



U.S. Department of Transportation

Federal Motor Carrier Safety Administration

Comprehensive Safety Analysis 2010 Listening Sessions

Final Report

for the
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Executive Overview

The Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation has set a goal of reducing the large-truck related crash fatality rate by 41 percent by the end of 2008. This goal represents a rate of no more than 1.65 fatalities per 100 million truck miles traveled. FMCSA views this goal as a step towards a future with an even higher level of safety.

To continue the safety record to date and accelerate progress for reaching the 2008 goal, FMCSA has embarked on an initiative entitled "Comprehensive Safety Analysis (CSA) 2010." This effort aims to evaluate the effectiveness of FMCSA's current safety compliance and enforcement programs, and identify better methods of achieving a crash-free environment. The intent of CSA 2010 is to establish an operational model that could be used by FMCSA to confirm a carrier has a safe operation. Conversely, the model would identify unsafe motor carrier operations for focused compliance and enforcement activities.

FMCSA understands active and timely participation by its stakeholder community is a key component to the success of the CSA 2010 initiative. Therefore, FMCSA requested the assistance of contract support to help design and conduct a forum to gather stakeholder input.

Six Listening Sessions were conducted across the country, allowing participants to attend conveniently within their geographical area. The Listening Sessions were attended by a diverse collection of industry stakeholders, ranging from company representatives to drivers, national enforcement agencies to local enforcement agencies, and associations to various third parties. Attendance was heaviest by trucking companies, third party service provider groups (including insurance companies), trucking-related associations, and law enforcement entities. However, there was limited attendance by unions, drivers, and safety advocacy organizations.

The stakeholder community expressed many different opinions regarding the direct and indirect impact of the various entities, activities, and environmental factors that contribute to safety, emphasizing the complexity of the safety issue facing FMCSA. The sessions highlighted the fact that safety indicators, and hence data, are difficult to identify and measure. Participants also commented on the effectiveness of current processes and generated creative ideas on future policies and processes for FMCSA to consider in improving safety. Using incentives rather than penalties to encourage safe behavior, for example, was promoted in almost every session. Consistency and adaptability were named as critical attributes of any safety model. There was a demand for comprehensive, consistent, relevant, and accurate data easily accessible to all. In addition, participants expressed a willingness to self-disclose and do what it takes to get and keep such data current.

Finally, attendees expressed appreciation for the opportunity to engage in the discussions. The community was vocal about the need for more frequent and

sustained communications with FMCSA, and requested to be updated on the progress of CSA 2010 and on the influence their comments have on the initiative.

Report Organization

This report highlights the statements expressed by attendees in the Listening Sessions and classifies them into the following themes: 1) Safety Community and Environment, 2) Safety Policies and Business Processes, and 3) Safety Information.

Several appendices provide supporting detail for this report, including a summary of the comments from the Listening Sessions (*Appendix A*); a topical grouping of the raw data for the Listening Sessions summarized by location (*Appendix B*); a list of Listening Session attendees (*Appendix C*); results of pre-session individual interviews summarized by question (*Appendix D*); a list of organizations interviewed (*Appendix E*); additional written and verbal comments from those who could not participate or chose to answer the Federal Register questions in writing (*Appendix F*); the presentation used to run FMCSA Listening Sessions (*Appendix G*); a listing of the Federal Register Questions (*Appendix H*); a listing of the acronyms encountered in this document (*Appendix I*); and a discussion about the processes used to create the Listening Sessions (*Appendix J*).

Themes

1. Safety Community and Environment

As the participants discussed the safety agenda, they clarified the community holding roles in motor carrier safety is not limited to motor carriers but includes other entities. However, they shared varying perspectives on the influence each of these different entities has on safety.

The driver was named by many participants as “the front line” and, therefore, the entity with ultimate decision power about truck and bus safety, and the entity who should be held more accountable for safety. However, other attendees suggested safety is a result of efforts by all entities, not just the drivers. In spite of this difference of opinion in the Sessions, participants were united in recognizing a strong and competent pool of qualified drivers is critical to increased safety. Across all the Listening Sessions, people recommended better and more consistent methods for screening, hiring, and certification as ways to build a resource pool of qualified drivers.

The carrier, on the other hand, was named by participants as the most visible entity involved in the safety agenda. Participants also commented motor carriers are not adequately regulated for the purposes of improving safety. There was frequent mention of regulatory discrepancies. Examples offered were the difference in treatment between intrastate carriers and interstate carriers, passenger carriers and freight carriers, hazmat carriers and non-hazmat carriers, and large carriers and small carriers. The stakeholders emphasized the need for uniform and consistent

regulations for all motor carriers. This was particularly noted because, as participants pointed out, the public does not understand the different operational characteristics of the industry and simply insists the big vehicles on the road need to operate safely.

Attendees also offered comments about industry growth, in general, as an influential factor to safety. In an environment of growth, participants recognized raising the safety bar for new carriers would help foster a safer environment. Suggestions on how to do this included imposing more stringent entrance requirements, expecting more education, and screening new entrants more strictly. One problem regarding new carriers, which elicited many complaints, is companies attempting to re-open under a new USDOT number to avoid scrutiny of their prior business operations.

Comments on scrutinizing entrance requirements and processes led to further discussion of the economic and business forces behind unsafe driving practices. A viewpoint commonly shared was the economics of hauling goods creates pressure for carriers to dispatch trucks under demanding operational conditions and for drivers to drive under unsafe conditions. Participants identified shippers and other customers as critical points of influence behind these pressures and as the ones shifting the terms for increased productivity onto carriers and drivers. However, “rogue” carriers and operators were also named as shirking safety for the sake of profit.

As attendees continued to recognize business entities impacting the surrounding environment, they also turned their eye on third parties. There was much discussion about the influence of third party resources and the need to certify those resources responsible for attesting to the “well-being” of drivers and carriers. Attendees shared stories about the inconsistent performance of medical professionals, examiners, commercial driving schools, certifiers, and insurers. People concurred with the idea of certifying third party service providers and indicated such an effort would improve safety by assuring fair and consistent motor carrier and driver appraisals and education. Many suggested certifying third parties could, in the long-term, create the opportunity for FMCSA to leverage third parties better and to use them as an extension of FMCSA’s workforce, thereby alleviating its own resource burden.

Participants acknowledged FMCSA cannot accomplish all its work alone and expressed a desire to find ways to be a partner with FMCSA in tackling the safety agenda. There were many lines of reasoning articulated about how a partnership approach could create “win-win” situations by increasing the two-way exchange of information, reducing redundancy, and improving efficiency and effectiveness. For example, participants talked about third party organizations having a wealth of up-to-date carrier information at their disposal. Such information could be useful to FMCSA and could alleviate the reporting requirements placed on carriers. In another example, attendees explained insurers, whose bottom line is dependent on the safety of the motor carriers they insure, often perform audits similar to FMCSA, creating opportunities to gain efficiencies. Others commented on commercial training schools

developing user-friendly educational materials better than FMCSA's materials in helping carriers understand what they need to do to comply with safety regulations.

However, the discussion on partnership was not limited to third parties. Members of the motor carrier community also expressed a wish to partner with FMCSA; however, they further expressed concern about the oversight relationship in a partnership. The Listening Session attendees made it clear they currently see FMCSA as first and foremost an enforcement agency, not as a partner. As they shared stories about the antics of "rogue" drivers and carriers who take alternate routes to avoid inspection stations and maintain multiple log books, they recognized the value of FMCSA's role as an enforcer. However, simultaneously, attendees still wanted to see FMCSA as a partner working with others to build a shared safety culture. To do that, participants said good communications from and with FMCSA would boost credibility, trust, and ultimately, safety. They defined good communications not just by frequency and accessibility, but also by message clarity. Participants expressed a desire for messages to contain language and statistics that build the layman's understanding of the complex commercial motor vehicle safety data and issues. They expressed great interest in the sections of the Listening Sessions devoted to sharing information and used them as examples of the time investment required of FMCSA to build good communications.

In addition to partnership specifically with FMCSA, participants further emphasized partnership across various government entities would particularly help promote overall consistency. People expressed concern about the lack of uniformity from state-to-state and locale-to-locale in how law enforcement officers record accident and violation information. They also shared frustration regarding the lack of consistency among states and locales in their understanding of Federal Motor Carrier Safety Regulations. People explained how licensing requirements vary from state-to-state, while others described instances where states have cooperated and blended practices. They also suggested FMCSA review existing state and federal programs to gather ideas on best practices.

Listening Session attendees extended their conversation on the safety community beyond the business entities to further name the motoring public who, with increased awareness and education about motor carrier safety, could better share the road with commercial motor vehicles. Several ideas were proposed regarding the driver education programs offered to our nation's young people. A handful of comments strongly urged teaching about commercial motor vehicles. It was pointed out that, in some states, the driver education curriculum pays more attention to the operation of agricultural equipment than to driving safely on roads shared by trucks and buses.

On the whole, the attendees recognized safety is predominantly impacted by the multiple entities involved and the partnership and/or enforcement role played by FMCSA. Nevertheless, some comments were made regarding the impact of road infrastructure and commercial vehicle equipment on safety. Participants acknowledged roads are at capacity and congestion creates a more hazardous

environment for motor carriers. Many people suggested the industry should better understand the causality of road conditions on safety, especially in high accident corridors. Some described advances in safety technology that could be useful in preventing crashes, such as drowsy driver detectors, and asserted it would be useful for truck manufacturers to have an incentive, such as a rating similar to a five-star passenger car safety rating, to include these features in standard truck equipment.

Overall, stakeholders recognized and acknowledged, as FMCSA moves forward with the CSA 2010 initiative, multiple entities will be important in making it a success, and FMCSA's role and effectiveness will be boosted by understanding and managing itself in that context.

2. Safety Policies and Business Processes

Listening Session participants were also interested in commenting on the policies and processes that shape the safety culture and environment. They shared the view compliance does not necessarily equal safety and stressed their belief safety management requires a broader approach than simply complying with regulations. They expressed appreciation that compliance and regulations help to breed safety, but emphasized FMCSA and the industry need to look beyond these approaches to root causes and safety practices if it hopes to achieve greater safety results.

For example, attendees generally agreed a Compliance Review (CR) is a good way to ensure compliance with rules and an effective approach to teaching the importance of safety programs. However, they acknowledged a CR can only address a limited number of issues, and, therefore, the results of a CR are not the best measure of safety programs or behaviors. The groups offered and debated a wide range of ideas on what tools would be most effective in improving safety behavior. The suggestions included examining the scope of current regulations, establishing incentives to make enforcement function more effectively, and increasing the levels of stakeholder education.

The groups debated about the necessary level of regulation within the industry to produce a full safety picture. Several participants suggested it was necessary for FMCSA to have regulatory oversight of a more comprehensive set of carriers including unregulated, intrastate, and international. Others suggested entities such as shippers, with influence on motor carriers, need to be part of the regulated community. There was also much discussion about the balance or competition between the issues of value and privacy in implementing standard, federalized driver's licenses. However, other participants maintained the industry needs to self-regulate because too much oversight already exists and further regulation would create additional time and resource burdens to appease the legal process.

Many suggested a "carrot" approach to safety, which encourages better behavior through incentives and rewards, enlightened enforcement, and tiered ratings, would create a safety culture more effectively than a "stick" approach. However, there was general consensus that "bad behavior" or non-compliance must also be met with

strictly enforced penalties. Participants expressed the need for penalties to be designed as progressive and impressionable, and to be enforced fairly and swiftly with follow-up and subsequent consequences.

Embedded in many attendee comments about the effectiveness of regulations was a significant trust in the value of education in improving safety behavior. Suggestions for more education were pervasive in conversations surrounding all entities, including new entrants, high school students, the States, law enforcement, industry, and the motoring public at large.

One particular arena of regulation discussed at length was the use of roadside inspections. Generally, participants talked about how the consistency of roadside inspections must be improved. They questioned the effectiveness of roadside inspections due to differences in state requirements and inspector experience. In addition, there exists a perception there is no reward and often no documentation for “good” inspection results, further exacerbating the avoidance of inspection stations.

The bulk of the regulatory comments, however, were devoted to Compliance Reviews (CR) for auditing and reviewing safety performance. There appeared to be agreement on the importance of safety reviews. However, there was much dissonance about the effectiveness of the current review process. Some commented FMCSA needs to clearly explain what it is looking for during a CR. Others commented the CR is too predictable. A clear majority of participants felt the CR should be more educational in providing carriers with tips such as how to be safer and still be economically viable. At the same time, there was a minority who talked about how the CR is a valuable check of what to do to comply and does not need to include guidance on how to achieve safety.

Nevertheless, participants were in agreement the CR is too often reactive and punitive. They expressed a desire to see FMCSA support a motor carrier in fixing inadequacies before the CR is administered and penalties are imposed. Attendees also expressed concern about the intensive amount of time and resources required to complete the CR process, and whether the process is focused on the appropriate information. Many suggested too much focus is placed on documentation and too little on causality. They suggested there should be more analysis of such matters as the connections between accident data to hours-of-service violations or citations, and the like.

Participants also stated concerns regarding the inflexibility of the current CR instrument and process when applied uniformly to different sized motor carriers and for different purposes. Many recommended FMCSA offer different types of Compliance Reviews, such as a streamlined CR performed specifically in response to complaints. In addition, there appeared to be a perception in the industry that certain carriers are treated unfairly. For example, “rogue” carriers fall “under the radar,” and are not reviewed and rated, while on the other hand, there are carriers targeted for review even after receiving frequent audits resulting in satisfactory

ratings. Participants commented the timing of CRs appeared inconsistent and suggested both specific schedules and specific triggers be implemented for conducting CRs.

The Listening Sessions surfaced much interest and thought regarding overall safety processes and policies, with particular emphasis on the CR as the backbone of the regulatory process and, therefore, the focus of most of the suggestions for improvement.

3. Safety Information

Listening Session attendees were well grounded in the understanding that data and information are key to building the proper policies, procedures, and, therefore, to influencing improved safety. Their comments about data, measures, and analysis were wide ranging.

Participants communicated the desire to be measured on how they are performing, rather than how they are “running the store.” They preferred the use of “outcome-based” measures over “input-based” or prescribed measures. They generally agreed upon crash rates as a concrete measure of safety, but disagreed on the validity of the measure.

Furthermore, attendees voiced a variety of opinions on how a motor carrier’s crash experience should be collected and reported. Arguments were made for basing crash rates on mileage versus the number of vehicles, while others recommended using the number of actual crashes. There was support for both including or excluding preventable crashes. Some suggested including only recordable incidents. Some participants wanted a crash rate based on a scale using driving environment or operational circumstances. Others argued against taking any circumstances into the equation due to the subjectivity of the review of the data.

