



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

May 19, 2015

The Honorable Christopher A. Hart
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Chairman Hart:

I am pleased to inform you that the U.S. Department of Transportation (DOT) has addressed the National Transportation Safety Board's (NTSB) Safety Recommendations H-13-039 and H-13-040, which were issued on November 5, 2013, following the Board's investigation of four commercial motor vehicle crashes. The NTSB recommended that the Secretary:

- Conduct an audit of the compliance review processes used by the Federal Motor Carrier Safety Administration (FMCSA) to determine (1) why inspectors are not identifying all violations of safety regulations by motor carriers undergoing review, and (2) why FMCSA's quality assurance efforts are not fully effective in assessing the accuracy and completeness of compliance reviews. Once the audit has been completed and these determinations have been made, FMCSA should be required to revise its processes to correct these deficiencies (H-13-039).
- Conduct an audit of the effectiveness of focused compliance reviews and, upon the completion of the audit, require FMCSA to take action to resolve any safety issues raised by the audit (H-13-040).

As I stated in my February 3, 2014, letter to former NTSB Chairman Hersman, I tasked the DOT Safety Council to oversee an independent review of FMCSA's compliance review process in response to these recommendations. The Federal Aviation Administration's Office of Aviation Safety led this effort and convened an expert Independent Review Team (IRT) to evaluate FMCSA safety oversight programs and provide recommendations for policy and procedure improvements. The IRT completed its work and transmitted a final report to the DOT Safety Council on July 15, 2014 (enclosed). The report details the IRT findings and provides recommendations to assist FMCSA in improving its compliance review processes.

While the IRT was conducting its review, FMCSA proactively implemented program changes based on the feedback it was receiving from the review team. I am pleased to report that several of the IRT recommendations have already been implemented, including the following:

- The FMCSA provided enhanced investigation technique training to all FMCSA investigators, which will improve the quality of each investigation.

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- The FMCSA developed a new framework for the identification and management of high-risk carriers that provides a sharper definition of high risk and allows dynamic management of high-risk carriers at the local level. Included in the framework is the ability to identify areas for investigation based on all available data during any investigation, which addresses the specific concerns relating to the focused review process that the NTSB identified.

The FMCSA also is currently identifying policy areas in which additional training, including those areas relating to the application of the focused review policy, is necessary. In addition, FMCSA is developing a more comprehensive system for internal peer and program reviews, including its supporting management reports.

Finally, please note that the Agency continues to review potential opportunities to work with stakeholders to improve voluntary safety programs. A Federal Register notice to gather input on this topic entitled "Beyond Compliance" was published in the Federal Register on April 23, 2015. I have tasked FMCSA Chief Counsel, T.F. Scott Darling, III, to continue working to address the IRT recommendations.

Safety is the number one priority of the Department, and I believe we have appropriately addressed the safety recommendations in your report. Based on the information provided above, I respectfully request that NTSB classify Safety Recommendations H-13-039 and H-13-040 as "Closed-Acceptable Action." If I can provide further information or assistance, please feel free to call me.

Sincerely,



Anthony R. Foxx

Enclosure