.
- All FMCSA personnel are trained in enhanced investigative techniques (EITs); State partners are currently being trained.
- FMCSA started working with the International Association of Chiefs of Police (IACP) this year and began training non-MCSAC CMV officers on safely stopping speeding trucks. Similar training is offered with the Drug Interdiction Assistance Program (DIAP).
- Increased public awareness of truck safety issues:
  - FMCSA works with State partners and the industry to bring trucks into high schools. Students can participate actively in demonstrations to understand blind spots in trucks.
  - States should add truck safety questions to driver's license tests. Virginia currently has questions about truck safety.
  - Sole reliance on technology is risky; technology with no demonstrated safety benefits should not be incentivized.
- FMCSA's Strategic Plan should support DOT's economic competitiveness goal.
  - FMCSA should identify the most common causes of crashes; programs should be prioritized to address these.
- Does economic competitiveness enhance safety?
  - The objective of the Agency is to balance economic competitiveness with safety. All rules need to pass cost-benefit analyses.
- Demonstration of wireless inspection technology was conducted seven years ago; it can save drivers' time and Agency resources.
  - FMCSA is in the pilot phase of this technology, and this is also included in the FMCSA Research Plan.
- Truck drivers are a highly regulated group of workers. What impact does ongoing electronic monitoring have on a driver's job stress?
  - Electronic monitoring increases job stress based on a study of workers.
- Health and wellness of drivers is a statutory component when making rules, in



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

addition to crash prevention.

### **2. DOT Rulemaking Presentation**

Robert Miller presented the FMCSA Regulatory Update (DOT Rulemaking). The following issues were discussed:

- In 2015, a Final Rule will establish the daily upload of medical exams. When these results get to FMCSA's National Registry, they will be turned over to the States within a day.
- What happens when the State system is down? Will there still be a way to verify drivers' license information or medical information?
  - The medical indicator will still be on the physical license.
  - When the system is down, there is no workaround.
  - The DMV will be responsible for monitoring if the CDL needs more medical information. In the future, this process will be automated. This is one reason for the three-year implementation period.
- There will be a single online clearinghouse of positive Drug and Alcohol results and drivers who refuse testing. Employer access will require driver consent.
- Employers must conduct an annual drug and alcohol check for their drivers.
- The Notice of Proposed Rulemaking (NPRM) for the Drug and Alcohol Clearing House does not propose that the Agency include all violations in the database, specifically employer observations. A number of groups petitioned the Agency to reconsider. This input was considered when drafting the final rule.
- Will Unified Registration System 1 (URS 1) or Unified Registration System 2 (URS 2) require company owners' social security number for tracking purposes?
  - Will not be in the URS 1 or URS 2 rulemaking. The Office of Management and Budget (OMB) has a strict requirement on collecting social security information.
  - The Agency will take stronger enforcement action for drivers providing false information about their knowledge, name, or vehicle registration.
- Currently, almost 40,000 drivers failed physical exams from May 2014–May 2015, out of 4.2 million (under 1%).
- In December 2014 the Medical Review Board (MRB) and MCSAC recommended a form and guide to opioids for medical examiners. Paperwork Reduction Act notice will be out next month.
- NHTSA Rulemaking released on June 3 requiring Electronic Stability Control systems on trucks and buses exceeding 26,000 pounds. This technology can prevent 1,749 crashes, 649 injuries, and 49 fatalities per year.

### **3. Discussion on FMCSA's Research Program**

The committee discussed the following potential research focus areas:



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

- Pay methods; impact on drivers (including satisfaction and work stress), retention, and crashes.
- Overtime pay for truck drivers.
- Impact of unionization.
- Lytx (formerly DriveCam) and similar technology.
- Top causes of crashes (e.g. speeding, fatigue, distraction, vision obscured by roadway conditions/weather).
- Violations representing issues that the motor carrier has control over versus violations that the driver has control over.
- Speed limiters governed by posted speed limit: what happens when weather or roadway/traffic conditions result in a safe speed lower than that posted?
- Highway engineering—impacts of parking lanes, rest stops—and how those impact traffic safety and commercial vehicle safety.
- Age-related factors.
- Driver supply.
- Crashes involving commercial vehicles equipped with safety technologies.
- Safety culture.
- Legalization of marijuana, including establishing a baseline in the event it becomes more legalized throughout the United States.

### 4. Final Words on Task 15-1, Voluntary Compliance Programs to Promote CMV Safety/Task 15-1 Completion

The committee reviewed Task 15-1, Voluntary Compliance Programs document. Language was added to “Potential Technologies or Safety Programs for a Beyond Compliance Program” and “General Comments on a Beyond Compliance Program.”

### PRESENTATIONS

	<b>Presenter</b>	<b>Presentation</b>
1	<b>Kimberly Rhoads, Strategic Planning and Evaluation Division, FMCSA</b>	<b>Strategic Plan</b>
2	<b>Robert Miller, Director, Office of Policy, Planning, and Regulation, FMCSA</b> <b>Larry Minor, Associate Administrator for Policy</b>	<b>DOT Rulemaking</b>
3	<b>Bill Bannister, Chief, Analysis Division, FMCSA</b>	<b>2013 Large Truck and Bus Overview</b>



## MOTOR CARRIER SAFETY ADVISORY COMMITTEE

	Presenter	Presentation
4	<b>Steven K. Smith, Ph.D., Director Office of Analysis, Research and Technology, FMCSA</b>	<b>FMCSA's Research Program Update</b>

### PUBLIC COMMENTS

#### **Michael Lindsay — Commercial Driver (Spoke both days – comments combined).**

Mr. Lindsay stated that he believes there should be similar hours of service rules for motorcoach and truck drivers. He further stated that he would like to see the MCSAC hold meetings outside the Washington, DC, area so that more truck and motorcoach drivers could attend. He described his own informal survey of truck drivers and their hours, the vast majority of whom will tell him, another driver, that if they run out of hours when they are an hour away from home, they will drive home.

Mr. Lindsay believes that the 14-hour clock really hurts drivers because they end up trying to push it. For example, if he travels an hour down the road to find his load is not ready, the resultant wait time is lost to him monetarily. Furthermore, Mr. Lindsay questions the logic for the exemption from the 30-minute break allowed to livestock truck drivers and bus drivers.

Regarding the manual that the Agency puts out to Federal Motor Carriers, instead of repeatedly using language like “refer to reference 395.1,” Mr. Lindsay asks that the language be inserted in full. He believes that it will save drivers time.

**ADJOURNMENT:** The meeting was adjourned at 2:30 pm.

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

//Signed//

---

Scott Hernandez  
Chairman, MCSAC

//Signed//

---

Larry W. Minor  
Designated Federal Officer, MCSAC