



MOTOR CARRIER SAFETY ADVISORY COMMITTEE

Meeting Minutes June 12-13, 2017

The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) met on June 12-13, 2017, in Washington, D.C. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Mr. John Lannen, MCSAC Chairman, called the meeting to order at 9:15am.

The following individuals attended the meeting:

MCSAC COMMITTEE MEMBERS

LaMont Byrd, Vice Chairman; Director of Health and Safety, International Brotherhood of Teamsters
Gary Catapano, Senior Vice President of Safety, First Group American, Inc.
Jennifer Hall, Executive Vice President Legal Affairs, American Trucking Associations
Bruce Hamilton, Vice President, Amalgamated Transit Union
Lt. Col. Scott Hernandez, Chief, Colorado State Patrol
Henry Jasny, General Counsel, Advocates for Highway and Auto Safety
John Lannen, Chairman; Executive Director, Truck Safety Coalition
Jane Mathis, Parents Against Tired Truckers
Robert Mills, Officer, Fort Worth, TX Police Department
Janice Mulanix, Chief, Valley Division, California Highway Patrol
Stephen Owings, President, Road Safe America
Peter Pantuso, President and CEO, American Bus Association
David Parker, Senior Legal Counsel, Great West Casualty Company
Sargent Wayne Santmyer, Maryland State Police (surrogate for Bill Dofflemyer)
Danny Schnautz, Operations Manager, Clark Freight Lines, Inc.
Holly Skaar, Senior Research Analyst, Idaho State Police, Commercial Vehicle Safety
Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association
Calvin Studivant, Motorcoach Operator, Community Coach
Jennifer Tierney, Board Member, Citizens for Reliable and Safe Highways (*voting alternate*)
Tami Friedrich Trakh, Citizens for Reliable and Safe Highways
Greer Woodruff, Sr. VP Safety, Security & Driver Personnel, JB Hunt Transport, Inc.

FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES

Jose R. Cestero, FMCSA
Amina Fisher, FMCSA
Brielle Hopkins, Governmental Affairs, FMCSA
Mike Huntley, FMCSA
Jack Kostelnik, FMCSA
Luke Loy, FMCSA
Leigh Merino, Motor & Equipment Manufacturers Association
Larry Minor, Associate Administrator for Policy and Designated Federal Officer (DFO), FMCSA
Madeleine Pike, United States House of Representatives
Brian Routhier, FMCSA



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Eran Segev, United States Department of Transportation, Volpe Center
Steven Smith, FMCSA
Leslie Stahl, United States Department of Transportation, Volpe Center
Jack Van Steenburg, FMCSA
Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA
Dee Williams, National Highway Traffic Safety Administration

OTHER ATTENDEES

Mark Andrews, Strasburger & Price
Richard Bishop, Bishop Consulting
Catherine Boland, Motor & Equipment Manufacturers Association
Stephen Boyd, Peloton Technology
Michael Cammisa, American Trucking Association
Pete Clemens, Morgan Lucas Racing
Charity Coleman, Volpe Center
Shaun Courtney, Bloomberg BNA
Thomas Ditzler, J.J. Keller & Associates
Jordan Ebert, Cattlemen's Association
Matthew Erim, National Motor Freight Traffic Association
Crystal Gitchell, Truckload Carriers Association
Lauren Goldschmidt, Steptoe
S. William Gouse, SAE INTERNATIONAL
Jay Grimes, Owner-Operator Independent Drivers Association
Ritchie Huang, Daimler
George Ivanov, Waymo
Robert Kaminski, Capital Alpha Partners, LLC
Lane Kidd, The Kidd Group, LLC
Samuel Loesche, International Brotherhood of Teamsters
Patricia Marshall, United Motorcoach Association
James McIntosh, McIntosh
Eliseo Mena, The Institute of International Container Lessors
Eric Miller, Transport Topics
Brad Miller, National Automobile Dealers Association
Douglas Morris, Owner-Operator Independent Drivers Association
Morgan Nash, Volpe Center
Dave Osiecki, Scopelitis Transportation Consulting
Nina Perlman, ICF
Andrew Poliakoff, Commercial Vehicle Training Association
Caroline Ramos, National Tank Truck Carriers
Mike Reid, Embark
Will Resch, Chambers, Conlon & Hartwell
Suzanne Rohde, American Bus Association
Cole Scandaglia, Transportation Trades Dept., AFL-CIO
Irwin Shires, The Expedite Alliance of North America (TEANA)



