Minutes

May 19 - 20, 2014, Meeting

The Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) and met May 19 - 20, 2014, 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, May 19, 2014. The following individuals attended the meeting:

**MCSAC COMMITTEE MEMBERS**

Stephen Owings, MCSAC Chairman, President, Road Safe America

Scott Hernandez, Chief, Colorado State Patrol

Rob Abbott, Vice President of Safety Policy, American Trucking Associations (*Tuesday Only*)

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

Gary Catapano, First Student, Inc.

Bill Dofflemyer, Captain, Maryland State Police

Bruce Hamilton, President, Amalgamated Transit Union

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.

Peter Pantuso, American Bus Association

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

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

Tami Fredrich Trakh, Citizens for Reliable and Safe Highways

**FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Bill Bronrott, Deputy Administrator, FMCSA

Larry Minor, Associate Administrator for Policy and DFO, FMCSA

Bill Quade, Associate Administrator of Enforcement, FMCSA

Charles Fromm, Deputy Chief Counsel, FMCSA

Bill Bannister, Chief, Analysis Division, FMCSA

Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA

Valerie Beck, Attorney, FMCSA

Scott Mirelson, Attorney-Advisor, Office of Chief Counsel, FMCSA

Julie Perrot, National Transportation Safety Board (NTSB)

Cynthia Shaffer, USDOT, Volpe Center

**OTHER ATTENDEES**

Ryan Bowley, OOIDA

John Burtch, Dawson Transportation

Chris Burroughs, TIA

Paul Camper, Ammon Consulting

Robert Collins, AAJ

Richard L. Cofer, EEI

David Dawson, Virginia DMV

P. Sean Garney, ATA

Patrick Harrison, Virginia DMV

Pete Kestner, Mcewen & Kestner

Steve Laird, Law Offices of Steven Laird

Michael Leizerman, EJ Leizerman & Associates

Dan Munley, Munley AAJ

Sarah Powers, ICF International

Ken Presley, United Motorcoach Association

Bob Schwartz, Greyhound

Will Sehestedt, TIA

Al Smith, Greyhound

Mark Valentini, OOIDA

Bryan Vickers, IICL Pace

Ronna Webber, NSTA

**TASK**

The Committee began discussion on Task 14-02: Recommendations to the Agency financial responsibility and security requirements for motor carriers, brokers, and freight forwarders. The Committee approved the recommendations in the report with a vote of 10 in favor, five opposed, and two abstentions.

The Committee discussed the CSA Subcommittee draft report on Task 12-03 Evaluation of and Recommendations on the Compliance, Safety, Accountability (CSA) Program. The Committee voted unanimously to approve the final report for Task 12-03 and submit it to the Administrator.

**REMARKS AND COMMITTEE ACTION**

**MINUTES**

The Committee unanimously accepted the minutes from the February 10-11, 2014, MCSAC meeting.

**PRESENTATIONS**

Bill Bannister, Chief, Analysis Division, FMCSA and Scott Mirelson, Attorney-Advisor, Office of Chief Counsel, FMCSA, *Financial Responsibility of Motor Carriers*

Michael Leizerman. Partner, E.J. Leizerman & Associates, LLC, *Adjusting Minimum Insurance Levels*

Jeffrey Burns, Partner, Dollar, Burns & Decker, L.C., *Increased Minimum Truck Insurance- A Matter of Policy*

John Burtch, President, Dawson Transportation Services, *Financial Responsibility: An Insurer’s Perspective*

Charles Fromm, Deputy Chief Counsel, FMCSA, *GROW AMERICA Act- Motor Carrier Safety Provisions in DOT Reauthorization Proposal*

**PUBLIC COMMENTS**

**Ryan Bowley –Owner-Operator Independent Driver Association (OOIDA)**

Mr. Bowley believes that it is outside the purview of this Committee to make recommendations on minimum financial responsibility to the Agency. He also believes that if the Committee is going to make these recommendations they need more information and data points from people who know the ins and outs of the insurance industry. Mr. Bowley believes that the Agency and this Committee need more information in order to make credible recommendations on financial responsibility.

**Robert Schwarz, Greyhound**

Mr. Schwarz addressed the Committee on two points. His first concern regards carriers that register vehicles in states that have low-cost insurance but then rarely, if ever, operate in those states (because they are not “business-friendly” states). This makes it difficult for enforcement to find the vehicles to inspect. Mr. Schwarz believes FMCSA needs to tighten the requirement for those companies to have a percentage of their busses housed in the state where they register for insurance. He thinks that the Agency needs to establish that requirement before considering increasing insurance rates for carriers because it will potentially exacerbate the problem.

Mr. Schwarz also reported that Greyhound is pleased that FMCSA is going to seek further guidance and comment on Subtitle E Part 5503. However, his company is concerned that FMCSA is thinking about eliminating the current option for motor coach carriers to submit proof of qualifications as a self-insurer.

**Will Sehestedt of Transportation Intermediaries Association (TIA)**

Mr. Sehestedt thanked the Committee for approving the recommendations from the CSA subcommittee. He believes it’s a step in the right direction for his Association. Mr. Sehestedt says TIA views safety ratings as the one tool that brokers and shippers can use to determine if a carrier they hire is safe to operate. His Association believes that linking the rating to CSA scores would help shippers select carriers.

**ADJOURNMENT:** The meeting was adjourned at 4:30 pm on Tuesday, May 20, 2014.

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

\_\_\_\_//signed//\_\_\_\_\_\_\_\_\_

Stephen Owings

Chairman, MCSAC

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Larry W. Minor

Designated Federal Officer, MCSAC