

H-269

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: March 17, 1981

Forwarded to:
Honorable Ray A. Barnhart
Administrator
Federal Highway Administration
U.S. Department of Transportation
Washington, D.C. 20590

SAFETY RECOMMENDATION(S)
H-81-2 through -9

The National Transportation Safety Board, at the request of the Senate Appropriations Committee, has just completed a safety effectiveness evaluation 1/ of Federal and State enforcement efforts in the area of bulk hazardous materials transportation by commercial motor vehicle. As a result of this evaluation, the Board found that there are several improvements that should be made to the enforcement activities of the Bureau of Motor Carrier Safety (BMCS) in the Federal Highway Administration (FHWA).

In its evaluation, the Board staff interviewed BMCS officials in the headquarters office and in eight of the nine FHWA Regions. In addition, the Board staff interviewed State enforcement officials in 24 States, including 3 of the 4 States participating in the BMCS "Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program."

Because the BMCS enforcement of the motor vehicle-related Federal Hazardous Materials Regulations is not separate from its enforcement of the Federal Motor Carrier Safety Regulations, the Board found that, in general, the same deficiencies undermine the effectiveness of both efforts. Thus, the major findings of the Board concerning BMCS enforcement apply equally to enforcement of the motor vehicle-related Federal Hazardous Materials Regulations and the Federal Motor Carrier Safety Regulations.

Efforts to improve the safety of hazardous materials transportation by truck are particularly important because, although only about 30 percent of all hazardous materials transportation is done by truck, 90 percent of the hazardous materials "incidents" and accidents occur in the highway mode, including about 65 percent of the reported injuries and 80 percent of the reported fatalities.

1/ For more detailed information read "Safety Effectiveness Evaluation--Federal and State Enforcement Efforts in Hazardous Materials Transportation by Truck," NTSB-SEE-80-2, February 19, 1981.

The Safety Board found that the BMCS has done little to determine where it should focus its small enforcement resources to maximize their effectiveness. With only 187 field personnel, the BMCS alone cannot conduct an effective program aimed at identifying and removing unsafe vehicles and drivers from the road. Although audits of carrier and hazardous materials shipper safety management practices are considered a more effective enforcement tool than on-the-road truck inspections, the BMCS has not developed the necessary criteria to guide its field personnel in deciding which companies to audit to ensure that those most in need of attention are, in fact, audited. Similarly, there are no criteria for deciding whether and how to develop an enforcement case, whether to pursue it, and how to determine the appropriate level of civil penalty. Much of the sanctions process is not documented, so it is difficult to ensure consistency of treatment.

Finally, the Board found that the BMCS has not evaluated the effectiveness of its various enforcement activities; therefore, it has not been able to demonstrate to what degree its enforcement activities increase carrier or shipper compliance with Federal regulations or reduce the risks involved in truck transportation.

To improve the efficiency and effectiveness of the BMCS enforcement of the motor vehicle-related Federal Hazardous Materials Regulations and the Federal Motor Carrier Safety Regulations, the Safety Board recommends that the Federal Highway Administration:

Develop and implement a data collection and analysis plan for use in determining the relationship between compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations and motor carrier accident/incident reduction. (Class II, Priority Action) (H-81-2)

Develop a plan for performing periodic vehicle inspections, based on random selection methods, of sufficient magnitude and appropriate frequency to provide statistically valid data on carrier compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations. Such a plan should consider the potential for assistance by the States in performing these inspections. The data should be published in a form usable by States with motor carrier safety or hazardous materials enforcement programs. (Class II, Priority Action) (H-81-3)

Develop a written plan for using the Management Information System of the Bureau of Motor Carrier Safety to (1) improve the effectiveness of the Bureau's motor carrier safety and hazardous materials enforcement activities; (2) evaluate the effectiveness of these activities on carrier compliance with the Federal regulations and on reducing the risks of motor carrier transportation and hazardous materials carriage by truck; (3) assist States in developing and conducting motor carrier safety and hazardous materials enforcement programs. (Class II, Priority Action) (H-81-4)

Allocate more resources to the development of the Management Information System and provide the Bureau of Motor Carrier Safety with adequate and timely programming support to facilitate the system's development. (Class II, Priority Action) (H-81-5)

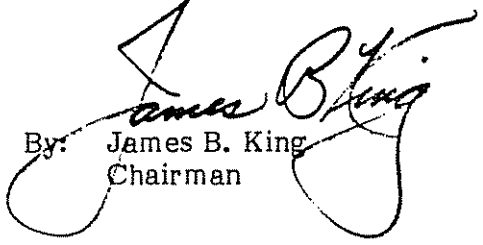
Develop explicit criteria for deciding which carriers and hazardous materials shippers to audit to ensure that the small resources of the Bureau of Motor Carrier Safety are focused on the companies most in need of attention. The criteria should take into account such factors as accident experience, type of cargo, compliance history, measures of exposure, and other factors related to the degree of hazard presented by the candidate companies. (Class II, Priority Action) (H-81-6)

Develop explicit criteria to guide the field staff of the Bureau of Motor Carrier Safety in the development of enforcement case reports, including criteria for initially determining that a case should be developed and the number and types of violations to document. (Class II, Priority Action) (H-81-7)

Develop and publish FHWA policy and procedures for determining initial and final assessments against motor carriers and hazardous materials shippers for violations of the Federal Motor Carrier Safety Regulations or the Federal Hazardous Materials Regulations, for use by FHWA attorneys and others. (Class II, Priority Action) (H-81-8)

Direct FHWA regional and headquarters attorneys to systematically document the reason(s) for the amount of an initial assessment, the arguments advanced by respondents for withdrawing or mitigating the initial assessment, the disposition of those arguments, and the reason(s) for the amount of the final assessment. Determine whether such documentation could be included in the carrier and hazardous materials shipper computer files of the Management Information System of the Bureau of Motor Carrier Safety. (Class II, Priority Action) (H-81-9)

KING, Chairman, DRIVER, Vice Chairman, McADAMS, and BURSLEY, Members, concurred in these recommendations. GOLDMAN, Member, did not participate.

By:  James B. King
Chairman

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