

Recommendation Report

Rec #: H-05-002, H-05-003, H-05-004, H-05-005

Notation Id: 7711_2

Accident Date: 10/13/03

Issue Date: 04/27/05

City/State: Tallulah, LA

NTSB Report #: NTSB/HAR-05/01

Most Wanted: No

At 10:50 a.m. on October 13, 2003, a 1992 Neoplan USA Corporation 49-passenger motorcoach, owned and operated by the First Baptist Church of Eldorado, Texas, was traveling eastbound on Interstate 20 near Tallulah, Louisiana. The motorcoach, carrying 14 passengers, was en route from Shreveport, Louisiana, to Tuscaloosa, Alabama, as part of a multicity sightseeing tour that had originated in Eldorado. As the motorcoach approached milepost 168, it drifted rightward from the travel lanes and onto the shoulder, where it struck the rear of a 1988

Peterbilt tractor semitrailer operated by Alpha Trucking, Inc., which was stopped on the shoulder at milepost 167.9. As both vehicles moved forward, the motorcoach rotated clockwise slightly and the semitrailer rotated counter-clockwise slightly; the vehicles remained together. They traveled approximately 62 feet and came to rest, still oriented to the east, adjacent to the right side of the interstate on the outside shoulder. Eight motorcoach passengers sustained fatal injuries, the motorcoach driver and six passengers received serious injuries, and the Peterbilt driver was not injured.

Recommendation # : H-05-002	Overall Status: Closed - Acceptable Action	Priority: CLASS II
TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION: Develop and distribute educational materials for nontraditional commercial vehicle owners, such as church groups, on how to comply with the Federal Motor Carrier Safety Regulations; at a minimum, the materials should be posted on the Federal Motor Carrier Safety Administration Web site.		
# of Addressees: 1	Overall Date Closed: 05/31/07	
Addressee: Federal Motor Carrier Safety Administration	Closed - Acceptable Action	Addressee Date Closed: 05/31/07
09/30/05	Address 2050473 ee	Letter Mail Controlled 10/11/2005 2:14:55 PM MC# 2050473 - From Annette Sandberg, Administrator: I am pleased to provide the Federal Motor Carrier Safety Administration's (FMCSA) response to the National Transportation Safety Board's letter of April 27, 2005, regarding safety recommendations H-05-002 through H-05-005. I address each recommendation separately below. FMCSA is developing an educational brochure to increase the safety awareness and regulatory compliance of private motor carriers of passengers. The brochure identifies two types of private motor carriers, and briefly explains the applicability of the Federal Motor Carrier Safety Regulations to each. It further explains how these carriers must register with FMCSA to obtain a U.S. Department of Transportation number and how these carriers can find additional information and assistance on FMCSA's Web sites, by telephone, or in-person. The brochure is in the last stage of revision and will be finalized in the near future. After finalization, FMCSA will print an ample quantity of the pamphlet for physical distribution and will post it on the Agency's Web site (www.fmcsa.dot.gov) by December 2005. We also intend to partner with the headquarters of religious organizations and utilize their networks to distribute the pamphlet. We expect to complete strategic partnering with religious organizations and other private motor carrier groups by April 2006.

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05/31/07	NTSB	-1	<p>Through discussions in April and May 2006 with FMCSA staff and the testimony of Mr. Larry Minor at the Wilmer public hearing, Safety Board staff has learned that the FMCSA has developed an educational pamphlet for private motor carriers of passengers (PMCP), and notes that this pamphlet is now available on the agency's Web site. Upon review of the pamphlet and information on the Web page hosting the pamphlet's link, Board staff noted that the materials explain the difference between and give examples of business, non-business, and for-hire motor carrier designations; list the FMCSA requirements for the business and non-business carrier groups; and reference the sections in the Code of Federal Regulations (CFR) where the applicable regulations can be found. In its September 30, 2005, letter, and again in Mr. Minor's Wilmer hearing testimony, the FMCSA indicated that it plans to partner with church groups and other PMCPs to further distribute the information. As the actions of the FMCSA--- satisfy to develop and post (via the agency's Web site) materials to educate business and non-business, or nontraditional, commercial vehicle owners on compliance with the FMCSRs satisfy the intent of this recommendation, Safety Recommendation H-05-2 is classified CLOSED -- ACCEPTABLE ACTION. Recent staff-level e-mail communications indicate that the proposed activity to partner with church groups and others has been temporarily delayed due to competing priorities and turnover of personnel. The Board encourages the FMCSA to continue distribution of the PMCP information as soon as circumstances permit.</p>
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Recommendation Report

