

**Remarks by Anne S. Ferro  
FMCSA Administrator  
Maryland Motor Truck Association's Western Maryland Chapter  
Annual Legislative Dinner  
Frederick, MD  
December 8, 2011**

***Introduction/Recognition***

Good evening, everyone. Thank you for inviting me to join you. I'm delighted to be among many old friends from my tenure at the Maryland Motor Truck Association, the Maryland Department of Motor Vehicles and my days as a young analyst for the General Assembly.

Tonight, I will focus my remarks on FMCSA's initiatives to improve motor carrier safety and what they mean to you.

***FMCSA's Safety-First Mission***

FMCSA lives by its safety-first mission. That mission is to improve road safety by strengthening commercial vehicle and driver safety. All of our regulations and initiatives begin and end with it because safety is our NUMBER ONE priority.

To achieve our mission we work side-by-side with state and local law enforcement nationwide in order to save lives.

A combination of boots-on-the-ground enforcement and rigorous safety rules are designed to achieve three critical goals: raise the safety bar to enter the industry; maintain high safety standards to remain in the industry; and remove high-risk carriers, drivers and vehicles from operating. Everything we do can be tied back to one or more of these core principles.

A prime example of our safety mission in action is the strong enforcement efforts led by the Maryland State Police in the recent shut down of Gunthers Transport and the affiliated Clock Transport.

The practice of unsafe carriers quickly reincarnating as chameleon carriers to continue operations is unacceptable. We are doing everything in our current legal authority to keep one step ahead of the illegal actors. Swift response by our enforcement partners quickly shut down Clock Transport after closing down the operations of its unsafe sister company Gunthers Transport.

I know everyone here understands that to be competitive in business, safety must not take a back seat. My message to you is this: unsafe carriers have no place on our roads – we have zero tolerance for carriers that put the public at risk; they will be weeded out and shut down, period.

### ***New Traffic Safety Numbers***

Today, the Department announced new traffic safety numbers for 2010.

The news on the motor carrier front is that deaths in 2010 involving large truck crashes is 13 percent lower than 2008 but the number of crashes last year went up 8.7 percent from 2009.

We saw 3,675 people die in these truck-related crashes last year. This is counter to the trend on total fatalities in ALL crashes in 2010 which declined by 4.9 percent from 2009.

Since 2008, we have seen tremendous drops in deaths involving truck-related crashes. Now we see an increase. We will be investigating why these numbers are up. We suspect increasing miles traveled may play a role, but we won't have those numbers until early in 2012.

No matter the reason, one death is one too many. We have more work to do. That is why FMCSA is committed to maintaining the highest safety standards for trucking.

### ***Compliance, Safety & Accountability***

Now, let me turn to some of FMCSA's initiatives and regulations of most interest to you and provide you with an update on them. I'll start with the continued rollout of our Compliance, Safety, Accountability program, or CSA, which is a top priority for FMCSA that supports our safety-first mission.

### *Positive Impacts*

It has been almost a year since CSA was launched in every state. During that year, the results have been clear – FMCSA is reaching more carriers and intervening with them more effectively to make a difference on our roads.

Specifically, CSA impacts are already being observed at the roadside. Compliance with safety regulations is increasing. In fact, violations found per roadside inspection were 9 percent lower, on average this year than last year with driver violations showing even greater reductions at 12 percent.

The new interventions allow us to reach more carriers earlier. One way we are doing this is through warning letters. We sent out more than 40,000 warning letters and safety conscious carriers made changes to their operations to correct the problems noted in those warning letters. Early evaluations show that these letters are effective safety interventions and result in improved compliance.

### *Crash Accountability*

There is strong interest in crash accountability. In fact, I am frequently asked to address what I feel are the most pressing improvements that need to be made to CSA, and specifically whether there will be any processes in place to remove “chargeable” crashes from Safety Measurement System (SMS) data when a driver/carrier is not at fault.

I am pleased to tell you that FMCSA is pursuing a Crash Accountability Program. The ultimate goal of this program is to code every interstate motor carrier crash as either “accountable” or “not accountable” to the motor carrier and the driver. However, this is an enormous task and it will take time to implement.

We have an interim program under development that will provide for crash accountability reviews upon request through our DataQs system.

We will be publishing a Federal Register notice this winter that will explain our interim approach in detail. You will have the opportunity to provide input.

### *SMS Improvements*

Perhaps of equal importance to you are improvements that we expect to make to the SMS in order to help us to better identify motor carriers requiring intervention.

As you know, SMS looks at all safety violations and groups them into seven Behavior Analysis and Safety Improvement Categories (BASICS).

The BASICS are unsafe driving, fatigued driving (hours of service), driver fitness; controlled substances and alcohol; vehicle maintenance; cargo security, and crash history. Four of the seven apply directly to drivers.

By design, we expect to continually improve SMS as we learn more about safety, and as technology improves. The CSA Team plans to release changes to SMS twice each year, and to provide plenty of notice to stakeholders prior to public release.

We expect to provide an industry preview of the SMS improvements in early 2012 and to release them publicly several months later, in the spring of 2012.

As we close in on our SMS improvement plans, we will continue to communicate them more fully so please stay tuned and subscribe to the CSA Outreach Website which we use to disseminate important information.

#### *SFD Rule*

Another area of great interest is the upcoming Safety Fitness Determination rulemaking. Through this rulemaking, FMCSA would establish SFDs based on safety data consisting of crashes, inspections and violations history rather than just the traditional compliance review.

