Minutes

September 9 - 10, 2013, Meeting

The Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) and Medical Review Board (MRB) met September 9 - 10, 2013, in Alexandria, VA. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Mr. Larry Minor, the FMCSA Designated Federal Officer (DFO), called the meeting to order at 9:00 a.m. on Monday, September 9, 2013. The following individuals attended the meeting:

**MCSAC COMMITTEE MEMBERS**

Rob Abbott, Vice President of Safety Policy, American Trucking Associations

LaMont Byrd, Director of Health and Safety, International Brotherhood of Teamsters

Gary Catapano, First Student, Inc.

Paul Claunch, Major, Arkansas Highway Police

Bill Dofflemyer, Captain, Maryland State Police

Bruce Hamilton, President, Amalgamated Transit Union Local 1700

Scott Hernandez, Chief, Colorado State Patrol

Henry Jasny, General Counsel, Advocates for Highway and Auto Safety

John Lannen, 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

Donald Osterberg, Senior Vice President, Schneider National, Inc.

Stephen Owings, MCSAC Chairman, President, Road Safe America

Peter Pantuso, American Bus Association

David Parker, Senior Legal Counsel, Great West Casualty Company

Danny Schnautz, Operations Manager, Clark Freight Lines, Inc.

Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association

Tami Friedrich Trakh, Citizens for Reliable and Safe Highways

**MRB COMMITTEE MEMBERS**

Christine Cisneros, M.D., Medical Director, US Healthworks

Benjamin H. Hoffman, M.D., Global Chief Medical Officer, GE Energy

Brian T. Morris, M.D, Associate Corporate Medical Director, AllOne Health Resources, Inc

Albert J. Osbahr III, M.D., Medical Director, Occupational Health Services, Catawba Valley Medical Center

Gina C. Pervall, M.D., MRB Chairman, Medical Director, Occupational Medicine Services, John Hopkins University Applied Physics Laboratory Services

**FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Michael Berry, M.D., Manager of Medical Specialties Division, FAA

Bill Bronrott, Deputy Administrator, FMCSA

Anne Ferro, Administrator, FMCSA

Cindy Ingrao, Sr. Policy Advisor, OST

Larry Minor, Associate Administrator for Policy, FMCSA

Sarah May, USDOT, Volpe Center

Eileen Nolan, Office of Carrier Driver and Vehicle Safety, FMCSA

Julie Perrot, National Transportation Safety Board (NTSB)

John Porcari, Deputy Secreatary of Transportation

Elizabeth Turner, USDOT, Volpe Center

Angela Ward, Medical Programs Division, FMCSA

Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA

**OTHER ATTENDEES**

Sarah Alves, ICF International

Mary Jo Ammon, Ammon Consulting

Greg Belenky, Washington State Univ.

Roger Clarke, NAFMP

Chris Crean, Peter Pan Bus

Amy Daley, JJ Keller

Tom Ditzler, JJ Keller

Don Karol, NTSB

Michael Lindsay, USMC Retired

E. Lynette McMillin, Greyhound Bus Lines

Michael Morrone, Keller and Heckman

Julie Perrot, NTSB

Jana Price, NTSB

Bob Schwarz, Greyhound Bus Lines

Rick Schweitzer, American Bus Association

Alan Smith, Greyhound Bus Line

**TASK**

The MCSAC and MRB voted unanimously to adopt motorcoach hours of service recommendations; recommendations were drafted from Hours of Service subcommittee and MRB recommendations to the MCSAC.

**REMARKS AND COMMITTEE ACTION**

Deputy Administrator Bill Bronrott expressed gratitude to the MCSAC and MRB members for tackling the issues that they cover throughout the year and their dedication to the committees. Administrator Bronrott remarked on the timeliness of the motorcoach hours of service recommendations in light of the Hours of Service rule being upheld in the courts recently. He also remarked that the traveling public deserves to know that the driver is well rested, the equipment is well maintained, and that the carrier cares about the safety of its passengers. The Deputy also remarked that September 30th is the expiration of MCSAC but that the committee will be extended and that the Administrator will extend each member’s membership for two years.