The subject of measuring safety was further complicated by the wide variety of participant opinion on which factors reduce crashes. Participants identified a range of such factors: driver history, carrier history, shipper history, operational characteristics, equipment, the environment, and industry pressures. The discussions included comments about information needed in order to fully understand the context, levers, and forces that affect safety but is not currently collected or analyzed. Attendees recommended collecting more data about motor carriers’ management profiles and using the size of a carrier as a measure during data analysis. They also offered suggestions for analyzing data to gather trends and determine causality. Nevertheless, near unanimous consensus was expressed for standardizing and consolidating data, and for ensuring the timeliness and accuracy of data.

Participants exhibited particular interest in the information used in SafeStat and mentioned, again and again, the system has room to improve. They expressed concern about the completeness, accuracy, and legitimacy of the data going into the

system. Many participants specified they find the SafeStat algorithm ambiguous and some questioned whether the algorithm is truly pointing investigators to the right motor carriers. Despite these points, they recognized the complexity of motor carrier safety data issues and acknowledged the depth of analysis required to develop a sound operational model to identify both safe and unsafe operations.

Of particular note, many attendees believe FMCSA should expect companies and drivers to file data and trust them to do it correctly, so long as easily accessible processes are in place to file information. Several participants likened this idea to filing taxes with and being audited by the Internal Revenue Service.

Participants repeated, across the Sessions, the opinion that centralized information repositories would provide administrative relief. They expressed a strong interest in seeing information about the community centralized at a national level to alleviate both their need and the government's need for information. The types of information participants suggested could be housed in these centralized systems included information such as crash reports, driver records, and safety assessment results. However, the enthusiasm for centralizing data was also tempered by a concern about proper protections for privacy.

Participants also widely agreed a ratings calculation is a good idea, and the current ratings are too simplistic and often dated. Stakeholders suggested FMCSA should use a broader range of ratings to create more accurate measures of a carrier's safety status. It was also agreed, by many, ratings left to languish lose meaning and, therefore, should be adjusted as performance changes.

Given the weight ratings can carry with potential customers, participants expressed concern about the impact of making a carrier's safety rating or safety-related information available to the public. They strongly believe ratings are a useful business tool, but only if generated from timely and accurate data and only if the public is provided more perspective surrounding the information. Therefore, beyond agreeing on the fundamental uses of ratings, participants voiced multiple positions regarding what data should be used to calculate a rating, how the data could be collected, how the ratings should be calculated, when the ratings should be issued, and how broad and defined the scale should be.

Setting up proper measurements, gathering data, consolidating data, analyzing the data, and extracting the fair ratings calculations are multiple and complex steps in a safety process. Participants in the Listening Sessions were supportive of further work to improve processes to achieve fairness, consistency, and, ultimately, a safer driving environment.

Closing

The Listening Sessions proved a useful forum for two-way communications between FMCSA and the members of the public who attended. FMCSA was able to share a description of its current situation, its goals for the future and the challenges in

reaching them. In response, participants volunteered thoughtful ideas. The net result was a collection of many creative suggestions framed with a better context of understanding FMCSA's environment.

The value of the diversity of attendees was underscored by the multiple examples of best practices they referenced. These included looking to the Federal Aviation Administration (FAA) for its process of medical certifications, Occupational Health and Safety Administration (OSHA) for its Compliance Review selection process, Securities and Exchange Commission (SEC) for its self-disclosure/certification requirements, and Department of Defense (DOD) for its pre-screening of contractors. Many other creative thoughts, both small and large, were expressed for helping reach the 2008 safety goal. For example, participants suggested better use of technology, increased fines, and adjustments to programs and policies. The complete listing of ideas is available in the Appendix.

Overall, the participants asked for signs from FMCSA of action and change, and many were quick to say the Listening Sessions themselves were significant signals that FMCSA was reaching out and doing so in a successful venue and format. FMCSA, for its part, appreciated the commitment to safety demonstrated by the number of people who traveled, in some cases significant distances, in order to attend the Sessions and contribute their thoughts. The comments and ideas gathered in the Listening Sessions will provide FMCSA with extensive material as it moves forward with the challenges of CSA 2010.

APPENDICES

This document contains the Table of Contents and descriptions for the Appendices associated with the Report on Federal Motor Carrier Safety Administration's Comprehensive Safety Analysis 2010 Listening Sessions.

Appendix A. Condensed Listening Session Data by Topic

This appendix organizes the Listening Session comments into topical groups and includes all substantive points made by participants. The goal was to preserve comments in their original form. However, edits were made to eliminate redundancy and merge common points. The comments are organized into the following topics:

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Appendix D. Interview Data D-1

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This appendix provides a list of the organizations, in alphabetical order, that Touchstone Consulting interviewed in preparation for the Listening Sessions.

Appendix F. Additional Comments..... F-1

This appendix is a compendium of comments that were provided by stakeholders who could not attend a Listening Session.

Appendix G. Presentation..... G-1

This appendix provides a copy of the PowerPoint presentation shared at the Springfield, Massachusetts Listening Session.

Appendix H. FMCSA Federal Register Notice H-1

This appendix provides a copy of the Federal Register Notice announcing the event.

Appendix I. List of Acronyms I-1

This appendix provides definitions for a list of acronyms encountered in this report.

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This appendix discusses the processes that were employed to create an environment that would invite stakeholders to share open and honest thoughts about motor carrier safety programs.

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APPENDIX A1. STAKEHOLDER COMMENTS REGARDING THE SAFETY COMMUNITY AND ENVIRONMENT

Appendix A1 is devoted to comments provided by Listening Session participants around topics of how the community and environment affect safety. The statements presented are inclusive of the substantive points made by participants on this specific set of topics. The goal of the compilers has been to preserve comments in their original form but, at the same time, eliminate redundancy.

The largest portion of this chapter is devoted to key players; those individuals in the community that have a role in motor carrier safety. The Federal Motor Carrier Safety Administration (FMCSA) is not listed among the key players, but instead has its own dedicated section within this chapter, since its role as a regulatory agency drives the safety agenda for the carrier community. This chapter also discusses partnerships among the key players, and between the key players and FMCSA, and finally presents thoughts on the role of tangible infrastructure, such as roads and vehicles, with respect to safety.

A1.1 Key Players

Drivers

- ❖ Carrier drivers need to be a part of monitored groups. There is not enough attention given to the drivers; there is too much on attention given to the process.
 - FMCSA should also be monitoring driver leasing companies.
- ❖ Examine and identify the difference between drivers versus carriers.
- ❖ Drivers need a stronger say on when shipment can be delivered.
- ❖ However, maybe that is expanding the parameters of focus too much and overreaching.
- ❖ We need more focus on individual drivers, hold them accountable for personal performance and change their driving performance (if it is poor).
 - It is hard to hold drivers accountable. In order to achieve accountability, ALL drivers need to be included: all Commercial Motor Vehicle (CMV) (defined as any vehicle over 10,000 lbs), and non-commercial vehicles.
 - There is a concern that accountability may distract from safety regulations, but it is possible that accountability will not distract from the safety regulations if you track a driver over time.
 - We should extend accountability to drivers for safety and background investigations, and have them report compliance to DOT (which is different from carrier reporting responsibility).
- ❖ We must respond to the changing driver pool, because new drivers are less experienced.

➤ **Employment Environment**

- ❖ There has been an increase of foreign nationals brought in from overseas to be drivers in the United States. There needs to be special attention to this new industry dynamic so we can properly address driver safety and fitness for the road system.
- ❖ There is a serious driver shortage, and there is only so much pressure that can be put on drivers before they leave the job.
 - Shifting the policing function from --- to carriers is tough in this economic environment.
 - Nevertheless, if drivers are held accountable they will perform at a higher level.
 - If drivers with bad records are allowed to switch companies, safety will be compromised. All drivers must be held accountable in some uniform way.
- ❖ To address turnover rates and the shortage of drivers, start vocational education in high schools to develop potential drivers; identify transportation as a viable career path; stop them from doing things between the ages of 18-21 that would prevent them being hired as drivers.

➤ **Hiring and Certifying**

- ❖ Each company hiring manager needs to make the right decisions.
 - Regulations can only go so far.
 - Use the Motor Carrier Management Information System (MCMIS) database for drivers; good place to start when hiring.
- ❖ Currently drivers are able to move from carrier to carrier, and there is no way for a carrier to track past driving performance.
 - Currently, poor performing drivers can go from one company to the next since violations stay with a company and do not follow the driver.
 - The current law in California has a standard requiring 3 years of employment records and 2 years of drug and alcohol test results to be available (to employers).
- ❖ Qualifying drivers takes too much time and there is a shortage of drivers.
 - Companies need better, faster, and more accessible ways to pull background checks. This would enable companies to hire quicker and better drivers while maintaining a higher level of compliance.
 - The companies that are winning are those who can get drivers on road quickly.
 - Companies that are trying to comply by certifying drivers and completing background checks are losing drivers to other companies.
 - Some of the biggest violators of hiring practice regulations are large companies.
- ❖ Are there incentives or benefits to having experienced drivers?
 - Not if drivers are not unionized.
 - Many carriers would rather have new drivers.
 - Less experienced drivers cost the company less in salaries.

- Inexperienced drivers can be trained according to the company's needs.
- Some insurance companies will not let companies have drivers with less than xyz years of experience.

➤ **Educational Standards**

- ❖ Require minimum standard of education for all drivers.
 - Driver Vehicle Inspection Report (DVIR) – make drivers accountable for their education as well as the carrier.
- ❖ Establish an annual educational requirement.
- ❖ Provide more voluntary opportunities for drivers to be involved and develop a relationship with the FMCSA.
- ❖ Carriers must understand and appreciate that many drivers' education level is below that of many other occupations.

➤ **What to Monitor (Non-data driven)**

- ❖ Identify ways to monitor and measure driver behavior through standards that are performance-based not just statistical.
 - Conduct interviews without face-to-face meetings using electronic means or paper information.
 - Use new methods of observation.
 - Use data collected via on-board recording technology, such as hours-of-service.
 - However, these records need to be associated with managers and companies as well, not just the drivers.
 - FMCSA needs to be able to measure difference between on-duty and off-duty time.
 - A general challenge will be implementing the technology due to resistance from carriers and drivers, and cost.
 - Establish a system that distinguishes between driver errors and equipment issues. Equipment violations need to be documented and recorded.
 - Background checks should include past employment records, Motor Vehicle Record (MVR).
 - Critical factors such as fatigue need to be monitored closely.
 - Road tests and license reviews need to be conducted regularly.
- ❖ Connect citations and other traffic violations associated with a driver's personal driving record and personally owned vehicle (POV) to his or her commercial driver's license (CDL).
 - This will not be fair if it affects their personal insurance rates.

➤ **Performance**

- ❖ Negative inspection results and log violations should follow a driver by being attached to their CDL to help carriers from hiring drivers with bad records.
- ❖ Implement a grading system for drivers and companies. Grades could be issued during various phases of employment/training:

- Pre-employment,
- Hiring,
- Issuing or renewing CDL.
- ❖ Drivers should have a scoring system similar to carriers based on:
 - Motor vehicle history,
 - Valid license by state,
 - Number of log violations, and
 - Number/type/fault of accidents.
- ❖ FMCSA and other regulating entities should notify the motor vehicle carrier of driver violations.
 - This raises the issues of “Big Brother”, and violation of driver’s right to privacy.
 - The insurance companies already watch this so what’s the problem?
 - Smaller companies rely on the driver to pass violations back to the company owner, but there is no incentive for the driver to do this and it often does not get done. Companies need a way to receive driver performance information in a timely manner.

➤ **Disciplinary Action**

- ❖ Industry needs more effective medical oversight to minimize issues such as forged medical cards. Drivers should be disciplined for medical fraud and omission of violations.
- ❖ Speeding violation enforcement should bear more severe consequences; for example, revoking of license or high fines.
 - Violations should also acknowledge moving type loads like hazmat and tankers.
- ❖ When carriers become out-of-service, it does not impact the driver. The driver can still get another job.
- ❖ Drivers should only be accountable for what they can control. However, currently, there is currently little consequence for their individual behavior.
- ❖ Drivers know that enforcement mainly happens with carriers and that they (the drivers) can get away with more.

Carriers

- ❖ FMCSA needs to be monitoring all carriers, which include:
 - Carriers in large metropolises
 - Unregulated carriers
 - Regulated inter and intra state companies over 10,000 lbs
 - International haulers
 - However, an issue is that FMCSA cannot regulate without jurisdiction.
 - Rogue carriers
 - Often travel up and down the interstate without penalty.
 - Often they also drive back road routes to avoid inspections.
 - Small carriers

- There is concern about small carriers falling through the cracks. Larger carriers are more dominant so they have more inspections and attract more attention. Smaller carriers are not as easy to see. They may have less number of miles and less equipment but they still need to adhere to regulations.
- Consortia
 - Are they following the regulations for providing documentation, random testing, accurate reports, and other regulations set for the industry?
 - Small motor carriers rely on consortia to keep them in compliance. It is difficult to help people comply if the consortium does not know the rules.
 - So, how can FMCSA help small carriers?
 - Small carriers could show they meet certification requirements.
 - Pay extra effort to incorporate the smaller carriers.
- ❖ FMCSA needs to 'get inside' the carriers.
 - Interview carrier officials.
 - Interview customer service personnel and operations schedulers.
 - Chief security officer (CSO) should work with FMCSA. A potential barrier is that, some safety departments are under-funded (and may not have a CSO).
- ❖ FMCSA needs to find ways to ensure that safety personnel understand the core performance of their organization. In addition, there should be minimum standard education levels, and certification and re-certification statuses established for safety personnel.
- ❖ What is working?
 - FMCSA's set of standards sets focus and direction for carriers.
 - Having FMCSA physically present at a motor carrier's place of business is especially helpful during on-site inspection visits..

➤ **Management**

- ❖ Require a 'real' yearly certification like those required by the Securities and Exchange Commission (SEC) or Occupational Safety and Health Administration (OSHA).
 - The OSHA 300 log affirmation is a good example because it also considers operational characteristics.
 - Corporate officers should sign something similar to SEC requirement for a signature of statement on compliance.
- ❖ The company should be accountable.
 - Because the individuals are not held accountable through FMCSA, the responsibility should fall on the company.
 - In order to get around this, some individuals move companies.
- ❖ It is up to the company to manage driver performance and then if the company stays "clean", the government does not need to be involved.
- ❖ Make the program so that it helps the owner fix the problem.
 - Certify safety coordinators at carrier companies.