Recommendation # : H-05-003	Overall Status: Open - Unacceptable Response	Priority: CLASS II
<p>TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION: Revise the Federal Motor Carrier Safety Regulations Appendix G to Subchapter B, Minimum Periodic Inspection Standards, Part 10: Tires, Sections A(5) and B(7), to include inspection criteria and specific language to address a tire's speed rating to ensure that it is appropriate for a vehicles intended use.</p>		
# of Addressees: 1	Overall Date Closed:	N/A
Addressee: Federal Motor Carrier Safety Administration	Open - Unacceptable Response	Addressee Date Closed: N/A
09/30/05	Address 2050473 ee	<p>Letter Mail Controlled 10/11/2005 2:14:55 PM MC# 2050473: - From Annette Sandberg, Administrator: I am pleased to provide the Federal Motor Carrier Safety Administration's (FMCSA) response to the National Transportation Safety Board's letter of April 27, 2005, regarding safety recommendations H-05-002 through H-05-005. I address each recommendation separately below.</p> <p style="text-align: center;">###</p> <p>FMCSA does not believe a rulemaking to amend the periodic inspection standards under Appendix G to Subchapter B to include language concerning speed ratings of tires would ensure the safe operation of commercial motor vehicles. The periodic inspection standards are applicable only at the time of inspection. After the inspector completes the periodic inspection and affixes a sticker to serve as proof the vehicle has passed the inspection, with information about the date the inspection was completed and the availability of the inspection report, the requirements of 49 CFR 396.17 are satisfied. This means that a vehicle could be equipped with tires that have an appropriate speed rating at the time of inspection and pass the periodic inspection on a given date, but subsequently have the tires replaced with tires of a lesser speed rating without violating the periodic inspection rule. It is for this reason the Agency does not consider motor carriers' compliance with the periodic inspection rule as an alternative to the requirement for a systematic inspection, repair and maintenance program, and the prohibition against all unsafe operations. The periodic inspection rule is intended to serve as only one component of motor carriers' vehicle safety program.</p> <p>FMCSA believes existing inspection, repair and maintenance rules provide an effective prohibition against the unsafe practice of using tires with speed ratings below the anticipated operating speed of the commercial motor vehicle upon which they are installed. Currently, motor carriers must ensure that all parts and accessories are in safe and proper operating condition at all times, as required by 49 CFR 396.3(a)(l). The parts and accessories that must be maintained include all items specified in 49 CFR Part 393 and any additional parts and accessories which may affect the safety of operation of the commercial motor vehicle. Also, 49 CFR 396.7 explicitly prohibits the operation of motor vehicles in such condition as to likely cause a crash or a breakdown of the vehicle. Therefore, if a commercial motor vehicle is being operated with underrated tires for the specific operation, the motor carrier may be cited for violating 49 CFR 396.3(a)(l) because the vehicle is not in safe and proper operating condition at any time it is being operated in excess of the speed rating on the tires; and for violating 49 CFR 396.7 if the vehicle is being operated at speeds that increase the likelihood the tire would fail while the vehicle is being operated. As the rules currently in place already provide a means to prohibit the use of underrated tires for specific operations, the Agency does not believe a revision to regulations is necessary.</p>

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05/31/07	NTSB	-1	<p>The Safety Board disagrees with the FMCSA's belief that rulemaking to amend the periodic inspection standards under 49 CFR Chapter III, Subchapter B, Appendix G, would be ineffective. At the Wilmer hearing, Mr. Minor explained that the FMCSA is relying on the carrier to have some knowledge and understanding of the appropriate maintenance practices for their vehicles in order to comply with the regulations. The Board's investigation of the Tallulah, Louisiana, accident found that the current FMCSRs do not address the identification and appropriate use of speed-limited tires. The lack of specific criteria on speed-restricted tires overlooks an important vehicle safety factor that can result in commercial vehicles intended for highway use being operated with tires not suited for highway speeds. Further, the PMCP pamphlet developed to satisfy Safety Recommendation H-05-2 references the requirement to comply with certain parts of the CFR; therefore, it is important that the FMCSRs be updated to offer complete information regarding speed-limited tires to the PMCPs, allowing the carrier to understand these restrictions and have the opportunity to comply. The Board agrees that a motor carrier in violation of the general safety standards in the FMCSRs should be cited; however, it is imperative that the motor carrier be given the opportunity to understand and comply with specific standards before being cited. Pending reconsideration of the FMCSA's position on periodic inspection standards for speed-limited tires, Safety Recommendation H-05-3 is classified OPEN -- UNACCEPTABLE RESPONSE.</p>
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Recommendation Report

09/30/10 NTSB -1

Notation 8248: The National Transportation Safety Board (NTSB) has reviewed the Federal Motor Carrier Safety Administration's (FMCSA) Announcement of Public Listening Session and Request for Comment, which was published at 75 Federal Register 53015 on August 30, 2010. The notice announced that the FMCSA planned to hold a public listening session to solicit input on key challenges facing the motor carrier industry, issues facing stakeholders, and concerns that should be considered by the agency in developing its next 5-year Strategic Plan. NTSB staff attended the listening session and provided the FMCSA with a list of open recommendations that have been issued to the FMCSA. The FMCSA also invited written comments, suggestions, and recommendations from all individuals and organizations regarding the FMCSA's mission, vision, and strategic objectives (goals) for the plan. This letter provides a more detailed history of the currently open recommendations the NTSB has made to the FMCSA (attached), a summary of the key safety issues the FMCSA should address to improve truck and bus safety as presented during the NTSB's April 28, 2010, testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security (attached), and responds to the questions most relevant to the NTSB's mission for which the FMCSA is seeking input.