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Alan Smith, Greyhound Lines, Inc.
Daniel Smith, Waymo
Pierre Thiffault, Transport Canada/Government of Canada
Avery Vise, TransComply – Uniform Food Safety Transportation Protocol
Ronna Sable Weber, National School Transportation Association
Betty Weiland, J.J. Keller & Associates
Ivanna Yang, Commercial Vehicle Safety Alliance (CVSA)

REMARKS AND COMMITTEE ACTION

The committee approved the October 24–25, 2016, meeting minutes.

1. Task Statement 17-2: Strategic Plan Development

Robert W. Miller, FMCSA, presented FMCSA's Strategic Plan. The committee began developing recommendations to the Agency, along with key initiatives and strategies to help FMCSA to achieve its safety mission.

Action Items: The committee should submit a letter report to the Administrator following its fall 2017 meeting.

Public Comments

Pierre Thiffault, Transport Canada: Science is showing us that high-risk behaviors in truck drivers are motivated by something other than knowledge. Enforcement is not always sufficient to stop these behaviors. Behaviors serve a lot of functions; if we just go with education for people who already know this, science is showing this is not enough and we have to incorporate other motivations/incentives for this behavior. We need initiatives based in the social/behavioral sciences, and to emphasize health and wellness programs. We use these behavioral scientific models in other fields but need to rely on them more in this field.

With distracted driving and fatigue, there are decision-making issues and psychological determinants that should be studied. What predicts these behaviors? Is it because their peers do it? Is it because they think they must do it? We need to use tools to help to explain behavior that will lead to a more data-driven approach.

2. Task Statement 17-3: Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

Robert W. Miller, FMCSA, presented the President's Executive Order on Regulations requiring the removal of two existing regulations for each new regulation promulgated. The President issued this order on January 30, 2017. MCSAC discussed recommendations to the Agency.

Discussion Points

- The intent of deregulation is to reduce burden and to remove unneeded regulations to allow the Agency to add more safety regulations.
- There is currently a requirement to have an Emergency Response Guidebook (ERG) on every truck. It is no longer necessary for trucks to maintain those.
- There is still debate about what is considered a regulation for purposes of the Executive Order.



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- FMCSA should analyze which parts of 390 are being cited at the roadside.

Public Comments

Mark Andrews, Strasburger & Price: The two topics of the day, strategy and regulatory form, are inseparable. In terms of strategy and the discussion about how sound data is essential to sound regulation, we agree. There have been two positive steps by FMCSA: to suspend the implementation of URS which has been a struggle for the Agency to implement; and withdrawing the Safety Fitness Determination proposal which depended on SMS, which is under mandated review. Regarding both data-driven initiatives there are better ways. Small carriers are concerned with due process. So much of what the Agency does is done in terms of guidance. Our members believe we should minimize the use of guidance and do things in a Notice of Proposed Rulemaking format. Another major concern is the predictability and stability of regulations.

James McIntosh, McIntosh, representing Lucas Oil: With e-logs coming out, do we really need to keep eight supporting documents to track the time and where drivers are supposed to be? I have the e-log in my pocket right now, it is a lot of work to keep eight documents. We have these things to track their time, but with e-logs, wouldn't it be redundant to keep eight documents with the electronic monitoring system?

Action Items: The committee should submit a letter report to the Administrator following its next meeting.

3. Presentation on Detention Time and Discussion – Robert W. Miller, FMCSA

Robert W. Miller, FMCSA, presented on driver detention time and its impacts.

Discussion Points

- It might be helpful to collect data on where this is working. For example, if shippers have innovative practices it might be helpful to see a comparison and to look at both sides.
 - Has enforcement data about the cohesion rule compelled shippers to change their practices at all?

Public Comments

Lane Kidd, The Kidd Group, LLC, representing The Trucking Alliance: There is a correlation between inefficiencies in the supply chain and safety. If a truck driver is delayed at the dock and he's not getting paid, he has an incentive to drive faster and longer. If we could have drivers doing what they are paid to do, we wouldn't have public policy decisions about having longer trailers to increase productivity. It puts the driver at risk when these policies overlap.

Action Item: Analysis is in peer review, targeted for late summer or early fall.