- Help educate the industry
- ❖ It behooves us as managers to use the system properly and to be more proactive.
 - Is FMCSA asking us to take more responsibility?
- ❖ Carriers need to identify management staff [to FMCSA].
 - Some states already require management staff identification.
 - Owners' names could be kept as part of the database, and treated as any other data of the business.
- **What to Monitor (Non-data driven)**
- ❖ Monitor the management of a company.
 - Check whether proactive programs are in place and whether they are effective.
 - Check the company's safety culture based on its training programs, [employee attitudes], safety record, and safety policies.
 - Check driver stability, turnover and strong management. These are the basic indicators of a stable workforce. Deterioration in any area leads to problems.
 - Look at key elements in the carrier's safety program. Check:
 - The history of the motor carrier.
 - Drivers' histories.
 - How many companies the owner has closed and re-opened.
- ❖ Inspect the financial state of carriers. When companies are in financial trouble, the first programs usually cut are safety and maintenance.
 - Financial inconsistencies can be a warning flag.
 - The danger zone is a carrier with 25-50 vehicles. The cost of a safety director is a competitive disadvantage for that size of company.
- ❖ Assess the culture of individual companies and states by measuring the company based on quality of driving personnel.
- ❖ Consider the [physical] appearance of driver and truck.
 - This already plays into roadside inspections but needs to be done outside of the inspections.
 - Check for 'imminent hazards'.
 - The issue with monitoring driver and truck appearance is that there are no federal personnel to do this. How will we accomplish this need? Perhaps have the State personnel monitor back-road routes.
- ❖ Monitor the integrity of a company.
 - Verify if owner(s) have a history of prosecutions, unsatisfactory ratings, or have changed the company's name.
 - Have a subjective measure of strong management, using objective characteristics.
 - Check if various paperwork items are being filed in a timely manner because this may be an indicator of quality.

- ❖ Are MCS150 form submissions timely?
 - If companies do not complete an MCS150 form, operation authority should be pulled or the company should lose their insurance. FMCSA would be responsible for pulling the operations authority.

➤ **Motor Carrier Authority**

- ❖ An effective way the FMCSA can monitor carriers and control behavior is by issuing a warning of losing authority and enforcing the loss of authority.
 - Loss of authority would be effective for those that require authority. However, not all companies are required to have authority.
 - FMCSA needs to monitor the authority concept as opposed to monitoring the function of transportation. A Motor Carrier number means you can haul anywhere, versus a DOT number of an interstate motor carrier. When it comes to safety, who cares [to distinguish]? The authority should have been done away with because if you want to be a carrier then you must comply with safety.
 - Authority is irrelevant if the purpose of the FMCSA is safe operations and reduced injury, death and crashes. We need to determine the function of safety and if we are supposed to be meeting that goal.

➤ **Owners**

- ❖ Existing owners of a company should be prevented from setting up a new company.
 - Carriers should not operate under multiple entities.
 - Many facets are involved; some companies do not have insurance.
- ❖ Have the equivalent of a CDL for owners.
 - The Federal Maritime Commission and other transportation committees have information on officers and directors and require a certain amount of experience before being qualified for their position.
- ❖ [There should be] background checks and fitness checks before an owner(s) obtains authority, in addition to pre-employment drug testing.
 - However, this creates a higher level of resources to regulate.

➤ **Economics of the Business**

- ❖ Carriers are often forced to choose between serving the client or losing the client.
 - Take action against carriers who accept unreasonable contracts.
 - Take action against businesses that pressure carriers to accept unreasonable contracts.
- ❖ Consider the economics of trucking industry. In a few years there may be a decrease of carriers due to the high price of diesel fuel.
- ❖ Pay and compensation.
 - Much of safety boils down to economics. If there is a way to ensure pay is fair and equitable, then you have a better chance of equitable safety compliance by the industry.

Carriers: Bus Companies

- ❖ More bus carriers need to be inspected.
- ❖ Church and charter buses should be treated the same.
 - Non-profits should be equally regulated.
 - Compliance costs money and that cost is passed along to customers. Non-profits have harder time absorbing the costs of compliance.
 - Is a passenger's life worth less because they are traveling with a non-profit organization?
- ❖ Hours-of-Service issue:
 - Tour groups often will not pay for drivers to comply with hours-of-service. Some bus companies ignore regulations altogether.
 - The bus industry operates differently from the trucking industry for hours-of-service.
- ❖ How often are city buses reviewed?

Carriers: Owner-Operators

- ❖ Different regulatory agencies define carriers in different ways.
- ❖ [Owner-Operators] should take more direct responsibility because they play the role of both carrier and driver.
- ❖ Unsuspecting owner-operators can be abused by carriers and need protection and education.
 - Some carriers are predominately in the business of buying and selling trucks and not in the business of hauling freight.
- ❖ Agreements of Lease or Purchase Drivers need to be monitored, especially the economics of the agreement.

Carriers: New Entrants

- ❖ Compliance does NOT equal safety; do more upfront to prevent future problems [by engaging with new entrants].
- ❖ Check to see if the carrier is an old carrier under a new name. Existing carriers that are not complying [often] establish new entities to get around non-compliance; for example they often change their name or legal status.
 - There are also various other loopholes such as document falsification.
 - FMCSA needs to impose a penalty if a new company is started by changing their name.
 - Currently, there is no penalty for carriers who close down and open back up under different name.
 - Create a 'watchlist of individuals' and companies.
 - Check for consistent hours-of-service violations.
 - Watch and check the point-of-sale or re-sale of equipment by Vehicle Identification Number (VIN)
 - Purpose of use (for example, are they non-profits or small companies operating illegally?)
 - [Partner with] vehicle manufacturers and resellers

➤ **Identifying New Entrants**

- ❖ New entrants should alert FMCSA of cell phone numbers so that they can be tracked [and contacted].
- ❖ New entrants often come from drivers who worked for other companies and then became an employer.
- ❖ Contractors could be used to contact all the new entrants in a instead of enforcement officers.
 - Partner with insurance companies and truck driving schools to influence the quality of new entrants.

➤ **Raise the Bar**

- ❖ Evaluate and approve new entrants to see if they are up to standards before entering. Licensing application process would need to be changed.
- ❖ It is too easy to enter the industry. New York City cabs have a series of hoops to go through to get a license, why is it so much easier for trucks?
- ❖ Need to challenge [new entrants'] knowledge of rules when they apply for a DOT number (similar to what is done for a driver's license) to assure fitness before the DOT number is established.
 - An example of testing fitness is the Department of Defense (DOD) program. They send carriers seven-page questionnaires before they are accepted. As a result, 20 percent [of carriers] are rejected for their DOD number or insurance program.
- ❖ Establish higher level of financial responsibility for entry-level carriers.
- ❖ Require fee for new entrants and justify the cost by earmarking dollars to improve safety, compliance, or education programs. If [those funds are] focused and targeted to safety, the industry would be paying for its own safety compliance though the fees.
- ❖ There should be an investigation before issuing a license to prevent repeat carrier offenders from re-opening business under a new name.
- ❖ New entrants should have a required level of education in order to get a DOT number; this should be more than just an MC (motor carrier) number. Currently, more education is required.
 - Use this as a barrier to entry. Mandate training. New entrants should attend a seminar prior to receiving a DOT number.
 - It should be harder to get into the business than stay in the business.
 - Florida has a program where new carriers are required to attend a seminar to learn about Compliance Review (CR) process. Georgia does not have any rule at all for new entrants.
- ❖ The positive effects this could have:
 - Slow incoming entrants. We acknowledge the amount of new entrants and limitations in covering more than 2 percent of the industry due to money constraints, Congress, and number of bodies.
 - Improve the quality of carriers on the road
 - Identify who is violating the rules.

➤ ***Process for New Entrants should be 'Educate, Then Certify, Then Monitor'***

- ❖ Prevention and education greatly lower the number of new entrants. FMCSA cannot efficiently get to all the new entrants, but it is better to orient them before they start.
 - Currently, new entrants receive a letter without any follow-up of regulations or expectations.
 - Use education to reduce fines; for example, if [company staff] takes a certain number of educational classes a fine could be reduced.
- ❖ Improve new entrant program with stronger control, safety audits, testing, and ratings. Front-load new entrant program with CR's and assessment ratings.
 - Assess safety fitness programs and look at acute and critical violations. If the processes are poor, put the carrier out-of -service until they are in compliance.
 - FMCSA should have a certification process in place for [new] operators [to expedite the start-up process and encourage compliance].
 - Some new carriers are put out of service for 30 days because they have not received their warning letter.
 - [The FMCSA should] perform [a new entrant's] CR with a rating in the first 18 months of operation.
- ❖ [New entrants could] post a bond to cover the cost of a pre-entry safety certification and rating that could be conducted by a certified third party examiner.
- ❖ Educating new entrants wastes the time of enforcement officers.

➤ ***Auditing New Entrants***

- ❖ New entrant audits should have better follow-up after the initial audit.
 - Initial audit should be more informal and educational.
 - Audit done inside initial 18 months was informative.
 - Need better responsiveness from DOT during follow-up.
 - DOT is responsive when organization states that they need a training program immediately. However, once DOT leaves a facility, compliance often ends immediately.
 - Organizations often feel like they have no one to go to. When they call DOT, there is no one to talk to, and all they can do is leave a message.
- ❖ New carriers are [often] willing to undergo a CR, [and yet are] unable to get one.
 - It is inefficient to perform CRs [for new entrants] one by one; administering them in groups would be better.
 - CRs for new entrants should have more Q&A.
- ❖ New U.S. entrant audits differ from Mexican entrant audits:
 - Mexican carriers are required to go through a safety audit first to allow them provisional authority, then, are issued a CR after 18 months for permanent authority.

- U.S. carriers: No audit prior to obtaining operating authority. Initial audit is scheduled within a 'reasonable timeframe' after DOT number request, and then there is no follow-up,
- ❖ Follow up and enforcement is lacking.

Dispatchers

- ❖ During a compliance review (CR) it would be useful to talk to dispatchers, inspect the operation and safety program.
 - Conduct employee interviews, similar to the interviews conducted by OSHA and report observations.
 - If a dispatcher understands hours-of-service, this at least shows an attempt at safety compliance.
 - Look at the morale of employees and drivers.
 - Dispatcher can affect morale.
- ❖ Currently, there is no documentation on dispatcher activities.
 - Data storage issues
 - Off hours
 - Dispatchers are key resources [of information] and often underutilized.
- ❖ You can relate on-time rates and miles per gallon back to the dispatcher.

Shippers, Brokers and Receivers

- ❖ There are many forms of shippers:
 - Travel agents.
 - Tour agencies.
 - Other customers.
- ❖ [Someone needs to] regulate shippers.
 - FMCSA needs legislation from Congress in order to enforce with criminal and civil penalties.
 - Could regulate by hours-of-operation and proper identification of shipped goods.
- ❖ Shipment documents that are incorrect and or inaccurate should be the responsibility of shipper. Currently carriers are cited for any errors made by the shipper.
- ❖ Shipper put loads together but they do not have to load them themselves.
- ❖ During compliance reviews (CR), shippers and brokers are forgotten and the entire burden falls on the carrier.
 - Should the FMSCA have jurisdiction over shippers and brokers?
 - How would the FMCSA enforce rules with respect to these and other entities?
 - Build off contractual expectations
 - Actions should be taken against shippers who continually attempt to contract with unreasonable timeframe expectations, etc..
 - In addition, action should be taken against carriers who accept these unreasonable contracts.

- ❖ It is naïve to believe that FMCSA can have an affect on shippers.
 - The reality is that consumers need to make the correct decision.

- ***Shipper Impact on Carrier Industry Raises Question of Need for Regulation***

- ❖ Review shippers to see if they are putting pressure on the carrier industry.
 - Driver's log has shipping information. A specific shipper's name may be linked to forcing hours-of-service.
 - FMCSA needs to police this connection somehow and have the authority to enforce retribution for violations.
 - Large shippers are the ones involved [main offenders of pressuring hours-of-service]. They need special regulation and a specified penalty. Small shippers usually do not have the leverage to apply pressure to carriers.
 - [The FMCSA should take] example from hazardous waste, where the concept [of safety] is "from cradle to grave" meaning that everyone in the chain is responsible for the disposal. Assign responsibility to the shippers in addition to the carrier. The penalty is liability. Make shippers accountable for hiring carriers.
 - It is the responsibility of shipper to choose a good carrier, not just the guy with the cheapest rate.

- ❖ Shippers require that products be delivered on time, demanding drivers to violate minimum hours. They also dictate how vehicles should be loaded and they lack accountability.

- ❖ An FMCSA agent should call on shippers known to require carriers to conduct unrealistic delivery schedules thereby forcing violation of hours requirements. Shippers should be held liable for "aiding and abetting" those violations.

- ❖ Shippers' demands are putting pressure on carriers to promote illegal action on part of the carrier and the driver.
 - FMCSA can monitor shippers and motor equipment operators and enforce responsibility.
 - Are shippers hiring carriers that are going out of service more frequently? If so, what responsibility do they have?
 - Do carriers [in violation] end up being placed out of service or get an unsatisfactory rating [from FMCSA]?
 - Carriers take responsibility when they assume freight, but shippers bear none.
 - If there are carriers with out-of-service problems, look at who the shippers are. If a specific shipper hires four core carriers and all of them have problems then perhaps the shipping company should be consider or sited for placing unsafe demands on people hauling products.
 - Shippers always get a free ride! They should be treated fairly and equitably.

➤ **Shipper Incentives and Enforcement**

- ❖ Create shipper disincentive to put load on street.
 - There is a network of knowledge within industry of who will take loads.
 - The question is how to report and enforce, and what will be the response? We need to know the agency has someone to talk to if they are raising awareness of an issue.
- ❖ Create shipper incentives to create more driver friendly loading times, better equipment utilization, predictable freight patterns.
 - For example, a discount for non-peak hour shipping. Trucking companies could expand operations to handle non-peak shipping such as extending into weekends and using more drivers without additional cost of equipment.
- ❖ Shipper ratings could be established and be based on:
 - Accuracy.
 - On-time arrival.
 - Creating a safe environment.
 - OSHA ratings on injury reports.
- ❖ Shippers should get fined for “forcing” drivers to break regulations.
 - Define at what point does it become negligence by the shipper to give hazardous material to a carrier?
- ❖ Maybe license shippers and hold them accountable in some way.
 - Provide shippers with more information and make them accountable for knowing and applying that information.
 - We cannot make the industry enforce the shipper and customer controls.
 - Is it better to regulate the shipper or the motor carrier to assure effective enforcement?
 - What is the insurance industry’s perspective on this topic?
- ❖ Currently, there is no accountability with shippers on what they ask carriers to do. Maybe shippers can become involved in this process.

➤ **Shipper Awareness**

- ❖ Shippers should tour distribution centers.
- ❖ Shippers should assist carriers in meeting compliance.
 - Need to educate shippers on regulations, and the realities of transportation.

Equipment Suppliers

- ❖ The intermodal equipment suppliers.
 - Where does the accountability by the owner start and the equipment supplier stop?
- ❖ Owners of trailers [leasing companies].

Unions

- ❖ [Some perceive] that they keep unsafe drivers on the road.

- ❖ [Others perceive] that they keep drivers from being penalized for not agreeing to pressure of operating unsafely to meet shipper requirements.
 - Do request help from law enforcement when driver is pressured by carrier.