Question 2. How can the FMCSA have a greater impact in the reduction of injuries and loss of life on our nation's highways?

The NTSB currently has 51 open recommendations that were issued to the FMCSA with the intent to improve safety on our highways. The implementation of these recommendations would allow the FMCSA to have both an immediate and lasting impact on reducing loss on our highways. We continue to believe that a plan to implement the recommendations on the NTSB's Federal Most Wanted List of Transportation Safety Improvements (MWL) would significantly contribute to transportation safety.

Question 5. How can the FMCSA balance driver-focused, vehicle-focused, motor carrier- focused compliance, interventions, and enforcement to achieve its safety mission?

The NTSB has recommended that the FMCSA change the "balance" of its motor carrier oversight since 1999. The two most important factors related to safe motor carrier operations are the condition of the vehicles and the performance of the drivers. Current rules prevent the FMCSA from putting carriers out of service with an unsatisfactory rating in only one of the 6 rated factors. They must be unsatisfactory in at least 2 factors. In other words, they could be unsatisfactory in either the vehicle or driver areas and still be allowed to operate. The NTSB believes that an unsatisfactory in either category should be sufficient cause to place a carrier out of service. The NTSB recommended that the FMCSA do something relatively simple: change the safety fitness rating methodology so that adverse vehicle- or driver performance-based data alone would be sufficient to result in an overall "unsatisfactory" rating for a carrier. To date, the FMCSA has not acted on this recommendation. As a result, the NTSB added this recommendation to our Most Wanted List of Transportation Safety Improvements.

The NTSB has been encouraged that the FMCSA is developing the CSA 2010 Initiative to include a greater emphasis on vehicle and driver safety. However, the NTSB is disappointed that the FMCSA did not make the incremental changes to the current safety system necessary to make either driver or vehicle deficiencies sufficient to affect the safety rating of a carrier. As such, the NTSB believes the FMCSA's strategic plan should recognize the importance of getting carriers with unsafe drivers or unsafe vehicles off the road.

Question 8. What technological changes could positively impact highway safety?

The NTSB has recommended numerous technological improvements to both the

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09/30/10 NTSB -1

FMCSA and the National Highway Traffic Safety Administration (NHTSA). Two technologies, forward collision warning systems (FCWs) and electronic onboard recording systems (EOBRs), are currently on the NTSB's Federal MWL. Both of these technologies have been available for the last decade and could have improved highway safety. More recently, the NTSB has recommended to NHTSA technologies for driver fatigue detection, stability control for buses, event data recording, and lane departure warning for buses. The implementation of these recommendations would significantly improve highway safety.

Question 9. How will technology affect driver behavior?

Well designed technology can improve driver performance. Current research by the FMCSA on vehicle based collision warning systems found improved driver performance as a result of technology. However, technology not designed for use in vehicles, such as cell phones, can distract the driver from the road. That is why the NTSB supported the FMCSA's ban on texting. Further, the NTSB has included restricting bus drivers from using a cell phone on its Federal MWL.

The NTSB appreciates the opportunity to comment on this notice addressing concerns that should be considered in developing the FMCSA's 5-year Strategic Plan. Many of the issues discussed here have been around for decades, and much is left to be done to improve highway safety. Prompt action is needed so that the trucks and buses that surround us on the nation's highways are safely designed, maintained, and operated. We look forward to working with FMCSA in the near future to address the concerns presented in these comments.

