



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

May 21, 2019

1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Richard C. Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Shelby:

Pursuant to Senate Report 115-138 accompanying Senate Bill 1655 and the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-138), this letter report provides information on the Federal Motor Carrier Safety Administration's (FMCSA) new Consent Agreement Tracking System. Consent agreements allow motor carriers to continue to operate with specific requirements while corrections to deficiencies or violations are addressed. Congress directed FMCSA to submit a report on the consent agreement tracking system's performance and, more specifically, to indicate if the system succeeded in providing the expected efficiencies. Congress also asked that FMCSA determine if additional enhancements and resources are necessary to assist with the monitoring and enforcement of high-risk carriers.

In Fiscal Year (FY) 2015, FMCSA utilized \$600,000 of funding, provided by Congress in the Consolidated and Further Continuing Appropriations Act, 2015 to improve the Agency's ability to conduct oversight of carriers operating under consent agreements. The Agency used this funding to develop a consent agreement generation and tracking system allowing FMCSA to dynamically manage risk, address the highest risk carriers more quickly, and decrease the resources required to manage compliance. The Agency completed the system prototype in 2016 and full nationwide system rollout occurred in September 2017.

Prior to implementation of the Consent Agreement Tracking System, preparing and monitoring a consent agreement was a completely manual process that took significant time and FMCSA resources to execute and monitor. The process was not only time consuming, but also resulted in inconsistencies in the level of detail included in consent agreements.

The implementation of the Consent Agreement Tracking System allowed for many improvements in the process. The consent agreement document generation wizard ensures uniform agreements by utilizing pre-approved templates and automatically drawing information from FMCSA's systems to create a performance baseline. The consent agreement can then be customized, if necessary. This enables FMCSA to consistently generate and produce uniform documents quickly and efficiently.

The automated process also systematically scans the data in FMCSA's information systems for each carrier operating under a consent agreement. If the system identifies a violation of the consent agreement an alert is sent to the FMCSA Division Office monitoring the motor carrier's safety performance. For example, if a trucking company has problems with vehicle maintenance, a condition may be specified in that agreement limiting the number of violations allowed during inspections. The system will scan the available data and alert FMCSA when the set number of violations are exceeded.

Since the implementation of the Consent Agreement Tracking System began with the limited prototype in 2016, there have been 96 consent agreements executed and monitored using the new system. As of August 1, 2018, the breakdown of these consent agreements by status is as follows:

- 65 are actively being monitored.
- 6 carriers breached the agreement and FMCSA is taking enforcement action against the carriers.
- 19 were successfully completed because the motor carrier met the conditions of the agreement for the required period of time.
- 6 are inactive because the motor carriers are no longer in operation.

In addition, 33 additional consent agreements are in development and will be tracked and monitored within the system once completed.

The table below identifies the number of consent agreements that have triggered a monitoring event and the number of unique times these events were triggered since June 2016. Each trigger does not necessarily indicate a breach of the consent agreement. For example, Requests for Data Review may indicate that a motor carrier is contesting FMCSA's data, which prompts the Agency to review the action before considering a carrier to be in breach of its consent agreement.

Monitoring Event	Number of Consent Agreements	Events Triggered
Driver Out-Of-Service Rate Over Allowable	12	412
Vehicle Out-Of-Service Rate Over Allowable	22	464
Registration Update	52	86
Recordable Crashes	28	112
Requests for Data Review (RDRs)**	15	74
Speeding (392.2), Texting (392.80) , or Using Handheld Mobile Phones (392.82) While Operating	2	8

The Consent Agreement Tracking System also provides a mechanism for motor carriers to submit required reports via a document upload or fax and then automatically routes the documents to the appropriate FMCSA Division Office for review. The FMCSA Division Office


is automatically notified of the submitted report, and it is immediately available for review. Previously, the total time for these tasks was estimated at 20 hours per consent agreement and is now estimated to take 6 hours per agreement. Motor carriers submitting documents have provided the Agency with positive feedback about this feature.

Moving forward, FMCSA will build on the existing system to provide additional functionality to ease the administrative burden on the Agency, including, but not limited to, the following:

- Automation of emails and notification letters to motor carriers when they fail to submit documents on time; letters to carriers regarding deficient items; and notification to FMCSA when items are submitted.
- Automatically placing a copy of the consent agreement in FMCSA's documents system-of-record, the Electronic Document Management System.
- Adding an alert in Query Central to show inspectors that the carrier is under a consent agreement.
- Adding the ability for carriers to manually enter their corporate officials, driver list, vehicle list, and other information required by the consent agreement.

A similar letter has been sent to the Ranking Member of the Senate Committee on Appropriations; the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the House Committee on Appropriations; and the Chairman and Ranking Member of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Martinez", with a stylized flourish at the end.

Raymond P. Martinez