Law Enforcement

[Also refer to Appendix A1.3 Partnerships/Partnerships with States]

- ❖ The level of enforcement is currently different in different places.
 - Law enforcement needs to investigate truck complaints.
- ❖ There is discrepancy with enforcement officers. When I call the local enforcement agency to take care of a motor carrier violation, they have no idea what I am talking about. If you make a phone call that there is a robbery at a 7-11, they react. But if a limo company crosses a state line illegally, they do not respond. Aren't they supposed to respond to that, too?
- ❖ Educate law enforcement on more than just basics of commercial driving.
 - Local law enforcement needs to know the local laws.
 - There is different experience at the state level.
 - Law enforcement training is functionally based. According to a Wisconsin study, only 4% [of incidents] are checked by fully trained people. It is more likely that crashes are the responsibility of unregulated motor carriers.
- ❖ Currently, neither State DOT nor USDOT pursues uninsured carriers. However, carriers have been known to borrow ICCS and DOT numbers from others to invent phony IDs, and insurance cards.
- ❖ Law enforcement is source of data.
 - There needs to be more accountability for law enforcement to report accurately.
 - Accident reporting guidelines are needed. Many problems occur with SafeStat because of misinformation and checking the wrong boxes on accident reports.
 - Law enforcement should collect less information but standardize it.
- ❖ FMCSA has no authority over law enforcement group.

Third Parties: Commercial Driving Schools

- ❖ [The FMCSA should] work in conjunction with driving schools.
- ❖ Need to monitor or provide minimum reviews, standards, guidelines, certifications.
 - [However, this raises the question] 'What about over-regulating?'
 - A rule was just passed on training but it didn't go far enough because it does not address defensive driving.
 - Training should be consistent, but how is that done?
- ❖ Truck driving schools could help by ensuring a proper curriculum and providing professional accreditation.
- ❖ [Commercial Driving Schools could] conduct offsite testing.
- ❖ FMCSA should endorse existing good certified programs. Many schools are not currently certified.

- Encourage similar programs that are best practices be adopted by new schools.
- ❖ FMCSA should track and oversee the following:
 - Curriculum.
 - Pass or fail rate of schools.
 - Performance of graduates including crashes, violations.

Third Parties: Examiners/Administrative Services

- ❖ [Certification of third parties is important.]
 - Certify other transportation consultants.
 - Certify to improve consistency of what is being communicated.
 - Certifying consultants may also require a change in rules because interpretation of rules creates subjectivity.
 - Create a certification process for providing third party administrative services for trucking associations.
 - For example, Medical Review Officers (MRO) who do drug tests need to have training on what is required for DOT regulations. [Also refer to Appendix A1.1 Key Players/Third Parties: Medical Professionals.]
- ❖ [The FMCSA should consider the] use of a licensed third party to:
 - Conduct all or part of compliance reviews (CR) or audits.
 - Insurance, private certified organizations or internal certified carrier personnel.
 - Paid by motor carrier and under the direction and control of the FMCSA.
 - Third parties could to the CR administrative work such as entering data into the system from the carrier.
 - Carriers would have no problem with third party inspectors if they are qualified.
 - Third parties could contact new entrants for other FMCSA activities without an associated enforcement action.
 - Institute a third party to conduct internal audits of security performance to encourage more companies to comply, and to increase the amount of data collected.
- ❖ [The FMCSA needs to consider the following concerns] if third parties are used:
 - There would be training, oversight, and certification issues.
 - The federal level should monitor fraud when using third party examiners.
 - Conflict of interest issues.
- ❖ Set up an outside certification program. FMCSA can be the sponsor and define requirements. Then the industry can maintain through market forces, interest in certification all by third party.
- ❖ The more you have the more you get – insurance carriers and others can help create policies, requirements, structure, programs.

Third Parties: Medical Professionals

- ❖ Certify those who do DOT physicals, including Medical Review Officers (MRO) who administer drug tests.
 - The Federal Aviation Administration (FAA) certifies doctors for pilot physicals; currently, there is nothing like this for drivers. [The FMCSA] should use FAA method for guidelines.
 - Make a list of certified physicians available.
 - Currently drivers can go anywhere for physicals or drug testing, and doctor-shopping does occur.
 - Medical doctors should certify drivers, not medical assistants.
- ❖ [Medical exams] must be consistent, complete, uniform:
 - What is being checked? Physical health such as; blood pressure, hearing loss and medications.
 - Need programs that look out for shortcomings of clinical physicians because they do not know what needs to be looked at during these physicals.
 - Drivers and companies need to have confidence in the accuracy of drug testing procedures.
- ❖ Medical providers need to “be on the same page”.
 - Physicians need to know what to look for in order to certify a “safe” driver
 - Many doctors do not kept up-to-date with changes and new guidelines.
 - Supporting teams such as insurance and policy need to be consistent.
 - Need to establish standard definitions across the country.
- ❖ [The FMCSA needs to] revamp drug and alcohol regulations so that it “captures” all drivers. However, this tensions between Human Resources versus Safety due to issues of invasion of privacy.
- ❖ Need a way to track immediate certification of drivers.
 - Better controls are needed of physical form which currently comes from drivers; this should come from medical professionals.
 - Carriers need to know, understand and have access to [some] database.
 - Driver’s health assessments should be made available, not all drivers will tell a company.
- ❖ Doctors do not want to put drivers out of work.

Third Parties: Vehicle Observing Companies

- ❖ The vehicle observing companies...companies get those reports and do not follow up on them. That should be considered, too. They might be doing it, having the sticker on their truck, but it is for show. It’s not something they monitor.

Insurance Companies

- ❖ [Insurance companies should] ensure that carriers have an MCS90. Right now, a carrier gets penalized, not the insurance company.
- ❖ There should be centralized data about insurance for carriers.

- ❖ States should notify FMCSA if an insurance agency goes out of business.
- ❖ Currently, neither State DOT nor USDOT pursues uninsured carriers. However, carriers have been known to borrow ICCS and DOT numbers from others to invent phony IDs, and insurance cards.
- ❖ Some insurance companies do not understand the business of carriers, which increases risk. These insurance companies need to be educated.
- ❖ Insurance companies want partnership because their bottom line is the safety of their clients.
- ❖ Partnership with insurance companies could:
 - Determine best practices
 - Make loss prevention resource program available
 - Disclose claims data
 - Standardize regulations across states
 - Programs focused on CMV, address needs and statistical data
- ❖ [The FMCSA should] partner with insurance companies, since they have so much information. Also because trucks, by law, must be insured, insurance companies often have up-to-date information. However, carrier companies are not always willing to share the data. Loss runs are the carrier's property not the insurance industry, and the FMCSA could review and collect that information.
- ❖ Insurance companies do the same type of audit [as FMCSA]; FMCSA should follow the CR, educate and give information back to the insurance company.

The Motoring Public

- ❖ The motoring public (non-commercial drivers) should be tested, monitored, and educated.
 - Address other drivers on the road who do silly things such as cut in front of trucks and cause unnecessarily dangerous situations.
- ❖ Pay attention to non-commercial driving education. Educate non-CMV public using the roadway on:
 - Sharing the road with trucks. Expand existing “Share the Road” program.
 - Where truck blind spots are located
 - Truck-related laws

A1.2 The FMCSA

- ❖ The FMCSA's uniqueness is its enforcement power.
- ❖ There should be a performance metric for FMCSA itself.
 - Need to measure how well the compliance reviews (CRs) are being administered by the FMCSA and key officials.
 - Oversight is perceived as ineffective because compliance officer training lacks consistency.
- ❖ Also, the FMCSA must test out technologies. As part of change, FMCSA should use an evaluation tool for seeing whether we are heading in right direction.

- ❖ [The FMCSA needs to] drive fairness and uniformity by eliminating arbitrary discrepancies between states and apply its own rules consistently.

Coping with Growth, Size, Economics

- ❖ Need to streamline processes and cut down on paperwork.
- ❖ Need to catch up with what is there now and keep up.
- ❖ FMCSA is not keeping up with the current number of “approved” carriers. However, is FMCSA only concerned with covering the numbers to hit their pre-determined goal?
 - FMCSA needs to clean up the records of ‘dead’ carriers.
- ❖ Functionally, there is no way to manage the increase in new carriers and freight.
 - FMCSA needs to get a handle on industry growth. Where are all the carriers coming from?
 - How will this growth continue to impact 2 percent of carriers receiving CRs?
 - As the number of entities to monitor increases, who will enforce violations?
- ❖ Trying to reach more people just to do an audit is ridiculous, FMCSA needs to have a legitimate reason as to why that will add value.
- ❖ There does not seem to be an effort to look at existing programs to see if they’re viable. [The FMCSA should] eliminate programs of no value before layering on more programs.
- ❖ If there is no change in the way FMCSA does business, everyone from the top down continues to drown. FMCSA will probably continue to regulate those who do not need to be regulated and squander the likelihood of any partnerships.
- ❖ Can another agency, like the Department of Homeland Security (DHS), security program take on some of the responsibility?
- ❖ Are carrier population growth statistics [provided by FMCSA in the presentation] based on organic growth?
 - Are the new carriers actually new entrants (companies with new trucks and new drivers) or just a shuffling of the deck with a new DOT number? For example, large companies could split themselves into 50 different DOT numbers, one for every state.

Budget and Resources

- ❖ Funding and budgetary constraints are big issues, especially as increasing program demands require more resources.
 - The FMCSA needs to find funding for states to maintain compliance.
 - [The FMCSA needs to] reconfigure Motor Carrier Safety Assistance Program (MCSAP) money; do not waste on roadside inspection.
 - Supplementary funding methods should be explored.
 - If government resources are not available then we will need to push responsibility onto operators.

- ❖ Additional resources will be needed to help carriers comply when new regulations are made.
- ❖ Economic realities show decreasing resources for enforcement, law, and rail partners.
- ❖ [The FMCSA needs to make] trade-offs: Are we going to spend more on enforcement versus barriers to new entrants in the market?
- ❖ [The FMCSA needs to] prioritize. [It needs to] consider the program value and return against dollars spent for safety. This way, extra funding could be allocated towards the better safety programs.
- ❖ Involve other resources. It is unrealistic to do a CR every year on all motor carriers. Instead, independent contractors to assist with inspections.
- ❖ Use 80-20 rule—80 percent of the problem is caused by 20 percent of the people.
- ❖ [The FMCSA needs to find ways to] eliminate problems from front-end and reduce time.

Communication and Customer Service

- ❖ [The FMCSA should seek to] share information at time of registration, at sale and at rental.
- ❖ [The FMCSA should] continue talking to leaders of organizations and make compliance and safety the main focus.
- ❖ Communication and information sharing between U.S. Customs and federal agencies would expedite border safety inspections.
 - U.S. Customs should share information regarding commercial vehicles.
 - Both agencies need to know what hazmat materials are crossing the border.
- ❖ Information is too difficult to get. For example, the American Trucking Association (ATA) suggested that the field operations manual should be publicly available. Currently obtaining fields operations training manual requires a Freedom of Information Act (FOIA) form.

➤ Reaching Out

- ❖ Need better publicity of existing outreach programs.
- ❖ [Having] no contact with the FMCSA until enforcement is an issue!
- ❖ Need to connect to people with responsibility and information in companies.
 - For example, the state of Georgia invites people with a “come and see us” slogan. However, for privacy purposes, they have to talk to 6 different carriers in separate rooms.
- ❖ [The FMCSA needs to] be in touch with the needs of the industry it is serving.
- ❖ ASK DRIVERS!
 - Have a hot line for drivers.

➤ Better Communication

- ❖ Communication needs to be proactive and not just through the internet

- Communication cannot be limited to the internet since not all organizations have internet access.
- ❖ Need to improve communications to companies and drivers that will mitigate accidents such as accident prevention strategies and accident hotspots so drivers will be more careful in these areas.
- ❖ The FMCSA needs better and simpler communication, and to cut down the bureaucracy.
 - The FMCSA needs to be more visible and create an ease of contact. Right now [stakeholders] encounter too many recorded messages.
 - [Have a] More user friendly website
 - Have form templates available on the website
 - Have a better explanation of why a credit card is needed for a no change service.
 - Use email to distribute information to carriers
- ❖ Questionnaires, phone calls, mail outs could be used to contact carriers
 - Make sure Bilingual and ESL is considered for communication strategy.
- ❖ The FMCSA regulations should be user friendly, not in legalese.

➤ **Customer Service**

- ❖ The FMCSA has an image issue it needs to deal with. Stakeholders fear retribution when providing constructive feedback.
- ❖ If a company inherits bad tendencies, it needs to have access to an FMCSA person to help the company meet compliance without being hammered.
- ❖ Be user-friendly with automated phone resources and faxing in renewal forms; we need to make things easier for us and for you.
- ❖ Make more materials available, especially for smaller carriers.

➤ **Communication of Violations**

- ❖ States need to notify carriers about suspended drivers.
 - This concern has been raised in the past and the reasoning was there are “No funds” available.
 - Maybe there are technologies to do this. For example, how much does email cost?
- ❖ States need a standardized manner, such as an Employer Violation Notification Program, to notify a carrier that a driver received a violation. Notify the carrier when drivers are stopped or cited.
 - This could work similar to the California pull notice program.

The FMCSA’s Internal Structure, Staffing

- ❖ Is the FMCSA is too top heavy, since there are not enough auditors?

➤ **Federal, Regional, State**

[Also refer to Appendix A1.3 Partnerships/Partnerships with States, and Appendix 2.5 Compliance Reviews]

- ❖ Decentralize FMCSA's efforts. The FMCSA should audit and train the state DOT staff to find the under-trained and the non-reporters.
- ❖ Each service center should use the same criteria in determining when there is an enforcement case.
- ❖ Discrepancies between regions need to be smoothed out.

➤ ***Inspectors and Auditors***

- ❖ Designate certain auditors to audit larger companies and others for smaller carriers.
- ❖ There should be a different inspector for each CR. This might help in achieving a fairer follow-up CR.
- ❖ Bring accident preventability decision-making power back to FMCSA field investigators performing CRs, this time with preventability training.
- ❖ Standardize inspections and inspectors.
- ❖ Send carriers a questionnaire post-CR to ask about the officer's performance.
 - Inspections are often inconsistent due to lack of knowledge. [The FMCSA] needs to review qualifications of the inspectors.
- ❖ Inspectors should have hands-on experience of sitting in a CMV.
 - This would help inspectors use information better.
 - This was part of the original outreach.
 - However, there is concern that inspections would not be objective if a close relationship is built between the inspector and inspectee.
- ❖ Inspectors should evaluate equipment as part of federal CR; currently this is the responsibility of the state only.
 - This would help determine whether maintenance records are valid, such as is done for airline inspections.
- ❖ The location of where roadside safety inspections occur is important not just to ensure that a broadness of inspections are being performed, but also to ensure the safety of the inspectors. This concern might be a training topic for law enforcement.

Goals

- ❖ Prioritize the programs with clearly stated goals; the results should drive priorities.
- ❖ Agency and industry are equally committed.
- ❖ Agency does good job of working with states and their enforcement activities.