Recommendation Report

Recommendation # : H-05-004	Overall Status: Open - Unacceptable Response	Priority: CLASS II
TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION: Conduct a study on the safety effectiveness of the self-inspection and certification process used by motor carriers to comply with annual vehicle inspection requirements and take corrective action, as necessary.		
# of Addressees: 1	Overall Date Closed:	N/A
Addressee: Federal Motor Carrier Safety Administration	Open - Unacceptable Response	Addressee Date Closed: N/A
09/30/05	Address 2050473 ee	<p>Letter Mail Controlled 10/11/2005 2:14:55 PM MC# 2050473: - From Annette Sandberg, Administrator: FMCSA believes the results of its December 2004 study Report to Congress on the Potential Safety Advanluges of a Federal Rule to Require a Uniform National Display Policy for Inspection Stickers on Commercial Motor Vehicles, provides an assessment of the safety effectiveness of self-inspection and certification processes used by motor carriers to comply with the periodic inspection requirements. A copy of the report is enclosed. The study included a review of roadside inspection data from calendar years 2001 through 2003. The study compared the out-of-service rates for vehicles subject to mandatory State inspection programs determined by the Agency to be comparable to, or as effective as, the Federal requirements (based upon the State of registration of the vehicle) versus vehicles that are not subject to such programs. During this timeframe, 11,032,206 units (counting each truck, truck tractor, and trailer separately) were inspected using the Level I, 11, and V North American Standard inspection procedures. Vehicles subject to mandatory State inspection programs must use the State program to satisfy the Federal requirements and may only conduct self-inspections if allowed by the States. Vehicles that are not subject to mandatory State inspection programs may be self-inspected by motor carriers using their own employees as inspectors or third-party inspectors such as those working at commercial garages or repair facilities. The inspection data show that out of 6,259,570 units inspected from the 22 States having a formal inspection program, which met or exceeded the requirements under 49 CFR 396.17, 16 percent (1,011,863 units of the 6,259,570 units inspected) were placed out of service. The data show that of those units from the 22 States with a mandatory inspection program, 88.3 percent of the units placed out of service (or 893,568 units) also displayed an inspection sticker or decal or had other documentation to meet the requirements of 49 CFR 396.17. Of the 29 States that have adopted regulations compatible with 49 CFR 396.17, but have no mandatory inspection program beyond the periodic inspection requirements or have a limited program applicable to only a fraction of the commercial motor vehicle population in that State, the data show that, of the 4,772,636 units inspected, 14.8 percent (or 704,388 units) were placed out of service. The data also show 83.2 percent (or 586,117 units) of the units placed out of service also displayed an inspection sticker or had proper documentation to meet the requirements of 49 CFR 396.17. According to the inspection data, there are only slight differences between the out-of-service rates for vehicles that are most likely to have been self-inspected by motor carriers or third-party inspectors, and vehicles that are subject to mandatory State inspection programs which may include a self-inspection option. Based on this finding, FMCSA believes both inspection programs provide an adequate level of safety effectiveness. (States usually require licensing or similar authorization of motor carrier self-inspection facilities; some States also require licensing of the individual mechanics performing such inspections at these facilities.) Therefore, the Agency does not believe any actions should be taken at this time to modify the periodic inspection requirements, especially with respect to the self-inspection and certification option for motor carriers with qualified inspectors. I respectfully request that this recommendation be classified "Closed-Acceptable Action."</p>

Recommendation Report

04/19/06 NTSB -1

NMC# 102829: Six years ago, the Federal Motor Carrier Safety Administration (FMCSA) was launched as a new U.S. Department of Transportation agency charged with improving motor carrier safety in our nation. Then Secretary of Transportation, Mr. Rodney E. Slater, announced that the FMCSA's goal was to reduce truck and bus fatalities by 50 percent by 2010. At that time, there were more than 5,300 such fatalities every year. Five years later, the 2004 fatality count was 5,248, only slightly lower and far from approaching the FMCSA's 50 percent reduction goal. In fact, the death count in 2004 was higher than the 2003 count of 5,072, and the large truck fatality rate remained a constant 2.3 deaths per 100 million truck vehicle miles traveled.

Today, there are 36 open safety recommendations that the National Transportation Safety Board issued to the FMCSA, 18 of which relate to the oversight of motor carrier operations and enforcement of regulations. The oldest of these recommendations dates back to 1993. The Safety Board is concerned that the FMCSA is not making timely progress toward meeting the intent of these recommendations. A list of the 18 recommendations, including the date and text of the last correspondence, is enclosed. Nine of these recommendations are currently on the Board's Most Wanted list.

Two years ago, the FMCSA announced its Comprehensive Safety Analysis (CSA) 2010 Initiative, described as a top-to-bottom evaluation of the agency's motor carrier compliance review system. The FMCSA has said that this effort will address 15 of the outstanding recommendations, although the Safety Board has identified an additional 3 recommendations that may also be addressed by the initiative. Although the Board applauds the FMCSA's effort to undertake this comprehensive review, it is unaware of any public document outlining specific steps the agency plans to take and milestones it plans to meet to accomplish the review and implement necessary changes. In the 2 years since the announcement of the initiative, the FMCSA has not provided the Board with any specific information regarding implementation of the initiative or whether it will address any of the 18 open safety recommendations satisfactorily.