4. Task Statement 17-1: Highly Automated Commercial Vehicles (HACVs)

Jack Van Steenburg, Assistant Administrator and Chief Safety Officer, FMCSA, presented the Highly Automated Commercial Vehicles (HACVs) Initiative.

Amina Fisher, Luke Loy, and Brian Routhier, FMCSA, presented on Highly Automated Commercial Vehicles.



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Catherine Boland, Vice President, Legislative Affairs, Leigh Merino, Senior Director, Regulatory Affairs, Motor & Equipment Manufacturers Association (MEMA), presented on Supplier Perspectives on Policies Impacting Advanced Vehicle Safety Technology.

S. William (Bill) Gouse, Director, Federal Program Development, SAE INTERNATIONAL, presented on Connectivity, Driver Assistance, and Automated Driving: Enabling Technologies, Trends & Transition

Public Comments

Pierre Thiffault, Transport Canada: People need to be engaged in a task to remain vigilant. The ideal thing to invent to keep a person vigilant is a tracking task. The more you remove the stimulation and remove the person from the loop, from a scientific perspective it would be counterproductive to remove the monitor from the task because it wouldn't keep the driver vigilant. This may not be an issue with a fully automated vehicle, but it is a problem for intermediate levels of automation; there is a stress response if platooning caused by a lack of control on the environment that is testing you.

Action Item: FMCSA is seeking public comment by July 17 on issues related to CDLs, driver qualifications, use of electronic devices, hours of service and inspection/repair maintenance, and law enforcement identification of automation levels and types of equipment inspected at roadside.

5. Discussion on Task 17-1, HACVs

Public Comments

Pierre Thiffault, Transport Canada: As you get through to level 5, those intermediate levels are not the objective. However, to get to full automation you must get through those levels. When you are in fully automated mode, it's not a safety issue if you don't have to monitor the environment.

Richard Bishop, Bishop Consulting, representing the American Trucking Association: What we've identified is that platooning is coming in level 1, and the driver is fully in charge of monitoring it.

S. William (Bill) Gouse, SAE INTERNATIONAL: SAE does not have definitions of domains, and does not want to lose sight of the fact that some of these technologies will offer safety benefits. Truckers are trying to support customers that compete on safety that pay a premium for their products. They are concerned that the equipment is going to be less safe, but people are competing hard to sell safer equipment for safety-conscious users.

Richard Bishop, Bishop Consulting, representing The Trucking Alliance: What requirements need to be placed on these systems to make it okay? The first-generation systems will be level 1. There is no reason platooning can't be moved to a higher level over time. We could have a follower truck in a platoon that's driverless. If it's an intervention to prevent a crash it isn't even part of the levels. Level 1 means there is either longitudinal control or steering is controlled. In level 2 they are controlled together, and it goes up from there. In level 3, the idea is that it's enough time for a graceful takeover process.



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Lane Kidd, The Kidd Group, LLC, representing The Trucking Alliance: If they are intrastate shipments, what authority does the Agency have over the equipment or the driver?

Andrew Poliakoff, Commercial Vehicle Training Association: We propose that it would be a better idea to have an HACV endorsement rather than across the board proficiency.

Mike Reid, Embark: There are various levels of automation which make it difficult for us as technology developers to discern and test. We propose to shift the focus away from different levels and to focus the framework on having either someone in the driver's seat who is fully responsible, or a system that is considered at level 4 that is completely running on its own.

Ritchie Huang, Daimler Trucks North America: We need more data on stage device mounting and the measurement of how it works. There is limited power and processing with vision obstruction. We request looking and re-examining the rule; this would hinder somewhat the deployment of automation.

Stephen Boyd, Peloton Technology: In California, Peloton has been doing work. We did a rolling closure demonstration for CHP about a year and a half ago related to that. In other States, we worked out pilot-level 1 platooning testing. We did this in Texas and Tennessee, two of the eight States that have moved in that direction. For level 1, given the set of testing that has already occurred, the States have been able to move ahead with programs and additional avenues. We are noting that the committee should consider that there could be technologies that don't automatically require a closed-course framework.

ADJOURNMENT: The meeting was adjourned at 4:30pm.

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

// Signed //

John Lannen
Chairman, MCSAC

// Signed //

Larry W. Minor
Designated Federal Officer, MCSAC