Timing and Nature of Change Agenda

- ❖ Change is good and needs to occur more quickly than 6-8 years from now. Perhaps the FMCSA can make changes in bits and pieces.
- ❖ [There is] concern that change will take too long.
 - Change has been attempted in the past and it has not worked. Need to make sure that the change is effective.
- ❖ Start being proactive now; do not waste time trying to fix what happened last year.

- Perhaps the FMCSA should have two groups: one to analyze ways to bring in new ideas for change and one to review existing policies, for example CDLIS.
- ❖ It's hard to be a responsible carrier and talk about the urgency of safety when its 2004 and the program is entitled '2010'. Symbolically that says volumes about change.
- ❖ The timeline for change needs to be cognizant of technologies passing by.
 - For example, drug and alcohol testing took 2 years; now there are newer methods.
- ❖ The FMCSA needs to change to improve credibility. The agency needs to make data, the CR selection process, and SafeStat more credible to drivers, states and industry.
- ❖ Reasons to change include:
 - Change is necessary, otherwise the industry (or FMCSA) will tread water for next few years.
 - Need to change to make organizational system more cost-effective.
 - Need to change to improve efficiency and leverage.
 - Need to change to improve accident reduction.
 - Can be done through industry root cause analysis.
 - Need to change in order to take advantage of innovation.
- ❖ The more things change, the more they stay the same.
 - There is a tremendous amount of opinion that has not been adopted [by FMCSA].

A1.3 Partnerships

- ❖ Currently, there is a lack of partnering by the FMCSA.
- ❖ It is necessary for FMCSA to expand relationships and incentives for others to partner with them.
- ❖ [Any] change needs to involve third parties.
 - The government cannot do this on its own.
 - If we do not sit down and talk together to get to a process as a community, we are not going get to compliance from the industry.
 - There needs to be partnerships between DOT and state associations during audits to join forces and share information and leverage numbers.
 - The result would be less intrusion and less time taken for audits.
- ❖ Will "partners" include regulated parties?
- ❖ Partnership must include information sharing with the federal government so we can make proper decisions with proper information, for example, Commercial Driver's License Information System (CDLIS).
- ❖ FMCSA needs to focus its partners on causal factors.

Why Partnerships Make Sense

- ❖ Getting industry on board and gaining their support will ease the FMCSA's burden.

- ❖ Important to have some dependency on others, different layers working together. Many organizations such as: insurance, medical and third-party administrators (TPAs) are involved in the regulations but not in the reporting. These organizations have a wealth of knowledge about carriers at their disposal; the information is just sitting there, and not being accessed.
- ❖ [Partnerships are needed to improve] effectiveness. Partnerships are needed where carrier's hands are tied, since regulation brings them 90 percent to safety but they need that extra 10 percent.
- ❖ It is more cost effective to work with partners.
- ❖ Core values and concern for safety are shared [among various industry groups].
- ❖ Small carriers, non-profits and trade organizations want to go beyond basic compliance to safety management, but compliance presents a huge task with little help and limited resources. We need to create a cooperative effort to help each other.
- ❖ Partnership could foster cooperation across agencies, including with local law enforcement agencies.
- ❖ [Partnership would] improve data exchange:
 - After all, information must come into FMCSA and then go back out again.
 - There needs to be continuous input from stakeholders as trucking safety changes.
- ❖ The FMCSA needs the trust and cooperation from industry for enforcement purposes. Strong consequences are needed if cooperation does not occur.

Desire for Partnerships

- ❖ Company head: we would love to be a partner with the FMCSA and get involved. We license insurance agents, so why not new entrants?
- ❖ Carriers want to be partners, not adversaries; they wish to work with the governing bodies and get the bad guys off the road.
 - [However, there is a] fear of the FMCSA oversight.
- ❖ Why is there an adversarial relationship with OSHA Voluntary Protection Program (VPP) programs? We ought to want to invite the FMCSA in to do things with us instead of dreading the required visit.

Possible Types of Partnership

- ❖ Integrate with insurance companies since trucks have to be insured, according to the law. For example, why not register a truck when getting insurance? [Also refer to Appendix section A1.1 Key Players/Insurance Companies for additional details.]
- ❖ Partnership between industry and enforcement. Leverage association partnership with:
 - Insurance companies.
 - Medical certification community.
 - Pre-pass.
 - State agencies.

- ❖ Reach out to the public.
- ❖ Partner with driving schools [Also refer to Appendix section 1.1/Key Payers/Third Parties: Commercial Driving Schools] and Mexican drivers.
- ❖ Partner with insurance companies and truck driving schools to influence the quality of new entrants.
- ❖ FMCSA should partner with the Federal Transit Authority on city bus transits. FTA currently has no enforcement arm, so city bus operations never get reviewed and it shows.
- ❖ Trucking companies should have compliance coordinators who communicate with DOT personnel to keep up-to-date with changes in regulations.
 - The focus should be on attracting companies to hire compliance coordinators that DOT trains along with the law enforcement and its own personnel. There should be an ability of all three groups to have a cooperative relationship instead of an adversarial relationship.

Partnerships With States

[Also refer to Appendix A1.1 Key Players/Law Enforcement and Appendix A2.1 Intra and Inter State Matters.]

- ❖ Partner with states, but do not lean on them. We need to work closer with states to make sure they are implementing the statutes and laws that FMCSA and Congress pass.
- ❖ Medical and license sharing information across state and international borders would be helpful.
- ❖ Regular audit and training of State officers should occur to keep statistics consistent.
- ❖ Leverage is needed to be open to additional partners. For example, the Georgia Department of Motor Vehicles (DMV) does a new entrance test and educates by using enforcement officers, instead use non-enforcement partners to conduct tests.
- ❖ It would be better to have the federal government maintain Motor Carrier Safety Assistance Program (MCSAP) dollars and Compliance Reviews (CRs), so that all states have consistent benefits and the same requirements.
- ❖ Different enforcement agencies read possible injuries, and accident reports differently. [Also refer to Appendix A3.2 Data/Accidents.]
- ❖ Local law enforcement should share state information, standardize reporting forms.
- ❖ Regulations need to be simple and consistent across all states.
- ❖ Build consistency across state lines: Prepass programs, overweight violations, amount of tickets, uniform points for drivers log violations.
 - The fatality goal was set for all trucks, but it did not actually reach the intra-state trucks. FMCSA must embrace that population, too.
- ❖ When the feds get updated information, send it to state enforcement. Then states can understand what they are supposed to be enforcing.
- ❖ States should notify FMCSA if an insurance agency goes out of business.

A1.4 Infrastructure, Operating Context

- ❖ Need to look at infrastructure and highways as a contributing factor to safety.
- ❖ We have an infrastructure that is at capacity. The one thing that would be the biggest help to carriers would be to improve roads.
- ❖ Secondary roads have many accidents.
- ❖ Federally funded roads are a sub-connection between investment for the best possible roads and the responsibility of users.
- ❖ For urban drivers and over the road drivers, we need to find a way to compare and equate the circumstances using something like a surface transportation classification code.
- ❖ Current infrastructure constraints include:
 - Roads at capacity, with bad congestion following a commercial vehicle accident;
 - Price of fuel going up, threatening the economics of the trucking industry.
- ❖ How about turning empty malls outside of large cities, such as New York City and Los Angeles into major distribution centers to transfer freight that is transferable from extra large trailers to smaller trucks for safer, easier deliveries?
- ❖ There has been an overlap of safety and security post-9/11.

Mechanical Safety Features in Truck Design and Technology

- ❖ FMCSA should support retrofitting, such as with wining harnesses. Retrofitting is a simple way to improve trucks mechanical safety features and technology instead of buying a new upgraded vehicle.
- ❖ The trucking industry does not have any type of 5-star safety vehicle rating for safety features like the automobile industry has for cars.
 - Make safety for drivers a priority, starting with the manufacturer.
 - In fact, there are no safety factors or standards for trucks, like survivability factors, grab rails, a good step system.
- ❖ Need to apply standard technology to all trucks; make access to these technological advances easy:
 - Detection devices that detect when trucks depart lanes.
 - Radar systems.
 - Drowsy driver detectors.
- ❖ Also implement technology on passenger cars to make them more visible to truck drivers.
- ❖ Technology is helping to elevate the problem of speeding, but governed truck engines can still be jiggered with.

APPENDIX A2. STAKEHOLDER COMMENTS REGARDING SAFETY POLICIES AND BUSINESS PROCESSES

This chapter includes comments provided by Listening Session participants around topics of policy and business processes that promote safety. The statements presented are inclusive of the substantive points made by participants on this set of topics. The goal of the compilers has been to preserve comments in their original form but, at the same time, eliminate redundancy.

A2.1 Policy

- ❖ Change “worldview” of everything being tied to fines and staying ahead of regulations to avoid negative impressions.
- ❖ Change “worldview” of only regulating “top down” and garnering support from “middle” and “bottom” through regulations and fines.
- ❖ Focus on remediation not enforcement.
- ❖ Regulations that try to be ‘one size fits all’ are the biggest straight jackets. Regulations should include flexibility for scale.
- ❖ Regulations should make things safer. If a group does not have many accidents and problems, then they need to be exempted from regulations, for example, the 100-mile radius rule.

Safety as a Strategy

- ❖ Public safety should be the greatest goal so it trumps all other issues.
 - ❖ CRs look at current regulations, not at safety culture or safety as a whole ongoing process.
 - ❖ The majority of time is spent reviewing hours-of-service, rather than being proactive and preventive.
 - ❖ All programs should promote: ‘Safety pays off’.
- **Compliance Does Not Equal Safety**
- ❖ Currently it seems FMCSA is only compliance-oriented.
 - ❖ Safety management is a much broader approach than just regulations and compliance; the industry should think beyond rules and look to safety practices.
 - ❖ Safety management and compliance are not necessarily connected.
 - Compliance can breed safety, but it is how people use and apply the regulations.
 - Regulations do work; the violation of a regulation is usually just a symptom of a larger problem, we must look closer to find the root cause of the violation.
 - ❖ Just because a carrier is in compliance does not mean they are a “safe” operator.
 - Completing paper work does not equal safety.

Security Issues

- ❖ FMCSA needs to review current programs and their demand on resources:
 - For example, new security background checks for hazmat carriers were implemented after 9/11. Are these necessary or do they detract from other higher priority safety and security items? Someone does not need a driver's license to highjack a truck.

Privacy

- ❖ ACLU privacy issues could be a barrier to information sharing.
- ❖ The Big Brother aspect is a concern. We are already in a Big Brother state.
- ❖ An authorization from the driver should be needed to release personal information for background checks.

A2.2 Regulatory Oversight

- ❖ There is a direct impact of DOT presence and visibility on carriers looking for assistance and information on what they need to do to achieve compliance.
- ❖ Oversight process is very positive because there is a policy development to ensure compliance.
- ❖ Oversight can be good, but needs to have established checks and balances.
- ❖ The FMCSA is focused on licensed carriers, but can they also recognize there are unlicensed carriers running with authority?
 - Authority issues are not being enforced.
- ❖ The oversight often fails to account for industry differences. [There appears to be a] shotgun approach to regulatory compliance. [Oversight needs to] level the playing field within the industry.

How Much Regulation?

- ❖ We are asking for too much regulation; it is up to the carrier to comply and get information [to appropriate entities in timely basis].
- ❖ Too much time and resources are devoted to appealing the legal process.
- ❖ Carriers need freedom from oversight.

Intra and Inter State Matters

[Also refer to Appendix A1.3 Partnerships/Partnerships with States, Appendix 3.2 Data/Definitions]

- ❖ [The FMCSA needs] to explore cross-state issues.
- ❖ [There exists] disparity between intra and interstate carriers. Federal standards should apply to all because many fatalities are from the intrastate population. Federal regulations of intrastate carriers are needed.
 - In order justify the need for change, FMCSA will need to focus on reducing overall collisions.
 - Perhaps some intrastate carriers are turning back federal money because they do not have the personnel to complete CRs.

- ❖ Encourage states to expand their partners. Funding could be tied to the performance of intrastate carriers.
- ❖ Intercity versus intracity carriers should have different standards:
 - Exposure in intercity is larger. Exposure information can probably be obtained from insurance providers.
 - Miles driven should be taken into account.
- ❖ Many states already differentiate between intra and interstate. The FMCSA should take advantage of existing defined differentiations between intra and interstate and depend on the states to scrutinize.

Hours-of-Service

- ❖ Some companies are decreasing break time in order to not go over the 14-hour rule, which is often caused by congested traffic or a mechanical breakdown.
 - Some companies tell drivers to log the time they are “relieved from duty.” For example when a driver is waiting for the load to fill this can be logged as time “relieved from duty;” this clause needs to be explained better.
 - This creates an unsafe environment. [An alternative to this rule is to] install a voluntary break per hours driven.
- ❖ Current ‘hours-of-service’ creates a conflict in jurisdiction and laws; do companies obey state law or the FMCSA?
- ❖ Most hours-of-operation violations occur during nights and weekends since they are not usually monitored.
 - There must be a PRESENCE if we hope to curb violations!!

➤ *Hours-of-Service and Shipper influence*

- ❖ Hours-of-service helped to modify shipper and customer behavior but not fully across all shippers.
 - Carriers have dropped shippers but other carriers will pick them up.
- ❖ [Safety] needs to be a partnership. I have had drivers call me when their hours-of-service are up, but the shipper wants them off their property; what is that driver supposed to do? Partnerships could resolve issues like this. We have accepted the 14-hour rule and time constraints.
 - The industry needs to manage time requirements and restraints with realistic expectations better.
 - Some of the existing conflicts arise between: could be resolved through negotiating and trying to resolve conflicts. It is reasonable to get together and talk about partnering, and look at the abusive relationship between the shipper and the carrier in order to negotiate a workable solution.

Licensing

➤ *Standardize or Federalize Licenses*

- ❖ States have different authority to license people. [Instead, standardized or federalized licenses] of both trucks and cars [are needed] for uniform requirements, compliance, and public awareness since they share the road.
- ❖ [Standardized or federalized licenses] would help collect data on bad drivers.
 - Some states are linking current health with CDL.
 - Arizona currently issues CDLs that are valid for 25 years!
- ❖ Form a fully consolidated program that addresses language requirements.
 - Eliminate the ability to authorize licenses in multiple languages, if the driver cannot read English, they will not be able to read many road signs.
- ❖ There should be a federal licensing requirement for interstate drivers as a way to track drivers that are jumping around. New employers do checks each time a new driver comes to work for them.
- ❖ Develop a national CDL drivers license:
 - Carriers would have to invest in drug testing and other costs, but should be able to pull data from central database.
 - The current process is time consuming and costly.
 - Information on CDLs should follow the driver; all other information on the driver should be open to carriers.
- ❖ Tie drug and alcohol testing to CDL licensing so that if a driver refuses to test or does not pass, they cannot operate the vehicle.
- ❖ Require training before licenses can be renewed.
- ❖ A CDL and a working license needs to be one and the same. In some instances truck drivers do not have a personal license but have a CDL.

