



MOTOR CARRIER SAFETY ADVISORY COMMITTEE

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

March 27, 2009

The Honorable Rose A. McMurray
Acting Deputy Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Acting Deputy Administrator McMurray:

The Motor Carrier Safety Advisory Committee (MCSAC) accepted Task 09-01, "Developing a National Agenda for Motor Carrier Safety," at its December 2008 meeting. Workgroup 09-01 was created to conduct work and was co-chaired by Clyde Hart, Michael Irwin, J. Todd Spencer, and Judith Stone. The workgroup was tasked with identifying top safety challenges that FMCSA should focus on to make significant advances in motor carrier safety and potential strategies to respond to those challenges.

The workgroup met in person on December 10, 2008, and March 18, 2009, held conference calls, and conducted work via e-mail. At the March 2009 meeting, the workgroup submitted a report to the committee for review and approval. The committee approved the report and identified four broad categories of safety challenges:

- Enforcement
- Safety Technologies
- Education / Outreach
- Research

Attached is the detailed report describing challenges and strategies under each category. I submit the enclosed report and recommendations to FMCSA for consideration. The committee also respectfully requests that the next Administrator of FMCSA review past MCSAC reports that contain previous recommendations.

Sincerely,

//signed//

David R. Parker
Chair
Motor Carrier Safety Advisory Committee

Enclosure

National Agenda for Motor Carrier Safety

As representatives of industry, advocacy, and enforcement, we can authoritatively say that now is the time for the Federal Motor Carrier Safety Administration (FMCSA) along with its stakeholders to address motor carrier safety with the same commitment to safety culture as exists in other modes (i.e., air, rail, and maritime).

To improve cooperation in areas that overlap among the National Highway Traffic Safety Administration (NHTSA), the Federal Highway Administration (FHWA) and FMCSA, the Secretary of Transportation should establish an interagency action task force that has articulated goals of increased safety and accountability. This task force would share information and become a forum for Department of Transportation (DOT) safety discussions.

The committee recognizes that the FMCSA could be more effective if it had more resources. However, the committee also recognizes that the Agency must implement programs within its existing authorization, and these recommendations acknowledge that fact.

ENFORCEMENT

As a safety agency with enforcement as a core function, FMCSA should increase fines for repeat offenders, practice more efficient enforcement, and increase the transparency of enforcement data.

Short Term

- *Effective Enforcement.* The committee recommends that FMCSA enhance enforcement action, including levying maximum fines against non-compliant carriers or unauthorized operations and publicizing the enforcement action against those carriers.
- *Biennial Update.* In a better effort to detect unauthorized operations and carriers (e.g., “chameleon,” “phantom,” or “reincarnated” carriers), the committee recommends that the Agency enforce the required biennial update of the MCS-150 form.
- *Detecting “Chameleon Carriers.”* The committee recommends that FMCSA conduct more thorough investigations of new entrants (e.g., consider applying the Evasion Detection Algorithm (EDA) process to all new entrants) to help detect and deter “chameleon carriers.”
- *Driver Information Resource.* The committee recommends that FMCSA implement the Driver Information Resource (DIR) for industry.
- *Early Interventions.* FMCSA’s early intervention into marginal and problem carriers helps reduce crashes and fatalities. The committee endorses the intervention initiative addressed in the Comprehensive Safety Analysis (CSA) 2010.
- *Establish a Safety Rating System for Intrastate Carriers.* Studies show that intrastate carriers are over-represented in truck crashes. Therefore, the committee recommends that FMCSA apply the safety rating system to intrastate carriers as well as interstate carriers.
- *Grant Process.* The committee recommends that FMCSA improve the timeliness of awarding grant funds and streamline the application, reporting, and evaluating processes.

Long Term

- *Revise MCS-150 Requirement.* The committee recommends that FMCSA revise the current regulations to require, using the MCS-150 form, timely notification of any changes to critical information, such as address, phone number, and identities of principal officers, as well as any other fundamental business information.
- *Expand TACT (Ticketing Aggressive Cars and Trucks).* TACT and similar programs have been shown to reduce aggressive driving and hazardous violations on the roadways. Therefore, the committee recommends that FMCSA endeavor to expand similar programs to more jurisdictions. We also recommend that similar programs be combined under a single name to ensure effective branding.
- *Add "Distracted Driving" to the Federal Motor Carrier Safety Regulations (FMCSRs).* Documented research shows that there are cognitive distractions and increases in crashes from cellular phone use and text messaging. Therefore, the committee recommends that FMCSA initiate rulemaking to ban the use of hand-held and hands-free cellular phones and text messaging.
- *Driver Fatigue.* Law enforcement officers have difficulty getting driver fitness information at the roadside. Thus, the committee recommends that Agency explore and test emerging technologies to assist law enforcement in detecting driver fatigue at the roadside. We also recommend that industry continue its exploration of real-time fatigue warning systems for drivers.
- *Sleep Disorders.* The committee recommends that the Agency partner with appropriate organizations to develop a sleep disorder screening process for incorporation into 49 CFR part 391 and develop feasible strategies by which more drivers can be screened and treated.

SAFETY TECHNOLOGIES

FMCSA should continue to explore opportunities for new safety technologies and leverage existing technologies.