Currently, an estimated 9 million people hold commercial drivers licenses in the United States, 3 million of whom are active drivers. These drivers operate on an aging highway system already crowded with an ever-increasing number of passenger vehicles. Protecting the safety of all these drivers and their passengers is of paramount concern today. Deferring action on these 18 safety-related recommendations until completion of the initiative in 2010 is not in the best interest of the motoring public and is therefore unacceptable to the Safety Board. The Safety Board would like to receive specific information about how the CSA 2010 Initiative will address the open safety recommendations cited in this letter. Further, the Board would appreciate receiving details about how the FMCSA plans to proceed with the CSA 2010 Initiative, including a proposed timetable and interim steps towards completing the initiative by its deadline. The Board would be pleased to meet with the FMCSA to further discuss the intent of the recommendations and the FMCSA's efforts toward improving the safety of motor carrier operations.

Recommendation Report

05/09/06	Address 2060234 ee	<p>Letter Mail Controlled 5/10/2006 11:12:20 AM MC# 2060234 - From Warren E. Hoemann, Acting Administrator: I am pleased to provide the Federal Motor Carrier Safety Administration's (FMCSA) response to the National Transportation Safety Board's (NTSB) letter dated April 19, 2006, regarding our Comprehensive Safety Analysis (CSA) 2010 Initiative. CSA 2010 reflects a new approach to how our Agency carries out its compliance and enforcement activities. Its goal is to enable FMCSA to have contact with more regulated entities through a broader array of compliance interventions that optimize Agency resources. I appreciate NTSB's acknowledgement of this major effort. In response to your request, I have enclosed a listing of major CSA 2010 activities with corresponding timeframes. The dates, of course, are for planning purposes and subject to change pending future budgetary constraints. We are also working with your staff to arrange a CSA 2010 briefing for Board members.</p> <p>We believe it is crucial that FMCSA carry on a continuing dialogue with our partners and stakeholders as we continue the development of CSA 2010. As you know, the Agency held a series of listening sessions in 2004 to solicit public input on the conceptual CSA 2010 operational model. Based on that input, we completed the attributes of a proposed operational model. The CSA 2010 Team is currently working through the process of defining the technical requirements, pilot testing, validation, deployment and implementation issues associated with the draft operational model. We plan to conduct the first of a new series of listening sessions later this year. At that time, we hope to be in a better position to detail specific information. The dates and locations of the listening sessions will be announced in the Federal Register. I hope that NTSB representatives will attend. Additional outreach events are being planned to include announcement of the pilot test and the State partners that will be involved in the pilot. As FMCSA continues this major safety initiative, we will engage and solicit input from our partners and stakeholders.</p> <p>Our Agency has been, and remains, committed to addressing NTSB safety recommendations, either by implementing NTSB's recommended approach or by pursuing alternatives which we believe will achieve the intended result. We are not "deferring action" on any safety recommendations issued to FMCSA, but are working to identify the most effective strategies for enhancing motor carrier safety. We will continue to explore all potential countermeasures, including, but not limited to, CSA 2010.</p> <p>I hope that you find this information useful. FMCSA looks forward to working with NTSB to fulfill our mutual transportation safety goals and to provide more information about our CSA 2010 initiative at the upcoming Board briefing currently being arranged by our staffs. If you need additional information or clarification, please do not hesitate to contact me.</p>
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Recommendation Report

08/03/06	Address 2060389 ee	<p>Letter Mail Controlled 8/7/2006 12:14:43 PM MC# 2060389: - From David H. Hugel, Acting Administrator: I am pleased to provide the Federal Motor Carrier Safety Administration's (FMCSA) response to the National Transportation Safety Board's letter of April 27, 2005, regarding safety recommendations H-05-002 through H-05-005. I address each recommendation separately below.</p> <p>###</p> <p>FMCSA believes the results of its December 2004 study Report to Congress on the Potential Safety Advantages of a Federal Rule to Require a Uniform National Display Policy for Inspection Stickers on Commercial Motor Vehicles, provides an assessment of the safety effectiveness of self-inspection and certification processes used by motor carriers to comply with the periodic inspection requirements. A copy of the report is enclosed.</p> <p>The study included a review of roadside inspection data from calendar years 2001 through 2003. The study compared the out-of-service rates for vehicles subject to mandatory State inspection programs determined by the Agency to be comparable to, or as effective as, the Federal requirements (based upon the State of registration of the vehicle) versus vehicles that are not subject to such programs. During this timeframe, 11,032,206 units (counting each truck, truck tractor, and trailer separately) were inspected using the Level I, II, and V North American Standard inspection procedures. Vehicles subject to mandatory State inspection programs must use the State program to satisfy the Federal requirements and may only conduct self-inspections if allowed by the States. Vehicles that are not subject to mandatory State inspection programs may be self-inspected by motor carriers using their own employees as inspectors or third-party inspectors such as those working at commercial garages or repair facilities.</p> <p>The inspection data show that out of 6,259,570 units inspected from the 22 States having a formal inspection program, which met or exceeded the requirements under 49 CFR 396.17, 16 percent (1,011,863 units of the 6,259,570 units inspected) were placed out of service. The data show that of those units from the 22 States with a mandatory inspection program, 88.3 percent of the units placed out of service (or 893,568 units) also displayed an inspection sticker or decal or had other documentation to meet the requirements of 49 CFR 396.17.</p> <p>Of the 29 States that have adopted regulations compatible with 49 CFR 396.17, but have no mandatory inspection program beyond the periodic inspection requirements or have a limited program applicable to only a fraction of the commercial motor vehicle population in that State, the data show that, of the 4,772,636 units inspected, 14.8 percent (or 704,388 units) were placed out of service. The data also show 83.2 percent (or 586,117 units) of the units placed out of service also displayed an inspection sticker or had proper documentation to meet the requirements of 49 CFR 396.17.</p> <p>According to the inspection data, there are only slight differences between the out-of-service rates for vehicles that are most likely to have been self-inspected by motor carriers or third-party inspectors, and vehicles that are subject to mandatory State inspection programs which may include a self-inspection option. Based on this finding, FMCSA believes both inspection programs provide an adequate level of safety effectiveness. (States usually require licensing or similar authorization of motor carrier self-inspection facilities; some States also require licensing of the individual mechanics performing such inspections at these facilities.) Therefore, the Agency does not believe any actions should be taken at this time to modify the periodic inspection requirements, especially with respect to the self-inspection and certification option for motor carriers with qualified inspectors.</p> <p>I respectfully request that this recommendation be classified Closed-Acceptable Action.</p>
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Recommendation Report