➤ *Standardize Term 'CMV'*

- ❖ Right now there are 2 definitions in the statutes:
 - [The FMCSA] needs to determine when a CMV-related license is needed and the license requirements.

A2.3 Incentives versus Enforcement

- ❖ [The FMCSA needs to] balance enforcement with incentives.
 - Sanctions are now more of a stick than a carrot.
 - ❖ Bad is always recorded, what about good? Is there incentive or reward for compliance?
- ❖ The focus [of compliance] should be reward-based.
 - There is a competitive disadvantage to those who are compliant. No advantage to being a compliant carrier.
 - Perhaps FMCSA could implement some type of review every few years via an International Standards Organization (ISO 9000) voluntary program in order to be certified. That would give an advantage and incentive to go through the process.

- ❖ [Moneys from] fines are collected from one place and money sent to another. Money needs to be dedicated where it is collected not shifted to another area.

Remediation versus Enforcement

- ❖ Focus on remediation not enforcement; the goal should be to make industry better, not just to punish it.
- ❖ Voluntary compliance from a company: a company asks for a review, it is then given a period of time to fix problems.
- ❖ [The FMCSA needs to] shift from crunching numbers to identifying and managing risk as a prerequisite for getting a license. Give carriers an opportunity to correct things not just by penalizing them. Things can change over time, but what are the markers of change? We need different levels of review. We need to identify and manage risk instead of holding to and requiring a certain number of inspections.
- ❖ If a carrier fails make a CR, [The FMCSA] should have them pay for their own remediation program:
 - [In addition, FMCSA should] require follow-up to get off of their probationary period, and if this does not happen the carrier will be put Out-of-Service (OOS).
- ❖ Companies [often] have a difficult time solving problems. Often it is easier to pay fine than to try to resolve the problem.

Enforce the Current Laws

- ❖ Adjust the level of enforcement aimed at non-commercial drivers; have all 50 states enforce the current laws. Make money available for more law enforcement and allocate a new fund specifically for this purpose and hold the fund accountable for the results.
- ❖ [There should be] more enforcement for the smaller carriers.
- ❖ Sometimes a truck or carrier is taken out-of-service but the driver is not given a ticket.
- ❖ Focus on road enforcement for speeding, erratic driving, driver responsiveness and causing accidents, instead of lack of compliance or vehicle condition.

Balancing Rewards and Penalties

- ❖ [The FMCSA needs to use] incentives; it should not depend upon just using a hammer approach.
- ❖ Balance incentives with fines. For example, when a company makes efforts to improve its rating or non-complying ways, a percentage of their fine could come back to them for their safety program.
- ❖ Adjust fines [based on commitment to safety improvement] (in other words, allow for a consent order):
 - Assess a high fine, and then give an incentive to reduce the fine by measuring progress over time.

- For example; an enforcement officer conducts a review and fines carrier \$5,000. Instead of requiring the \$5,000 payment, give the option to spend \$3,000 on safety and \$1,000 on fines.
- Charging fines puts people out of business and does not fix the problem. An incentive would be to give carriers a way to reduce their fine.
- Put the fines into an escrow account so that it can be reused.

Rewards

- ❖ Currently, management's response to violations is not given any credit.
- ❖ There needs to be a rewards system that is full cycle and rewards everyone from the company to the driver. Such a system could have effects on:
 - Insurance credits
 - Tax credits/deductions
 - Vehicle registration fees should be based on performance; otherwise it could be taking money away from improvements.
 - Pre-pass privileges including approval and suspension.
 - Congestion mitigation programs could offer low cost access to city centers and other high traffic areas.
 - Consider all the fees that are applied to carriers and determine which ones could be structured as rewards. Could be 1 cent per gallon on International Fuel Tax Agreement (IFTA).
- ❖ Recognize good carriers in the same way the OSHA Voluntary Protection Program (VPP) voluntary protection program does.
- ❖ Create market incentives for carriers to exceed minimum standards:
 - For example: OSHA's Voluntary Protection Program and DOD's 5-tier rating systems.
 - Offer marketing for customers who use good carriers.
- ❖ Use positive reinforcement; instead of focusing on the bad companies, find out best practices of good companies and publicize their performance.
 - Pre-pass is a great way to award proactive, safe carriers.
 - Credit and deposit incentives
- ❖ Provide free decals when inspected vehicles have no violations. The decal says: 'you don't have to be inspected for another 60 days'; the decal should be effective even if a driver is pulled over during the 60 days accountability. The original officer's name should be present on the decal if there are any questions.
 - Hopefully the decal will cut down on inspecting the same trucks over and over since it will show a truck has already successfully passed inspection.

Penalties

- ❖ Fines, it is important that fines and penalties be:
 - Equal across locales.
 - Progressive.
 - Fit the crime.

- ❖ [It is important to recognize that fines due to violations] may be cost of doing business to larger carriers.
 - FMCSA sanctions are too light when compared to EPA and OSHA fines.
 - States need to take a more active role in disqualifying drivers with serious violation records.
 - 45/60 day shut downs are effective.
 - However, not eliminating bad carriers accomplishes nothing.
- ❖ Some of the things vehicles are placed out-of-service for are unbelievable.
- ❖ Implement harsh, quick (instant), severe penalties for violators, including losing their authority. Out-of-service options strengthen penalty enforcement.
- ❖ Create more visibility of enforced penalties for not complying.
- ❖ Revoke authority of people working without DOT numbers after a certain amount of time.
- ❖ Should ignorance be an acceptable excuse for non-compliance?
- ❖ Raise minimum level of financial liability.
 - The last financial update was in 1995.
 - Outdated regulations take away from the main goal.

A2.4 Roadside Inspections

- ❖ Roadside inspections and out-of-service are not so effective.
- ❖ Ratings are skewed. Good inspections are not always documented; there is a false distance between those in and out of compliance.
- ❖ Roadside inspections are not always a good indicator of compliance since they are inconsistent and discretionary.
 - Inconsistencies are also due to lack of knowledge by enforcement, FMCSA needs to review qualifications of the inspectors.
- ❖ Some states use inspection fines for income sources; level one is not the same everywhere. FMCSA can partner with carriers to improve the industry.
- ❖ Roadside inspections should involve:
 - Profile by commodity.
 - TRANSPASS¹ on right track.
- ❖ Ways to improve inspection include:
 - Intentionally send vehicles with known mechanical problems and see if they are discovered during inspections.
 - Build on DOD inspections, state, insurance and other inspections.
 - Record driver inspections on video.
 - Use of Virtual weigh-stations
 - Camera and scales, there would be no need for enforcement personnel, there is a pilot program like this in Florida.

¹ Specific definition for this acronym is unknown, but this is believed to be a State Intelligent Transportation System (ITS) component that uses transponders to communicate with truckers and flag poor safety performers for inspections as they enter scale facilities.

- Virtual and accessible weight stations would make it harder to avoid inspections.
- ❖ Would roadside inspections have the authority to place vehicles out-of-service?
 - Would this violation be given to drivers or carriers?
 - What if a driver is out-of-service but has to move the truck?

A2.5 Compliance Reviews

Spirit and Purpose

- ❖ Compliance review (CR) versus safety review. Reach out to carriers: teach them about differences, checklist of requirements and triggers, etc..
 - More interaction is needed with carriers, especially to small carriers in order to help them comply.
 - New entrant program has safety reviews (SRs) which are more a combination of education and compliance, [which is a good model].
 - ❖ CRs should be more positive than punitive.
 - ❖ CR is good way to ensure compliance to rules but it is not a good measure of safety programs or behaviors.
 - ❖ CRs need to be more proactive. Trucking companies should be able to be checked periodically for compliance.
 - ❖ Companies that continue to violate the regulations should be held accountable. But remember you catch more flies with honey than you do with vinegar.
 - ❖ FMCSA needs to become more specific on what it is looking for:
 - Make sure criteria are predictive.
 - Have a system in place in advance.
 - Tailor the review based on what needs to be inspected.
 - Execute a series of things that truck companies are supposed to be doing.
 - ❖ FMCSA needs to have a way to communicate what will be the focus of inspections even if the carriers have not had a CR.
- **Educate Around the CR**
- ❖ A CR and its involvement comes after the fact, such as after an unsatisfactorily audit or a after new carrier is introduced to the program. The FMCSA should be starting off with conversations around remediation and not from a corrective action approach after a violation has been committed.
 - There should be more education and less punishment.
 - ❖ CRs need to be more of a training and remediation tool and less of a check-up on compliance and a penalizing system.
 - ❖ There is no educational assessment or intermediate steps before a CR. Carriers cannot call and ask FMCSA to come in without doing a full compliance audit.

- Help us [carriers] to fix inadequacies before the CR is administered and we are fined.
- There needs to be an educational step in conjunction with warning letter and fines. Instead carriers gain safety proficiency knowledge as a result of a warning.
- ❖ Providing educational seminars would be helpful to the industry.
 - There needs to be an understanding that some violations are more serious than others.
- ❖ Shouldn't we also participate in education or communicate best practices? Why stop with CR's? Compliance is used as a minimum.

How well does the CR work?

➤ *Works well*

- ❖ CRs are good:
 - Good tool, welcomed by carriers
 - Good for education.
 - Good for violations and roadside inspections.
 - Effective for those that experience audits.
 - Effective for changing short term behavior, on a case by case basis.
 - Great for telling carrier what to do, not how to get it done. Specify safety roles to streamline CR and process things quicker.
- ❖ CRs were tracked for a 3 year period and it was found CRs are effective when addressing driver and out-of-service issues, but not with other issues.
- ❖ CRs; when performed correctly are effective in changing operations.
- ❖ Some carriers understand the importance of the thoroughness of a good safety program.

➤ *Requires Improvement*

- ❖ CRs are perceived by motor carriers as ineffective and punitive, especially if the point of the CR is reducing fatalities.
 - Effectiveness of would improve if there were motivation to compliance: need a way to show carriers the value of compliance other than a fine.
 - How to save money.
 - How to do audits.
 - How to reduce accidents.
- ❖ Perception is that the process is not impartial. There is a feeling of partiality and the targeting of companies and how CRs are carried out. This might be good for consistency but it does not feel impartial to people in the industry.
- ❖ CRs are limited, reactionary and time-consuming.
- ❖ CR's are not working. Company accident data is not cross-referenced against hour-of-service violations or the citations used for the CR process.
- ❖ Oversight is data-driven, but the CR is not risk-based so this is inefficient. CRs do not just go into a carrier that has been flagged with an issue and work on that target issue. Instead, the CR goes through all six factors.

- [The FMCSA should] concentrate on out-of-service carriers and target their reason for being out-of-service.
- [Have] Clearer targets and be more efficient.
- ❖ The CR is too predictable of a process.
 - CRs provide carriers with a roadmap of what to destroy.
- ❖ Inspectors keep coming back even when a company has a satisfactory rating.
- ❖ The government cannot continue down this path of inspecting everyone by themselves. Enforcement officers need to focus on problematic carriers.

- ***CRs are Resource Intensive***
- ❖ Amount of resources required to administer a CR needs to be re-evaluated.
 - FMCSA needs to look at alternatives that do not require direct contact, especially for those who have good safety programs: remote review conducted on-line, websites, local and state communications should all become part of the program.
- ❖ Simplify the CR. Target the limited resources problem: carriers with good outcomes should have incentives to avoid a CR if they continue to have good outcomes.
- ❖ There is not adequate time or officers to administer CRs.
- ❖ Oversight process is labor intensive; a CR should address a smaller random sampling of documents.
- ❖ Accept DOD rating system to decrease the work load of FMCSA. Compliance reviews are equal to or more important than DOT ratings. If there was a DOD rating system, maybe making exceptions from the DOT rating would save manpower.

- ***CRs are Inconsistently Executed***
- ❖ [There exists a] lack of enforcement uniformity in writing violations for SafeStat. [There is] marginal, limited in scope, inconsistent enforcement at the federal, state, legislative, and judicial levels.
- ❖ FMCSA needs to perform CRs with consistency and continuity with both small and large companies all across the country.
- ❖ CR qualification and training is inconsistent.
- ❖ Auditors should at least be on time and focused on the task:
 - What information should carriers have ready for the inspector when they arrive? Coordination between both parties must take place in order to be respectful of time demands.

- ***“One Size Fits All” is not enough!***
- ❖ Currently there is an all or nothing selection process. Flags are raised when the data is analyzed to find trends and repeat offenders.
- ❖ Extend to electronic screening like pre-pass
 - This should apply to interstate carriers only.

- ❖ [The FMCSA should] conduct smaller-scaled audits aimed at specific departments of a company and make the scoring from that audit a condition for renewing certification.
- ❖ Perhaps two types of reviews are needed:
 - A specific CR for establishing a safety rating.
 - Another review for new entrants would allow for an inspection without penalty.
- ❖ Streamline the CRs by conducting more preliminary checks; if something is suspicious then administer a full blown inspection.
- ❖ There should be a streamlined CR for complaints, that is more focused:
 - Because complaints-driven CRs are not streamlined, FMCSA cannot meet more carriers because the CRs are too labor-intensive.
 - Carriers need to be told the nature of complaints or type of complaint so they can take corrective action.
 - However, they do not need to know the identity of person filing the complaint.
 - Complaint-driven system is prone to abuse.
- ❖ Develop a different type or level of a CR.
 - At state level they look at your record.
 - Implement levels of CRs that distinguish between levels of service.
 - It is a waste of resources to have state and federal CRs.

Selection for Review

- ❖ The reality is there are not enough resources to inspect all the small carriers; [the FMCSA needs to] identify and focus on the worst offenders.
 - Choose carriers to be audited by the 80/20 rule.
- ❖ CR's are not random and there is industry implication that they should be.
- ❖ Use data to determine which carriers to audit, for example 25 percent new entrants, 25 percent on the A list, and 25 percent on the B list.
 - Need sophisticated search engines like the one in Texas [to cull through criteria]. Identification should find models to identify carriers to target.
- ❖ For complaint-triggered CRs, once a complaint is received, there should be an intermediate step between the carrier and the FMCSA, prior to setting up the CR.
- ❖ Currently, the CR filtering methodology is arbitrary, only X was triggered but a whole review is done.
 - Streamline process to obtain a rating, it takes too long to get CR.
- ❖ More third party groups need CRs, however, there are volume concerns.