We expect the new approach to provide significant safety benefits. FMCSA plans to publish a Notice of Proposed Rulemaking in 2012.

### ***Current Status of Rulemakings***

Aside from CSA, safety rulemakings are a central component to how we achieve our safety mission. They are created for the sole purpose of making a difference on our roads by saving lives.

Rulemakings should NOT be thought of as an obstacle to the carrier's ability to succeed in business. Rather, by adopting a safety culture, and complying with the national safety rules, you will ***succeed*** in business.

### ***Hours of Service***

I know you have a great interest in the proposed regulation for hours-of-service.

I thank those of you who took the time to provide data and insight based on your personal experience during our comment period and public listening sessions.

Because the draft final rule is currently under review at the President's Office of Management and Budget, I am limited in my ability to tell you anything more. But rest assured that the final rule will be based on careful consideration of the public comments and additional data that were submitted to the rulemaking docket.

### ***EOBRs***

An important part of FMCSA's safety strategy that allows us to monitor, substantiate and enforce compliance is the use of electronic on-board recorders or EOBRs.

We appreciate the fact that many industry and safety groups have come out in favor of electronic logs to monitor drivers' hours of service.

In 2010, we published a final rule that required EOBRs for carriers with serious hours-of-service violations. Earlier this year, we published a proposed rule that would require installation and use of EOBRs in a large number of trucks whose drivers use record-of-duty status logbooks.

In late August, however, a Federal Appeals Court vacated the 2010 EOBR regulation that affected carriers with serious hours-of-service violations.

We are reviewing the court's decision and remain committed to raising the bar for commercial vehicle safety. It is a topic of much discussion, so please stay tuned for future updates on it.

### ***Distracted Driving Initiatives***

There are several rules to mention which taken together are intended to curb our national distracted driving habits. FMCSA is addressing this epidemic in several ways.

Last year, we issued a new national safety regulation that bans texting for commercial truck and bus drivers. Last Friday, December 2, we published a nation-wide ban on hand-held cell phone use that will take effect on January 3, 2012 for these drivers.



In Maryland, the ban takes on special meaning – because of your existing law on cell phones classified as a serious offense. Two serious violations within a 3-year period will result in a 60-day suspension of the CDL.

Together, both of these rules go a long way toward keeping a driver's full attention focused on the road and saving lives in the process.

I ask you to help get the word out about distraction while driving because it is dangerous and potentially deadly. At FMCSA, we say NO texting, NO cell phones. Just put it down. Just drive.

### ***American Jobs Act***

Trucking is a vitally important business in Maryland. One out of 17 jobs in the state is directly tied to trucking. These are good-paying jobs and in turn, your companies support businesses large and small.

The economy has faced a challenge here as it is in other parts of the country. To help our country through this crisis, President Obama continues to urge passage of every piece of the American Jobs Act, to put folks back to work and strengthen the economy.

We need to rebuild an economy that's based not on outsourcing, tax loopholes, and risky financial deals, but one that's built to last – one where we invest in things like education and small businesses and manufacturing things the rest of the world buys.

There's another view about how we build a strong middle class in this country – a view that's truer to our history; a vision that's been embraced by people of both parties for more than two hundred years. It's a view that says in America, we are greater together – when everyone engages in fair play, everyone gets a fair shot, everyone does their fair share.

The truth is: we'll never be able to compete with other countries when it comes to who is best at letting their businesses pay the lowest wages or pollute as much as they want. That's a race to the bottom that we can't win – and shouldn't want to win.

The race we want to win – the race we can win – is a race to the top; the race for good jobs that pay well and offer middle-class security. Businesses will create those jobs in countries with the highest-skilled, highest-educated workers; the most advanced transportation and communication; the strongest commitment to research and technology.

But we need to meet the moment. We need to up our game. And we need to remember that we can only do that together.

Businesses, not government, will always be the primary generator of good jobs with incomes that lift people into the middle class and keep them there.

But as a nation, we have always come together to create the conditions where both workers and businesses can succeed.

While continuing to work with Congress to bring up the American Jobs Act, piece by piece, the Administration will also increase its focus on taking actions that fight for the middle class because the American people need help now.

These steps, in addition to steps already taken, aren't a substitute for the bold action needed to create jobs and grow the economy, but they will all make a difference.

While President Obama continues to take actions, Congress will soon have the opportunity to do what's right for the country. They can vote "yes" in support of a bill that will make an immediate investment of \$50 billion in our nation's surface transportation infrastructure and a \$10 billion investment to create a bipartisan National Infrastructure bank.

Together, these initiatives will put hundreds of thousands of construction workers back on the job rebuilding our roads, rails, and runways.

We can all agree – safe roads, rails and runways are vital to our economy. Safety can't wait a day longer.

**Conclusion**

Secretary LaHood has often said, “When it comes to safety, we will NOT take a back seat to ANYONE.”

At FMCSA, our job is to put safety first in order to save lives and prevent tragedies. We are committed to working with you to do the same.

I urge you to think about safety every trip; every time. Be responsible for your safety performance. Put safety first.

The bottom line is: that the American people have entrusted us with the responsibility to keep their roadways safe. That is one challenge we can and must meet together.

I’ll be happy to answer your questions. Thank you all. Safe travels, happy holidays and a prosperous new year to all of you!

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