05/31/07	NTSB	2050473	<p>The Safety Board understands that Safety Recommendation H-05-4 has been included in the group of 18 recommendations being considered during the FMCSA's evaluation of its current safety compliance and enforcement programs, an in-depth review known as the Comprehensive Safety Analysis (CSA) 2010 Initiative. The Board appreciates the June 15, 2006, briefing by the FMCSA to clarify activities both planned and in progress to improve motor carrier safety. The actions described at the FMCSA briefing directly affect one recommendation on safety fitness methodology. The Board understands that processes and programs are also being developed to address the other 17 recommendations (which include H-05-4) that are specifically affected by the CSA 2010 Initiative. We look forward to further clarification from FMCSA staff on specific actions planned to satisfy the intent of these recommendations.</p> <p>During the Wilmer hearing, Mr. Minor indicated that the FMCSA is relying on the motor carrier to ensure that vehicles are maintained in safe and proper operating condition throughout the year, not only at the time of the annual inspection. He also indicated that the agency has not initiated a detailed study to compare the out-of-service rates of carriers that perform self-inspections under a State program to those inspected by a third party. The Safety Board's investigation of the Tallulah, Louisiana, accident found that the self-inspection process allows motor carriers to pass inadvertently or knowingly defective vehicles. Because these vehicles are certified and permitted to remain in operation, current methodology does not ensure an adequate level of safety, even if some vehicles are eventually identified as defective in a roadside inspection. By mandating that vehicles undergo annual Federal or State inspection, the FMCSA would increase the probability that defects will be found and repaired, and that vehicles will be brought up to an acceptable level of maintenance at least once a year. Pending action by the FMCSA to address the intent of this recommendation, Safety Recommendation H-05-4 is classified OPEN -- UNACCEPTABLE RESPONSE.</p>
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Recommendation Report

09/30/10 NTSB -1

Notation 8248: The National Transportation Safety Board (NTSB) has reviewed the Federal Motor Carrier Safety Administration's (FMCSA) Announcement of Public Listening Session and Request for Comment, which was published at 75 Federal Register 53015 on August 30, 2010. The notice announced that the FMCSA planned to hold a public listening session to solicit input on key challenges facing the motor carrier industry, issues facing stakeholders, and concerns that should be considered by the agency in developing its next 5-year Strategic Plan. NTSB staff attended the listening session and provided the FMCSA with a list of open recommendations that have been issued to the FMCSA. The FMCSA also invited written comments, suggestions, and recommendations from all individuals and organizations regarding the FMCSA's mission, vision, and strategic objectives (goals) for the plan. This letter provides a more detailed history of the currently open recommendations the NTSB has made to the FMCSA (attached), a summary of the key safety issues the FMCSA should address to improve truck and bus safety as presented during the NTSB's April 28, 2010, testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security (attached), and responds to the questions most relevant to the NTSB's mission for which the FMCSA is seeking input.

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The NTSB has been encouraged that the FMCSA is developing the CSA 2010 Initiative to include a greater emphasis on vehicle and driver safety. However, the NTSB is disappointed that the FMCSA did not make the incremental changes to the current safety system necessary to make either driver or vehicle deficiencies sufficient to affect the safety rating of a carrier. As such, the NTSB believes the FMCSA's strategic plan should recognize the importance of getting carriers with unsafe drivers or unsafe vehicles off the road.

Question 8. What technological changes could positively impact highway safety?