➤ *Selection Criteria*

- ❖ CR triggers should include the following criteria:
 - Insurance cancellation,
 - Operating authority,
 - Out-of-service violations,

- Maintenance records,
- Crash data.
- ❖ Some triggers should trigger a full review while others should trigger a streamlined review.
- ❖ Data weighting and scoring for inspection selection needs to be addressed:
 - SafeStat does not identify the correct carriers for CR.
 - SafeStat formula penalizes growing carriers.
- ❖ Change SafeStat to trigger CRs for smaller carriers with low Vehicle Miles Traveled (VMT) per year.
- ❖ SafeStat only looks at carriers with bad marks; the system is reactive not proactive.
- ❖ Vehicles tagged with out-of-service penalty need to be inspected during a review.
- ❖ Performance as measured by NCA² values should override individual complaints against a company thereby triggering a compliance review.
- ***Selection process does not seem to target 'problem' carriers***
- ❖ Some carriers are visited again and again, while others are not reviewed at all.
- ❖ It seems like carriers who are doing things right are targeted which makes it harder to find carriers that are not safe.
- ❖ Currently the selection process for carrier CRs is inconsistent and undefined.
 - FMCSA needs to deal with complaints in a standard way since they prompt reviews.
 - Re-define process of investigating complaints, frivolous complaints can trigger a review.
 - Non-frivolous complaints need to be defined and frivolous ones omitted. Non-substantial and frivolous complaints should not warrant a CR.
- ❖ FMCSA needs to find better ways to identify bad carriers.
- ***Selection process appears uneven between small versus large carriers***
- ❖ The 2 percent does not include mom and pops carriers.
- ❖ Train and change the system to prevent the “out of site, out of mind” approach to small carriers.
- ❖ The FMCSA currently goes where they can get the biggest bang for their buck. The FMCSA chooses the bigger companies with thousands of trucks rather than the small truck companies; that is where the 2 percent comes from. The larger carriers are pretty much compliant since they are always inspected.
 - Concentrate more on smaller carriers that do not have strong safety programs.

² Specific definition for this acronym known, but is believed to be a better business bureau rating system of some kind.

- Smaller companies get lost easily as they do not tend to join associations or go to meetings.
- ❖ Small carriers are not tapped for CRs. Big carriers are disproportionately tapped for CRs.
 - The reality is that small carriers are probably more likely to have safety defects.

What should be included?

- ❖ CRs do not focus on the driver.
 - Involve the driver more in CR process but maybe not on other side.
 - Interviews can be used to determine more about the company.
 - Listen to the drivers.
- ❖ If the out-of-service score is high in SafeStat, then specifically review that area; do not go through the entire CR process.
 - Focus audit on the factor that is the safety concern.
- ❖ [There should be] more focus on documentation of driver training.
- ❖ Check insurance files periodically.
- ❖ Willingness to comply should be the focus.
- ❖ Interstate accidents are not captured in CR; [they should be].
- ❖ FMCSA needs to restructure the CR process to actually look at recordable accidents and what carriers have in place to not only address issues but prevent them.
- ❖ During Compliance Reviews (CR) shippers and brokers are forgotten and the entire burden falls on the carrier. [Also refer to Appendix A1.1 Key Players/Shipper, Brokers, and Receivers.]

Timing

- ❖ [The FMCSA should] set a specific time frame goal to conduct reviews, such as once every x months. For example,
 - All the time
 - At least once or twice a year
 - Every ten years is not often enough
- ❖ [The FMCSA should] set specific events to trigger when to act:
 - When a driver has been in more than one accident in 90-days.
 - When a vehicle that is out-of service receives violations over 30-days.
 - Before you are granted authorization authority; note: this assessment should be a requirement before the authorization authority is granted.
 - When a company has been given a “bad” collision record based on internal an audit or review of recent history.
 - When a company gets an “unsatisfactory” rating or a “conditional” rating within 180 day timeframe.
- ❖ The length of the CR experience varies from 2 days to 6 weeks.

A2.6 Education

- ❖ The government should not spend money to educating a population that should be responsible for its own education.
- ❖ Education done by 3rd parties such as JJ Keller is perhaps not as effective as training done by the FMCSA directly.
- ❖ The FMCSA should provide computer interactive training on their website.
- ❖ Train officers at the borders to prevent invalid violations from being issued.
- ❖ [The FMCSA should] use CSA 2010 to help with education.
- ❖ [The FMCSA should] educate first and then follow-up with compliance fines and even prison sentences.
- ❖ Certifications are important because some people know what they are supposed to be doing; others do not. Suggestions:
 - Mandatory certifications.
 - Require each company to have a safety official specializing in regulations.

Targeted Education

➤ *Young Drivers*

- ❖ Provide more education to high-schoolers.
 - How many accidents are caused by young drivers?
 - Perhaps add questions to driver education tests regarding commercial vehicles.
- ❖ To address turnover rates and the shortage of drivers, start vocational education in high schools to develop potential drivers; identify transportation as a viable career path; stop them from doing things between the ages of 18-21 that would prevent them being hired as drivers.

➤ *Carriers*

[Also refer to Appendix A1.1 Key Players/Carriers/New Entrants.]

- ❖ Provide formal training when companies seek to be set up that has useful educational and informational material to new entrants; like the CR.
 - Right now, useful materials for new entrants have to be purchase from 3rd party entities and not all new entrants are going to pay for useful materials or even know where to buy it. The current free versions are not user-friendly.
- ❖ Educate carriers about how issues and violations are reported:
 - Currently regulations are very technical and hard to understand.
 - Currently there are mock CRs in place for new entrants to see what actually occurs.
 - States do not always know the difference between vehicle types and how to report crashes.
- ❖ Require leaders to go to regional safety education seminars sponsored by DOT and trade partners this could help educate on hiring, inspection procedures, and accident measures.

- ❖ More education and assistance for smaller companies is needed. It is not that they do not want to be compliant but they do not know how to comply because they are unaware of regulations and lack resources. “They don’t know what they don’t know”.
- ❖ Letters are not informative; carriers don’t know what they are supposed to be doing.

➤ **Motoring Public**

[Also refer to Appendix A1.1 Key Players/The Motoring Public]

- ❖ Educate the public about driving on the roads with trucks.
- ❖ Bring back NO ZONE campaign. Work together, educate about highway hazards.
 - Include sharing the road with trucks and buses for non-commercial drivers as part of basic defensive driving techniques taught in driver’s education.

➤ **Commercial Drivers**

[Also refer to Appendix A1.1 Key Players/Drivers]

- ❖ [There should exist] a national standardized program for all drivers to update skills every two years:
 - Driver schools only teach enough for drivers to pass the CDL test.
 - Full responsibility to train the drivers falls on the company.
 - Other modes of transportation such as; airplanes and trains go through standardized, remedial training while the trucking industry does not.
 - [There should exist a] minimum 12-week schooling for new drivers. The training schedule should be split up for 8 weeks of time backing and 4 weeks of learning the rules.
- ❖ What is the relationship between driver behavior and the effectiveness of driver training?
- ❖ [Education needs to] start on state level
- ❖ Provide more comprehensive driver training on an on-going basis.
- ❖ Have an FMCSA education program for drivers instead of truck association programs.
- ❖ Enforcement officers in position of educating drivers on hours-of-service should be the carriers’ responsibility not the officers’.
- ❖ FMCSA could use a review and input on safety training, it would be helpful to know what works and what does not so that appropriate dollars are redirected to education and enforcement.
 - Feds have the ability to do the research and develop good education courses.
 - What is the goal?
 - To get safer drivers on the road or to certify training?

APPENDIX A3. STAKEHOLDER COMMENTS REGARDING SAFETY INFORMATION

This chapter covers comments provided by Listening Session participants around topics about the use of data and information to improve safety. The statements presented are inclusive of the substantive points made by participants on this set of topics. The goal of the compilers has been to preserve comments in their original form but, at the same time, eliminate redundancy.

A3.1 Performance Standards

- ❖ Oversight should look at safety performance not regulatory performance.
 - It is questionable whether there is a correlation between regulatory performance and actual safety results in overall highway safety.
 - Statistics show that 65 percent of accidents are passenger car related.
- ❖ FMCSA needs an accurate picture of what is happening out there. The problem we have had since moving to a performance-based organization is we have never reached that because of data issues:
 - No consistency around the country; no consistent delivery of data despite the Volpe National Transportation Systems Center's best efforts.
 - State report cards are all over the place, there needs to be a single system.
 - FMCSA will never be able to be a model if it does not have accurate data.
- ❖ What matters is on the road performance!
 - States are the only entities that can disqualify a driver.
 - States need to disqualify drivers. If they were doing their job, we wouldn't be working this issue.
 - What about giving carriers support in disqualifying drivers?
 - For example, we could protect them from litigation.
- ❖ One causal issue is the dependence on federal regulation focusing more on results. What are the individual companies' tolerances to loss and poor performance? Create means to assess that as well.
- ❖ All crashes are bad. There seems to be an implication that there are good crashes and bad crashes.
- ❖ The FMCSA should focus on performance and establish performance standards. If a company is operating safely, they should concentrate on performance such as roadside inspections. SafeStat is a good start, but needs to be corrected and updated in places.
 - I disagree, the current model is reactive not proactive. Performance is [measured] after the crash.
 - Performance is in real-time. If I have a good safety process in place, then I am performing up to the standard.
- ❖ [There should be] more performance standards instead of prescriptive standards, for example:
 - Preventable accident rates must not exceed x, reportable collisions must not exceed y, drivers drug screening must be of z standard.
 - Brakes must be able to stop a vehicle within a certain distance.

A3.2 Data

- ❖ The FMCSA is a central focal point for data used by industry.
- ❖ Data needs to be better, the quality of data is non-existent and it is not timely.
- ❖ Information needs to be uniform, simple, accurate.
 - For example, currently, it is hard to compare data points of fatalities between bus crashes and carriers.
- ❖ Data should not equal the image of a document.
- ❖ Why is data not specific to the individual driver? The driver has the most significant effect on the operation of the vehicle and the carrier's rating. Need to provide statistics to driver annually or carrier prior to audit.
- ❖ Use data to discriminate the problem children and then monitor them.
- ❖ Just because you can gather so many data points does not mean that you need all the data that is collected.
- ❖ [The FMCSA] needs all of the following three types of information to reduce crash rates (as reported in the Wisconsin study):
 - Size and weight
 - Roadside
 - CR
- ❖ In addition, FMCSA needs to examine carriers, shippers, drivers and look at the whole issue [of safety].
 - If we only consider one segment, we lack balance and focus.

Measures

- ❖ Measure data at its lowest level, down to the component level.
- ❖ Correct the measures, the search can be systemized; we have a lot of surrogates but not a lot of correct measures.
- ❖ Measuring safety factors is much more complex than the current formula allows.
- ❖ FMCSA needs to ensure that there is correlation between what we want to be measuring and what we are measuring.
- ❖ Crashes are an outcome; everything else should be driven from that outcome. Focus on the regulations that are most likely to prevent the outcomes.
- ❖ Avoid easy measures; focus on finding meaningful measures.
- ❖ Mechanical defects is not as high of a leverage measure.
- ❖ Establish a benchmark for total collisions per miles driven; OSHA's data could be used as a baseline for this measure.

Data-Driven Factors

- ❖ There needs to be more annual data flowing directly from carriers to the FMCSA, such as:
 - RISLER³ - annual drug and alcohol statements and the number of company drug tests.

³ Specific definition of this acronym unknown, but is believed to be some sort of drug testing reporting form/process.

- Number of formal driver training programs
- ❖ Track historical data on drivers, company owners and shippers:
 - This information should be accessible to carrier's safety directors only.
 - Have companies update driver information whenever they [drivers] leave.
 - Possibly partner with PAC⁴.
- **Accidents**
- ❖ Crash indicators are the best measure of safety.
 - Base it on a scale determined by the driving environment or operational circumstances. For example, it is the commercial vehicle's fault? Currently crash indicators are just fatality numbers; they should indicate whether it was a preventable fatality.
 - Preventable accidents should be measured and part of a goal we need to measure what trucks can control.
- ❖ Crash rate measurements need to be a standardized system:
 - Based on mileage, not on the number of vehicles.
 - 1 or 2 unfortunate instances will give a high Safety Evaluation Area (SEA) average.
 - In the Texas standard accident report forms have a box that says "possible injury." It must be checked even if no one was transported to the hospital. This creates inaccurate data.
- ❖ Crash rate favors large carriers.
- ❖ Measure all accidents when calculating accident rates.
 - Reportable accidents need to be included versus just "recordable" accidents.
 - Question of resources: Who will review the reportable accidents?
 - Also need to change what is a reportable accident because many accidents are not considered 'reportable'. [Also refer to Appendix A3.2 Data/Definitions.]
 - What categories should be used?
 - Chargeable
 - Preventable
- ❖ Accommodate 'fault' of accidents.
 - Some accidents are not the fault of the operator and data needs to indicate avoidable accident; if an accident is unavoidable is it fair to say that the carrier is unsafe?
 - No, because it was an unavoidable accident, carriers should not be fined, drivers cannot be held accountable for other people's actions.
 - 'At fault' versus 'Not at fault':
 - If not at fault should it count against fleet?
- ❖ More detailed post-accident information is needed to help predict trends.
 - What contributed to the accident?

⁴ Specific definition of this acronym unknown, but is believed to represent some medical coalition, possibly, Physicians Assistants Commission.

- What are the liability implications if preventability is strong?
- Liability and preventability are two different things when it comes to the investigation.
- Liability is a strong disincentive to conducting an investigation.
 - Oftentimes, carriers want to become included in National Transportation Safety Board (NTSB) investigation team for protection.

➤ **Shipper History**

- ❖ Time loaded versus time carrier left [should be recorded] and needs to be automated in order to be accurate.
- ❖ [Incidents of] unsafe loading, packaging [should be recorded]. Apply hazmat shipper principles.
- ❖ Include shipper on accident reports.
 - FMCSA needs to consider the frequency and classes of accidents and how the shippers relate.
 - Can the shipper be reliably identified?

➤ **Driver History**

- ❖ Identify ways to watch and measure driver behavior in a way that is performance-based, rather than statistically-based, and are key in accident prevention.
 - Number of accidents for which the driver is at fault.
 - Right now preventable accidents are weakly defined.
 - Number of moving violations per time frame.
 - Average violations
 - Different kinds of violations
 - Number of security violations.
 - Number of out-of-service violations.
 - Results of Drug and alcohol testing.
 - Results of Roadside inspections and driver error statistics.
 - Driver behavior.
 - DOT number to driver's license.
 - Positive things to track:
 - Safe miles.
 - Lack of violations.
 - Changes in Motor Vehicle Records (MVRs), number and type of violations are indicators.
- ❖ Currently, there is no record from any previous instance of failing an alcohol test; if carriers knew about at-risk people, hopefully they could do something.

➤ **Carrier History**

- ❖ Capture data on driver turnover and use the data to see where carriers stack up.
- ❖ The number of personnel hours used should be measured as well mileage.

- ❖ A stronger emphasis on the history record of a company is important; trending is a key factor for insurance coverage of carriers.

➤ **Operational Characteristics**

- ❖ Safety performance and operational characteristics should be the priority [in data collected].

➤ **Equipment History**

- ❖ Maintenance records should include details such as truck cleanliness.
- ❖ Information on the age of the fleet is needed, especially if it is not updated frequently.
- ❖ Size and weight measure should be normalized based on the location of the citation.