Short Term

- *Vehicle Infrastructure Integration System (VIIS).* Currently, the VIIS has been tested and FHWA has issued a Request for Information (RFI) for strategies to coordinate deployment of communication technologies for all vehicles. The committee recommends that FMCSA work with FHWA on this project to include commercial motor vehicles.

Long Term

- *Roadside Technologies.* The committee recommends that FMCSA and FHWA collaborate to ensure that all current and future highway projects incorporate available and feasible safety technologies. We also recommend that FMCSA work with the administration to ensure that these safety technologies are considered in any transportation reauthorization legislation. Automated enforcement, such as photo enforcement, though not meant to replace officers, should be expanded.
- *Wireless Roadside.* The committee recommends that FMCSA adopt a uniform wireless platform in conjunction with other agencies.

- *In-vehicle Technology.* The committee recommends that FMCSA explore strategies to proliferate the installation of vehicle safety technologies to reduce crashes, such as allowing carriers to invest in specific technologies prescribed by FMCSA in lieu of an assessed fine.¹ We also encourage FMCSA to support legislation now in Congress to grant tax credits to motor carriers that incorporate advanced safety technologies on their equipment.²
- *Commercial Motor Vehicle (CMV) Crashworthiness.* The committee recommends that FMCSA collaborate with NHTSA to improve the crashworthiness of commercial motor vehicles.

EDUCATION / OUTREACH

The mission of FMCSA is to target educational messages at carriers, commercial drivers, and the public. One effective method of targeting this audience is to combine effective awareness and enforcement campaigns into a national program with a recognizable name. The next step is to have program uniformity, such as the “Click It or Ticket” campaign, for passenger vehicles.

Short Term

- *Law Enforcement Education.* The committee recommends that FMCSA and States educate law enforcement officers on data quality issues relating to crash reports (e.g., definition of rural and urban, crash causes, etc).
- *Improve Website.* The committee recommends that FMCSA better share information on its website. The Agency should present accurate, timely, and comprehensive information for new entrants, including process, reporting requirements, and regulatory impacts, in one location. The website also should simplify and better organize general information for the public.
- *Driver Hotline.* The committee recommends that FMCSA combine driver hotlines into a single resource. FMCSA should clarify and effectively communicate the goals and objectives of any driver hotline. A single, well designed hotline has the potential to provide more information to FMCSA and improve focus on higher risk carriers.

Long Term

- *Lack of Standardization.* The committee recommends that FMCSA increase and improve training for drivers in the areas of compliance, skill, and performance. In particular, FMCSA should develop standards for driver training to include entry level, remedial, and recurring training. Training should be based on vehicle-specific competency, and should include CSA 2010 safety measurement systems and driver wellness. Remedial training should be based on driver performance and competency or risk, and be specific to the area where the driver has shown performance deficiency.

¹ J. Todd Spencer and Judith Stone did not endorse the recommendation that FMCSA consider allowing technology investment in lieu of an assessed fine.

² J. Todd Spencer and Judith Stone did not endorse the recommendation that FMCSA support the tax credit legislation.

- *National Awareness Campaigns.* The committee recommends that FMCSA create a public/private partnership to develop a safety culture campaign focused on reducing commercial motor vehicle crashes. The program should be a long-term, sustainable initiative that will continuously reinforce the safety message. The Agency should choose two or three issues with the greatest crash and fatality reduction potential as initial subjects for the campaign. FMCSA and NHTSA must collaborate and share resources and ideas to produce more synergy and greater effectiveness.
- *Graduated Commercial Driver's Licenses (CDLs).* The committee recommends that FMCSA explore the feasibility of implementing a graduated CDL program to include appropriate experience, training, and performance levels. The committee also suggests that FMCSA include an additional CDL group designator to include those commercial motor vehicles from 10,000 to 26,000 GVWR, which are those vehicles not included in the current CDL categories. We also recommend that skills tests better address the following: appropriate vehicle size and type, terrain, defensive driving, and cargo securement.
- *Use of Prescription and Over-the-Counter Drugs.* The committee recommends that FMCSA evaluate whether the exceptions in 49 CFR 391.41(b)(12)(i) and (ii) ensure the adequacy of the physical condition of commercial motor vehicle operators to enable them to operate CMVs safely. If FMCSA finds that these provisions do not meet the public interest, the Agency should eliminate them.

RESEARCH

FMCSA is conducting several driver-specific research projects. While this is laudable, the committee recommends that the Agency initiate the following studies regarding motor carrier safety:

- Baseline study to illuminate current safety culture and knowledge of FMCSA. This study should be initiated as soon as possible and may be an opportunity to partner with industry.
- Study of uniform CMV definition, which could simplify the regulatory universe. Currently, the FMCSRs make distinctions among CMVs by weight, which is unnecessary and confusing.
- Study to investigate how to improve the quality of data including driver/carrier transparency, sharing of data, etc.
- Synthesis study on shipper, broker, and other industry responsibilities and incentives.
- Study on distracted driving, focusing on what causes distracted driving, including but not limited to factors such as Citizen's Band (CB) radio use, navigation device use, and cruise control on commercial motor vehicles.
- Synthesis study on safety of retreaded, recapped, and regrooved tires on commercial motor vehicles.