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09/30/10 NTSB -1

FMCSA and the National Highway Traffic Safety Administration (NHTSA). Two technologies, forward collision warning systems (FCWs) and electronic onboard recording systems (EOBRs), are currently on the NTSB's Federal MWL. Both of these technologies have been available for the last decade and could have improved highway safety. More recently, the NTSB has recommended to NHTSA technologies for driver fatigue detection, stability control for buses, event data recording, and lane departure warning for buses. The implementation of these recommendations would significantly improve highway safety.

Question 9. How will technology affect driver behavior?

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Recommendation Report

Recommendation # : H-05-005	Overall Status: Open - Unacceptable Response	Priority: CLASS II
TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION: Develop a method for inspecting motorcoach passenger seat mounting anchorages and revise the Federal Motor Carrier Safety Regulations Appendix G to Subchapter B, Minimum Periodic Inspection Standards, to require inspection of these anchorages.		
# of Addressees: 1	Overall Date Closed: N/A	
Addressee: Federal Motor Carrier Safety Administration	Open - Unacceptable Response	Addressee Date Closed: N/A
09/30/05	Address 2050473 ee	<p>Letter Mail Controlled 10/11/2005 2:14:55 PM MC# 2050473: - From Annette Sandberg, Administrator: I am pleased to provide the Federal Motor Carrier Safety Administration's (FMCSA) response to the National Transportation Safety Board's letter of April 27, 2005, regarding safety recommendations H-05-002 through H-05-005. I address each recommendation separately below.</p> <p style="text-align: center;">###</p> <p>FMCSA does not believe a rulemaking to amend the periodic inspection standards under Appendix G to Subchapter B to include seat anchorage inspection criteria would be effective. As previously explained, the periodic inspection standards are applicable only at the time of inspection. After the inspector completes the periodic inspection and affixes a sticker to serve as proof the vehicle has passed the inspection with information about the date the inspection was completed and the availability of the inspection report the requirements of 49 CFR 396.17 are satisfied. This means that a motorcoach with seat anchorages in adequate condition at the time of inspection would pass the periodic inspection on a given date, and could subsequently exhibit cracks or other damage and continue to be operated in that condition without violating the periodic inspection rule. It is for this reason the Agency does not consider motor carriers' compliance with the periodic inspection rule as an alternative to the requirement for a systematic inspection, repair and maintenance program. The periodic inspection rule is intended to serve as only one component of motor carriers' vehicle safety programs.</p> <p>FMCSA believes existing inspection, repair and maintenance rules provide an effective prohibition against the motorcoaches with seat anchorages that are damaged or improperly fastened to the floor of the vehicle. Currently, motor carriers must ensure that all parts and accessories are in safe and proper operating condition at all times, as required by 49 CFR 396.3(a)(l). The parts and accessories that must be maintained include all items specified in 49 CFR Part 393 and any additional parts and accessories which may affect the safety of operation of the commercial motor vehicle. Therefore, if a motorcoach is being operated with seat anchorages that are in need of repair, the motor carrier may be cited for violating 49 CFR 396.3 (a)(l) because the vehicle is not in safe and proper operating condition at any time it is being used to transport passengers while the seat anchorages need to be repaired. As the rules currently in place would prohibit damaged or improperly installed seat anchorages, the Agency does not believe a formal inspection procedure is needed. A visual inspection of seat anchorages combined with the inspector pushing and pulling on the seat should be sufficient to identify seats that are not properly fastened to the floor of the motorcoach.</p> <p>I respectfully request that this recommendation be classified Closed-Acceptable Alternate Action.</p>

