



MOTOR CARRIER SAFETY ADVISORY COMMITTEE

Minutes Motor Carrier Safety Advisory Committee Meeting March 12, 2008

The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) met on March 12, 2008, at the U.S. Department of Transportation, Washington, DC. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Mr. Larry Minor served as the Designated Federal Official (DFO) and called the meeting to order at 9:00 am.

COMMITTEE MEMBERS:

Clyde Hart, Senior Vice President of Government Affairs, American Bus Association
Michael Irwin, Director, Michigan Center for Truck Safety
David Osiecki, Vice President for Safety, Security and Operations, American Trucking Associations
Stephen Owings, President, Road Safe America
David Parker, Senior Legal Counsel, Great West Casualty Company
Robert Petrancosta, Vice President of Safety, Con Way Freight
Robert Powers, Captain, Michigan State Police
Lester Sokolowski, Director of Division Services, National Safety Council
J. Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association
Judith Stone, President/Executive Director, Advocates for Highway and Auto Safety

FMCSA REPRESENTATIVES:

Craig Chesak, Director, Office of Intergovernmental Affairs
Jesse Fonner, Program Specialist, Strategic Planning and Program Evaluation Division
Amy Houser, Engineer, Technology Division
Eugene Johnson, Management and Program Analyst, Strategic Planning and Program Evaluation Division
Emily Kaplan, Transportation Specialist, Strategic Planning and Program Evaluation Division
Jeff Loftus, Transportation Specialist, Technology Division
Gary Middleton, Management and Program Analyst, Strategic Planning and Program Evaluation Division
Larry Minor, Associate Administrator for Policy and Program Development
Pamela Pelcovits, Director, Office of Policy Plans and Regulation
Jeff Secrist, Division Chief, Technology Division
Scott Valentine, Management and Program Analyst, Strategic Planning and Program Evaluation Division
Shannon Watson, Intergovernmental Affairs Specialist, Office of Intergovernmental Affairs

OTHERS PRESENT FOR ALL OR PORTIONS OF THE MEETING WERE:

M. Beers, Booz Allen Hamilton
Warren Dunham, Warren B. Dunham Associates, LC
Mirna Gustave, Chenega Advanced Solutions and Engineering, LLC
Phil Hanley, Consolidated Safety Services
Kevin Kerdel, TK Holdings, Inc.
Charles Maffel, Respirationics
Rafael Marshall, National Transportation Safety Board
Julie Perrot, National Transportation Safety Board
Alan Potter, Booz Allen Hamilton
Elizabeth Turner, Volpe National Transportation Systems Center
Gary Van Etten, National Transportation Safety Board
Brad Watkins, Consolidated Safety Services



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REVIEW OF AGENDA

The Committee reviewed the agenda.

APPROVAL OF MINUTES

The Committee approved the minutes of the December 2007 Committee meeting.

MCSAC MEETINGS

The Committee agreed to meet on the following dates:

- June 2 – 4, 2008 (Washington, DC)
- September 8 – 10, 2008 (Washington, DC)
- December 8 – 10, 2008 (Washington, DC)

PRESENTATIONS

Mr. David Parker provided the committee with a presentation regarding insurance premiums titled, “*Insurance Premiums and the Impact of Motor Carrier Safety and Technology.*”

Mr. Craig Chesak and Ms. Shannon Watson provided the committee with a presentation on the status of FMCSA’s reauthorization initiative.

WORKGROUP REPORTS

Workgroup 07-01 (Safety Fitness Methodology): Workgroup members came to a consensus at the December meeting that the National Transportation Safety Board recommendation should be integrated into FMCSA’s Comprehensive Safety Analysis 2010 (CSA 2010) initiative. Mr. Hart will send a letter to the workgroup for approval of this approach and will make the official recommendation to the full committee at the June meeting.

Workgroup 07-03 (Safety Technologies): The workgroup determined that it was not ready to submit a report to the full committee and agreed to defer the submission of the report until June meeting.

Workgroup 07-04 (Employer Notification System): The workgroup is continuing to work on the task.

