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September 18, 2012

The Honorable Anne S. Ferro
Administrator, Federal Motor Carrier Safety Administration
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Administrator Ferro:

Maintaining a high standard of safety for vehicles on our roads remains a top priority. Given the importance of surface transportation in the day-to-day lives of Americans, it is critical that the laws and rules governing motor carrier transportation are consistent and represent the fairest, most accurate measure of safety.

In line with this belief, I am concerned with the reliability of the current measure for road safety within the Compliance, Safety, Accountability (CSA) program that replaced the SafeStat program in 2010. CSA was established in order to fix many of the broader problems with the methodology of SafeStat. However, as recent testimony before the House Subcommittee on Highways and Transit has shown, CSA has replaced old problems with new ones that have the potential of severely misrepresenting the actual safety of carriers and operators.

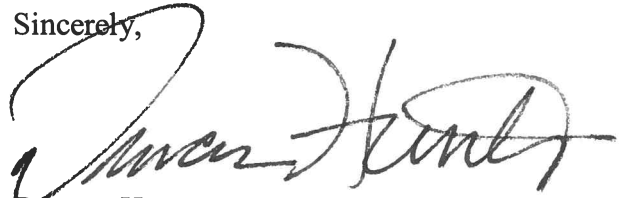
Specifically, I would like to call your attention to the issue of dismissed citations that remain in the DataQ. At the subcommittee hearing you mentioned that this issue is one of many that is currently being reviewed by your agency. Current procedure requires the operator who received the violation to first challenge the citation in court. Should the judge determine that the ticket was issued incorrectly or inappropriately, and the citation is dismissed, it is up to the carrier, once again, to appeal to the Federal Motor Carrier Safety Administration (FMCSA) to request that the state remove the dismissed citation from the DataQ. While information on violations is voluntarily and automatically transmitted to the DataQ from the states, dismissed citations are kept in a separate database that is not automatically transferred.

In such an appeal, the final decision requires consent from the law enforcement officer who issued the ticket. This procedure effectively makes a judge's ruling irrelevant for FMCSA's safety rating, and represents a breakdown of due process for the operator in question. Most independent carriers do not have the time or resources to engage in a lengthy, and often futile, appeals process that leaves them with a faulty blemish on their safety record. Furthermore, incorrect safety records remove FMCSA resources from paying close attention to the truly unsafe operators on the road.

It is my understanding that many of the methodological issues with CSA are being reviewed for possible alteration and improvement. Therefore, I ask that you give careful attention to the issue of dismissed tickets in your review. One option you may wish to consider would be to require that states integrate the database of citations that have been dismissed in a court of law, with the data that FMCSA uses in the DataQ so that the most accurate, up-to-date information is used and erroneous violations do not adversely impact an operator's score.

Ensuring the most accurate safety records is a shared common goal, and I believe that addressing this issue is in line with CSA's mission. I appreciate your careful attention and consideration to this matter, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Duncan Hunter". The signature is fluid and cursive, with a large initial "D" and "H".

Duncan Hunter
Member of Congress