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05/31/07	NTSB	2050473	<p>The Safety Board disagrees with the FMCSA's belief that rulemaking to amend the periodic inspection standards under 49 CFR Chapter III, Subchapter B, Appendix G would be ineffective. At the Wilmer hearing, Mr. Minor again explained that the FMCSA is relying on the carrier to have appropriate vehicle maintenance practices in place in order to comply with the regulations, supported by passenger reports of problem seats and driver verification of seat securement during the pre-trip and post-trip inspections by gripping the seat back to see if the assembly moves. The Board's investigation of the Tallulah, Louisiana, accident found that the current FMCSRs do not contain procedures or criteria for the inspection of seat anchorage securement in motorcoaches. Because no criteria or procedures are available for the inspection of motorcoach passenger seat anchorage systems, improperly secured motorcoach passenger seats are not likely to be identified during commercial vehicle inspections, leading to an increased risk of failure under higher forces, such as occur during an accident. Further, as previously stated in reference to Safety Recommendation H-05-3, the PMCP pamphlet developed to satisfy Safety Recommendation H-05-2 references the requirement to comply with certain parts of the CFR. Therefore, it is important that the FMCSRs be updated to offer complete information regarding seat anchorage inspection criteria to the PMCPs, allowing the carrier to understand these criteria and have the opportunity to comply. The Board agrees that a motor carrier in violation of the general safety standards in the FMCSRs should be cited; however, it is imperative that the motor carrier be given the opportunity to understand and comply with specific standards before being cited. Pending reconsideration of the FMCSA's position on periodic inspection standards for passenger seat anchorage systems, Safety Recommendation H-05-5 is classified OPEN -- UNACCEPTABLE RESPONSE.</p>
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Notation 8248: The National Transportation Safety Board (NTSB) has reviewed the Federal Motor Carrier Safety Administration's (FMCSA) Announcement of Public Listening Session and Request for Comment, which was published at 75 Federal Register 53015 on August 30, 2010. The notice announced that the FMCSA planned to hold a public listening session to solicit input on key challenges facing the motor carrier industry, issues facing stakeholders, and concerns that should be considered by the agency in developing its next 5-year Strategic Plan. NTSB staff attended the listening session and provided the FMCSA with a list of open recommendations that have been issued to the FMCSA. The FMCSA also invited written comments, suggestions, and recommendations from all individuals and organizations regarding the FMCSA's mission, vision, and strategic objectives (goals) for the plan. This letter provides a more detailed history of the currently open recommendations the NTSB has made to the FMCSA (attached), a summary of the key safety issues the FMCSA should address to improve truck and bus safety as presented during the NTSB's April 28, 2010, testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security (attached), and responds to the questions most relevant to the NTSB's mission for which the FMCSA is seeking input.

Question 2. How can the FMCSA have a greater impact in the reduction of injuries and loss of life on our nation's highways?

The NTSB currently has 51 open recommendations that were issued to the FMCSA with the intent to improve safety on our highways. The implementation of these recommendations would allow the FMCSA to have both an immediate and lasting impact on reducing loss on our highways. We continue to believe that a plan to implement the recommendations on the NTSB's Federal Most Wanted List of Transportation Safety Improvements (MWL) would significantly contribute to transportation safety.

Question 5. How can the FMCSA balance driver-focused, vehicle-focused, motor carrier- focused compliance, interventions, and enforcement to achieve its safety mission?

The NTSB has recommended that the FMCSA change the "balance" of its motor carrier oversight since 1999. The two most important factors related to safe motor carrier operations are the condition of the vehicles and the performance of the drivers. Current rules prevent the FMCSA from putting carriers out of service with an unsatisfactory rating in only one of the 6 rated factors. They must be unsatisfactory in at least 2 factors. In other words, they could be unsatisfactory in either the vehicle or driver areas and still be allowed to operate. The NTSB believes that an unsatisfactory in either category should be sufficient cause to place a carrier out of service. The NTSB recommended that the FMCSA do something relatively simple: change the safety fitness rating methodology so that adverse vehicle- or driver performance-based data alone would be sufficient to result in an overall "unsatisfactory" rating for a carrier. To date, the FMCSA has not acted on this recommendation. As a result, the NTSB added this recommendation to our Most Wanted List of Transportation Safety Improvements.

The NTSB has been encouraged that the FMCSA is developing the CSA 2010 Initiative to include a greater emphasis on vehicle and driver safety. However, the NTSB is disappointed that the FMCSA did not make the incremental changes to the current safety system necessary to make either driver or vehicle deficiencies sufficient to affect the safety rating of a carrier. As such, the NTSB believes the FMCSA's strategic plan should recognize the importance of getting carriers with unsafe drivers or unsafe vehicles off the road.

Question 8. What technological changes could positively impact highway safety?

The NTSB has recommended numerous technological improvements to both the

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FMCSA and the National Highway Traffic Safety Administration (NHTSA). Two technologies, forward collision warning systems (FCWs) and electronic onboard recording systems (EOBRs), are currently on the NTSB's Federal MWL. Both of these technologies have been available for the last decade and could have improved highway safety. More recently, the NTSB has recommended to NHTSA technologies for driver fatigue detection, stability control for buses, event data recording, and lane departure warning for buses. The implementation of these recommendations would significantly improve highway safety.

Question 9. How will technology affect driver behavior?

Well designed technology can improve driver performance. Current research by the FMCSA on vehicle based collision warning systems found improved driver performance as a result of technology. However, technology not designed for use in vehicles, such as cell phones, can distract the driver from the road. That is why the NTSB supported the FMCSA's ban on texting. Further, the NTSB has included restricting bus drivers from using a cell phone on its Federal MWL.

The NTSB appreciates the opportunity to comment on this notice addressing concerns that should be considered in developing the FMCSA's 5-year Strategic Plan. Many of the issues discussed here have been around for decades, and much is left to be done to improve highway safety. Prompt action is needed so that the trucks and buses that surround us on the nation's highways are safely designed, maintained, and operated. We look forward to working with FMCSA in the near future to address the concerns presented in these comments.

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Total Number of Recommendations for Recommendation Report: 4