

Motor Carrier Safety Advisory Committee (MCSAC)  
Task Statement  
Task #11-01

I. TASK TITLE

Patterns of Safety Violations by Motor Carrier Management

II. BACKGROUND

Section 4113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), entitled “Pattern of Safety Violations by Motor Carrier Management”, allows the Secretary to suspend, amend, or revoke any part of a motor carrier’s registration if the Secretary finds that an officer of a motor carrier engages, or has engaged, in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations, while serving as an officer of any motor carrier. The section defines an officer as “an owner, director, chief executive officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of title attached to these functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.”

FMCSA sought this authority in SAFETEA-LU to prevent interstate motor carriers from recreating themselves (shutting down their operations and reopening under a new name and address) or “churning,” after being cited for violations of Federal safety rules.

III. TASK

FMCSA requests that the MCSAC provide identify concepts and ideas the Agency should consider in developing standards for patterns of safety violations by motor carrier management to assist the Agency with implementing the requirements of Section 4113 of SAFETEA-LU. As part of its recommendations, the Committee should furnish the Administrator with suggested definitions of officers and how to ensure that those officers who are responsible for the safety violations or their concealment are the ones who are punished under the new system. Additionally, the MCSAC should provide suggestions for definitions and standards of what constitutes a pattern of safety violation. In developing its recommendations, the MCSAC should consider principles of due process, including need to increase Agency enforcement and legal staff resources to address the volume of cases and appeals. The MCSAC will hear from experts on motor carrier safety to provide information to assist in completing this task. Additionally, the MCSAC may have the opportunity to solicit input on the task at the Mid-America Truck Show in March 2011 in Louisville, KY. The MCSAC will present a written report on its findings and recommendations to Administrator following its March 2011 meeting.

IV. ESTIMATED TIME TO COMPLETE TASK

The Committee should submit a final, written report following its March 2011 meeting.

V. FMCSA TECHNICAL REPRESENTATIVES

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