Workgroup 08-01 (Reauthorization): The workgroups for task 08-01 outlined recommendations from the Government Accountability Office, the U.S. Department of Transportation’s Office of Inspector General, and the National Transportation Safety Board that should be considered for inclusion in FMCSA’s reauthorization proposal as follows:

Workgroup 08-01 (A)

1. Issue: Set goals for FMCSA enforcement programs that are designed to clearly demonstrate contributions to safety goals (GAO 06-156)
Workgroup Proposal: The workgroup requested a status report from FMCSA on the studies listed in the GAO report in order to determine any specific proposed course of action.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.
2. Issue: New Entrant Program: “Education and Outreach Programs Target Safety and Consumer Issues, but Gaps in Planning and Evaluation Remain” (GAO 06-103)
Workgroup Proposal: FMCSA needs to provide the logic model for education and outreach programs to GAO and to MCSAC. FMCSA needs to implement a pilot pre-registration program in addition to the New Entrant program.



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- Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.
3. Issue: “Significant improvements in Motor Carrier Safety Program since 1999 Act but Loopholes for Repeat Violators Need Closing” (MH-2006-046)
Workgroup Proposal: The PRISM system that gets social security numbers and truck VIN numbers in order to track carriers and drivers should be deployed nationally and in a timely and consistent manner.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.
4. Issue: Increase Training (combined safety recommendations H-05-002, H-03-002 and H93-028). FMCSA had committed to develop educational brochures for private motor carriers and passengers on safety compliance; they were to partner with religious organizations to distribute brochures. The information is on FMCSA’s website but the brochure has not been distributed.
Workgroup Proposal: FMCSA should complete the second part of the task, namely develop brochures and distribute them to religious organizations
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.
5. Issue: “Share the Road Safely Pilot Initiative Showed Promise, but the Program’s Future Success is Uncertain” (GAO 06-916).
Workgroup Proposal: Define a nation-wide program (with one name) incorporating aspects of TACT and Share the Road Safely with funding from an appropriations line item.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

Workgroup 08-01 (B)

6. Issue: SafeStat (GAO 07-585): FMCSA’s system for identifying high risk carriers has severe problems that actually prevent it from identifying those high risk carriers.
Workgroup Proposal:
- (a) Data Accuracy improvements –use Vehicle Miles travelled instead of Power Units; only “at fault” accidents should affect scores; DataQ’s module is inconsistent from state to state and there is no due process after decision has been made; methodology issues with out-of-service rates and unbalanced weighting.
 - (b) Mandate State use of PRISM.
 - (c) Penalize drivers and carriers.
 - (d) Intra-state carriers should be added.
 - (e) Bring shippers and receivers into the scope of SafeStat.
- Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.
7. Issue: Enforcing Operating Authority Requirements (H-06-17): Establish a program that ensures motor carriers stop operations if they are revoked.
Workgroup Proposal: The workgroup requests FMCSA’s response to the NTSB report
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.



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8. Issue: Information exchange from Mexican motor carriers to FMCSA database (MH-2005-032): There are several defects on Mexican motor carriers' adherence to U.S. regulations that have not been corrected. There is also deficient data.
Workgroup Proposal: FMCSA needs to implement one comprehensive border safety program for both borders.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

9. Issue: "Federal Safety Agency Identifies many High Risk Carriers but does not Assess Maximum Fines as often Required by Law" (GAO 07-584)
Workgroup Proposal: Workgroup requests FMCSA's response to the 2007 GAO report.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

Workgroup 08-01 (C)

10. Issue: "Need to Establish a Legal Presence Requirement for Obtaining a Commercial Driver's License" (MH-2002-093)
Workgroup Proposal: Establish Federal standards to check social security numbers and for drivers to pass an English language proficiency exam. This should become a top priority and expedited.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

11. Issue: Medical Oversight Program (H-01-17, H-01-23): Need to develop a medical oversight program so only certified medical professionals can issue certificates and to ensure enforcement authority.
Workgroup Proposal: FMCSA should make medical oversight a priority for the agency and, if accomplished, there is no need for reauthorization.
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

12. Issue: Drug and Alcohol Information system (H-01-25)
Workgroup Proposal: Establish clearinghouse for drug testing results on CMV drivers
Full Committee Action: The full Committee agreed to include the recommendation in its reauthorization proposal to FMCSA.

PUBLIC COMMENT PERIOD

The public comment period was scheduled at 4:00 pm; however, no members of the public signed up to provide comments.

ADJOURNMENT

The meeting was adjourned by the DFO at 4:30 pm on March 12, 2008.

CERTIFICATION

The minutes were unanimously approved by the MCSAC on June 4, 2008.

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



MOTOR CARRIER SAFETY ADVISORY COMMITTEE

//signed//

David R. Parker
Chair
Motor Carrier Safety Advisory Committee

//signed//

Larry W. Minor
Designated Federal Official
Motor Carrier Safety Advisory Committee