Deputy Secretary Porcari thanked the MRB and MCSAC members for their service and dedication and ensured the committees that the work they do is important and that the Department is paying attention to recommendations. He remarked that the Department’s Safety Council, set up four years ago, lines up with the accomplishments of the two committees; they are both data driven and work with members of various backgrounds and modes to reach consensus. Deputy Secretary Porcari encouraged the committees to keep up the good work while recognizing that the job is never done in regard to safety; the public cares and it’s a never ending quest.

Anne Ferro expressed her thanks to both the MCSAC and MRB committees for their hard work and dedication and was interested in listening to their discussions.

**MINUTES**

The Committee accepted the minutes unanimously from the April 8 - 9, 2013, MCSAC meeting.

**PRESENTATIONS**

Gregory Belenky, M.D., Washington State University, presented Motorcoach Driver Fatigue Research

Roger Clarke, Director presented North American Fatigue Management Program

Michael Berry, M.D., FAA presented Regulation of Schedule II Medications

Cindy Ingrao, Senior Policy Advisor, OST, presented Office of Drug and Alcohol Policy and Compliance (ODAPC) and Drug and Alcohol Testing Protocols

**PUBLIC COMMENTS**

***Al Smith, Greyhound***

Mr. Smith commented that times are generated by passengers and there will never be an ability to get a unique 24 hour clock mentioning that Dr. Belenky’s data shows this same observation. He also mentioned that sleep disorders, especially obstructive sleep apnea (OSA) is a large concern in the industry but noted a lack of regulations about doing anything in regard to OSA from the Agency. Mr. Smith also commented that he doesn’t think the committee is looking at all of the data regarding crashes and fatigue.

***Rick Schweitzer, American Bus Associations***

Mr. Schweitzer commented that in 2003, FMCSA made the rational decision to separate truck and bus driver regulations by redoing the truck Hours of Service (HOS) rules and does not think that there is any evidence or arguments for going back to the same HOS rule for both. He pointed out that bus drivers aren’t on the road for 15 hours straight, don’t sleep in their buses and may have extended off-duty time due to schedules. Mr. Schweitzer’s recommendation was to revisit the fatal crashes that NTSB is researching and see if the committees can draw some conclusions from those instead of applying the same rules for a truck driver to a bus driver.

***Michael Lindsay, retired USMC***

Mr. Lindsay spoke from his point of view as a truck and bus driver and commented on the differences between the two and that the regulations can’t be the same for both. For instance, the 10-hour rule should be for bus drivers and the 14-hour rule doesn’t work for truckers; he said that the committee and agency need to work out the rules in terms of what would work for which driver. He also wants the dispatchers to be held responsible as well and that drivers don’t know all of the regulations because they don’t have time to read a regulation book. Mr. Lindsay suggested that carriers and drivers that go through the North American Fatigue Management Program should have points removed from their CSA score. Finally, Mr. Lindsay suggested that members of the committee ride in a truck to truly understand the constraints and concerns that drivers face. Mr. Lindsay also spoke saying that comparisons between railroad, airlines and trucks are not appropriate and that the Agency should look into technologies that can help drivers stay within regulations.

***Donald Karol, NTSB Director of Highway Safety***

Mr. Karol offered to give a presentation to the committees and said the NTSB is in favor of what MRB is doing regarding HOS because it is science-based.

***Chris Crean, Peter Pan Bus***

Mr. Crean pointed out that a lot of the HOS violations that are cited are for “form and manner” problems and that the real focus should be on those carriers that are really not complying with the HOS regulations, not just form and manner violations.

***Rudy Supina, DATTCO***

Mr. Supina’s recommendation was for the committee to look in depth into the crashes and see if there is a correlation between data and crashes regarding HOS.

***Ed Slattery, Truck Safety Coalition***

Mr. Slattery posed the question “why are truckers who are on medications with side effects allowed on the road?” He relayed his experience of losing a wife and his son being disabled due to a crash where the driver was having headaches and was diagnosed with obstructive sleep apnea but medical personnel did not disqualify him from being on the road.

**ADJOURNMENT:** The meeting was adjourned at 5:00 pm on Tuesday, September 10, 2013.

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

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Stephen Owings

Chairman, MCSAC

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Gina Pervall, M.D.

MRB Chairman

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Larry W. Minor

Designated Federal Officer, MCSAC