➤ **Logbooks**

- ❖ Logbook rules need to be reevaluated.
 - For example, After 14 hours, allow for 3 hour sleep breaks instead of 2 hour sleep break in order to make this more versatile; otherwise people will look for a way to get around current law.
 - Replace logbook process with fatigue management or onboard recorder.
- ❖ Drivers need to be educated on use of the new logbook.

Definitions

- ❖ A national vocabulary is needed to level the playing field.
- ❖ Definitions are arbitrary, inadequate and not uniform.
 - FOTM⁵ is not available.
- ❖ There are problems with the definition of DOT reportable accidents.
 - The current definition is whether the accident involved a towing or transport for anyone sustaining an injury. The feeling is that injury accidents are often pre-emptive and not re-active.
 - Private property accidents are not uniformly accounted for across the country.
- ❖ The industry should define standards for a “competent persons”, the same way the medical industry does.
- ❖ Define influence. What part of industry are you trying to influence? How? And in what way? Direction?
- ❖ Definitions would help when making comparisons. Currently all carrier types and sizes are mixed together. What are appropriate categories?
- ❖ Decide on a consistent class of vehicles or ‘trucks’: motor coach, school bus or cutaways. There are some inappropriate exemptions such as gypsy operations and dump trucks. In addition, DOT classifications are different for private fleets, LTL, TL, intermodal, and shippers and logistics providers.

⁵ Definition of this acronym is unknown.

- ❖ Define risk: Hazmat is not more risky than people carriers. Risk should not be defined by what is carried because risk issues trigger CRs.
 - The political environment also affects this.
- ❖ Define current regulations, what does it mean for a company to have “appropriate safety controls in place”.
- ❖ Define systems so carriers have a roadmap of guidelines to set up business.

Data Collection

- ❖ Establish a system to capture data accurately.
 - Complete MCS150 form every year to capture updated information.
 - Capture updated information from insurance companies as well.
- ❖ Relieve the data gathering burden by asking for information from motor carriers that will indicate if they are in compliance. This could be like an IQ test for a company. If a company has 100 drivers and only 10 are being randomly tested for drugs, this indicates a problem.
- ❖ Method of collecting information needs to be dual-tracked.
 - Use technology for those with access and accommodate carriers that do not have access.
- ❖ Data should be kept in real-time to help trigger action.
- ❖ A single form is needed to collect data consistently in a single reporting format system that is loaded regular and timely fashion.
 - Use MCS150 but update it; add more safety questions and include company specific data.
 - Use a single form to file complaints.
 - Use a single form for CRs.
- ❖ Fund states to capture data, collect and report moving violations data.
- ❖ [There is] too much emphasis on the honor system versus documented records.
- ❖ Carriers could input safety program information into a computer system to lessen number of on-site reviews.
 - Disagree; some carriers are so new they do not know what to put in the system, education and information is needed; a website or manual would be helpful.

Data Management

- ❖ This not big deal; carriers are prepared to keep information updated:
 - Under the current program data errors cannot be changed.
 - Data queue is the key.
 - Need a way to update information on website.
- ❖ “Least is best;” if we have received several clean records we need a way to show the updated records. The ability to affect the full picture allows you to update good news.
- ❖ Data stratification needs to specify driver types, where they drive.

- ❖ Software can help organize this information and make records more uniform, and easily searchable.

➤ **Legal Issues around Information Privacy**

- ❖ There is a public outcry to allow safety data to go across company lines.
- ❖ Who owns information in the [on-board] recorder?
- ❖ Who owns the data [a database]?
- ❖ Right now companies have to hold the information close and hidden. In addition, the government is not releasing all the information.
- ❖ In addition, there exists an issue of public safety versus private safety.
 - There needs to be a referee regarding the violation of a driver's right to privacy.

➤ **Accuracy of Information**

- ❖ Examples of inaccurate data are:
 - Some states are missing DOT numbers.
 - Someone [I knew] recently did a search on the Analysis & Information (A&I) website for a company and it was not there.
- ❖ Way in which to make data more accurate include:
 - Focus more on using data that comes from a dependable source such as DOT, insurance coverage information, roadside citations, and inspection data.
 - Hold states accountable on crashes and roadside data.
- ❖ Get an accurate number and census of carriers,
 - Start with a clean slate. Know who has been accounted for and eliminate duplicates and old carriers.
 - Remove non-active carriers from the system. An outdated database inaccurately increases the carrier population.
 - Obtain addresses of motor carriers so there is a correct census.
- ❖ Ensure the data quality by making comparisons of apples to apples versus apples to oranges:
 - Every state varies; need consistency with tracking violations.
 - Cities too; city, states, counties and feds need to be on the same page.

➤ **Timeliness of Information**

[Also refer to Appendix A3.4 Ratings/Lifecycle of Ratings.]

- ❖ One problem is the static nature of the data. A conditional rating in October 2004 may not have been updated since October 2000. The data is only a snapshot. There must be a dynamic rating, pre-pass system where the score can change daily if need be.
- ❖ Operators need to update their information. Currently, neither party is updating the system. For example, the FMCSA needs to know if a carrier just added 10 trucks.
- ❖ What is online-real time? We should get information regularly but we should not be subjected to regular, constant, continuous watching by the government

- Does it mean devices in all [of] my trucks?

➤ **Correcting Information**

- ❖ It is hard to correct wrong data. It is hard to correct mistakes on the on-line system.
- ❖ If data is challenged there should be 30 days to fix it or have it removed from the site so that people are not penalized during the time it takes to prove and correct the data.
 - [The FMCSA] would need to keep track of the data appeals process and of the date that is challenged.
- ❖ Notification of record change should be automatic.
- ❖ [The FMCSA needs to] provide a better avenue to contest inconsistencies.
- ❖ [The FMCSA needs to] figure out how to protect the data, while still providing stakeholders access.

Data Analysis

- ❖ Accident data [should be] compared against citations issued and hours worked.
- ❖ [The FMCSA should] compare companies of the same ratio and classification by industry segments, there would most likely be 10 segments.
- ❖ FMCSA needs to look at trends over time; annually.
- ❖ [The FMCSA should] consider incidents as predictor of crashes and accidents, not just pay attention to fatality rates.
- ❖ [The FMCSA should] focus data collection and analysis on program effectiveness and causation factors.
- ❖ Are crashes related to drugs, and are other issues being targeted?
- ❖ Targeting hot spots, top 3, 5 and 10 problems and going over the big bang issues.
- ❖ [The FMCSA should] breakdown fatalities by weight classification.
- ❖ [The FMCSA should] conduct root cause analysis.
 - Find out what is actually causing the driver to cause the accidents.
 - There are causality issues:
 - Very few crashes relate to drugs.
 - Hours-of-service and fatigue are different and need to be separated.
 - Very few accidents are because of mechanical malfunctions.
 - The enforcement community often emphasizes the wrong thing.
 - Human error is a factor even when all the rules are followed.
 - Preventability does not equal causality.
- ❖ Statistics show that 70 percent of truck fatalities are caused by cars, programs need to focus on that 70 percent. Find someone to partner with; like existing drivers' education programs.
 - There is concern that studies that prove they can assign 65 percent [or more] of fault to passenger cars might have flawed sample sizes.

- ❖ The carrier is responsible: it is a problem if we constrain our thinking to the belief that the carrier is the sole source for all safety problems, we need to think broader:
 - Involve other data to access performance.
 - Look at the lowest level of data.
 - Look at what is going on:
 - What is causing crashes?
 - What is actually causing problems?
- ❖ [The FMCSA also needs to perform] lesser type of analysis in order to catch the low lying fruit.
- ❖ It would be helpful if the data compared carriers to the national average.
- ❖ There are performance data points in place that can be used.
 - Need to figure out how to use this information.
 - Look at organizations that are the statistical outliers.
 - Earlier analysis of accidents showed that time of days was a factor.
- ❖ There is some linkage between MVR records and driving/drivers.
- ❖ Small carriers are over-represented in the current statistics.
- ❖ Data is skewed for smaller carriers.

Dissemination of Information

- ❖ The system could have great value if rating comparisons were done to inform organizations of their placement within the industry.
- ❖ Data should be available but it needs to be explained.
- ❖ The data on safety is used for business decisions and for marketing.
 - Some carriers share their SafeStat results.
- ❖ Accuracy is important when disseminating information, while inaccuracy causes great harm.
 - The regulated are responsible to prove information presented is inaccurate before information will be changed.
 - 15 percent of out-of-service data have issues and are difficult and often impossible to fix.
- ❖ CR results are posted even if being contested.
- ❖ What are the standards in other regulatory agencies for posting performance results?
- ❖ Keep the public informed on who is preventing data from being timely and accurate.
 - Public scrutiny is the most effective means of behavior modification.
- ❖ Have one site instead of two, SAFER and SafeStat.

A3.3 Centralized Databases

- ❖ We need state and local data sharing because it is redundant to have both levels gathering the same information.
- ❖ Safety information, not financial information, should be generated by the database.

- ❖ There should be centralized data about insurance for carriers.
- ❖ There are 675,000 carriers and everyone knows who the top 100 carriers are, and those 100 have the resources to [self-]monitor. Others carriers do not have the resources available, so they rely on insurance companies for data assessment. A central database is needed!
- ❖ Possible central database:
 - Of inspection and crash reports entered into the FMCSA's shared state system and shared major city system.
 - Of driver information: crashes, roadside inspection history, pass rate and why they did not pass, accident history by driver, tickets and Motor Vehicle Record (MVR) should be recorded.
 - Of Employee reference checks.
 - Of Drug and alcohol testing
 - Look at merging databases into one:
 - Commercial Driver's License Information System (CDLIS), crash data, roadside inspections to assess the good guys and bad guys.
 - Some of this information is collected but not shared. Motor carriers cannot access all this data.
- ❖ Carriers should not manage the database, but the FMCSA would seem like big brother if they are in charge of the data collection and safeguarding.
 - So, have a 3rd party who is not associated with the FMCSA or shippers; confidentiality agreements would be needed.
- ❖ Database could be active 24-7.

National Registry of Drivers

- ❖ Need a better way to access driver information because Commercial Driver's License Information System (CDLIS) information cannot be accessed.
 - A national registration of drivers.
 - Need a national database versus a national pointer system (CDLIS).
 - Data needs to be uniform, CDLIS data is not uniform.
- ❖ The FMCSA should consider using required electronic driver files. This could:
 - Reduce the amount of time inspectors spend sorting through paper files.
 - Allow for e-notification of inspection notices and violations.
 - [Allow the FMCSA to provide] education about when, how and what is available.
 - Be a value-added system to speed notification.
 - Assist with hazmat, security and hiring mandates.
 - Allow information will be real-time.
 - Make data storage requirements less for the carrier.
 - Data does not presently exist at the federal level.
 - Help a carrier have all the information it needs to make hiring decisions.
 - Help carriers re-focus staff in other areas.
 - Drivers would have the ability to track their hours-of-service data and insert themselves into the process. The database could electronically

- track information about drivers and inform what safety actions should be taken.
- This could minimize occurrences of drivers jumping to new a company without disclosing drug record. (Some DMVs track information on those who tested positive in a drug test, but are not consistent across states.)
- Allow federally-mandated CDL information on driver qualifications and driver eligibility to be maintained.
- ❖ Needs to include the following information, in a uniform manner:
 - Qualification file information
 - Drug and alcohol information, whether positive or negative
 - Positive information as well also, such as if the driver is 20 years accident free.
 - Discharge for cause
 - DOT recordable accidents
 - Physical and medical information
 - Suspensions and revocations
 - Hours-of-service
 - Felonies and other crimes
- ❖ Would need to enforce carrier use of this system

SafeStat

- ❖ The process for Out-Of-Service (OOS), Accident Safety Evaluation Area (SEA), Management System Score is broken and not sufficient for oversight
 - If a carrier is out-of-service four times in 30 months, the score doubles, regardless of the carrier's number of trucks. There is no normalization based on size.
 - CRs look at the number of accidents from two sources, and whatever number is greater goes into SafeStat.
 - A good outcome through a hearing does not stop a carrier from getting 'punished' in SafeStat process.
- ❖ SafeStat score does not have a correlation [to safety]; more local law enforcement input is needed.
- ❖ SafeStat cannot tell what the carrier is doing since it's just a snap shot.
- ❖ SafeStat numbers are spotty and inconsistent, good inspections are often not documented.
- ❖ SafeStat is good, but there are serious issues with the formula and incomplete data. There is room for improvement because of missing information and errors.
- ❖ This [SafeStat] process is not eliminating bad carriers or bad drivers. Bad drivers are able to move around to different companies since there is not sufficient information to track them. The information captured for a database should have a profile that says John Doe has been put out-of-service on several occasions.
- ❖ SafeStat should be organized by mileage instead of number of units.

- ❖ SafeStat methodology is excellent, data is not:
 - Data is not timely, accurate or reliable and it comes from different sources.
 - Data is bad and should not be used to target companies.
- ❖ SafeStat may be good, but the data quality problem is hindering the process.
 - There are local and state standardization issues.
 - SafeStat is too narrow of a snapshot and all the data does not relate directly to safety.
 - There is no process to update SafeStat once violations are resolved.
- ❖ SafeStat data is one sided.
 - Unfortunately, many decisions are made on inaccurate data.
 - SafeStat should allow for correction of data errors, for companies to comment on unfavorable ratings, and for carriers to enter their own response; “I am challenging this and it is up for review.”
- ❖ SafeStat only monitors carriers if there is a violation and gives a satisfactory or unsatisfactory response, end of story, no big inquiries.
- ❖ [The FMCSA needs to] rework qualify, timeliness, and, proportionality, and algorithms of SafeStat. Current errors in database affect inspection rates
 - SafeStat relies on CR results, but, unfortunately, not enough carriers have had a CR.
 - More accidents occur east of the Mississippi River.
 - Geographical miles are not included and this affects peer groups.
 - Safety management is really only a picture of prior enforcement of CRs.
 - Should be called Enforcement Safety Evaluation Area (SEA)
- ❖ www.safersys.org, the Safety and Fitness Electronic Record (SAFER) website, gives highlights of roadside compliance and crash data.

A3.4 Ratings

- ❖ How about a safety manager rating system?
- ❖ Currently, safety ratings are affected by unimportant factors. For example, if a motor carrier is rear-ended and the driver is not at fault, that crash incident is still recorded in SafeStat [and hurts the carrier’s rating].

Effectiveness of Ratings

- ❖ CR safety ratings must trigger a deterrent effect. Currently this is not happening. An unsatisfactory rating should only be proposed for a 60-day period to allow carriers time to fix the problem.
- ❖ Carriers with conditional rating:
 - Currently the carrier has no incentive to improve the rating.
 - Instead, these carriers require follow-up within 6 months*. Then, if they have not not addressed their issues within 1 year*, the carrier should be placed out-of-service. (*Timeframes require further evaluation dependent on whether the conditions are acute versus critical.)
- ❖ Currently, carriers may maintain no rating status without it hindering business.

- ❖ It would be easy for FMCSA to establish motor carrier or driver authority based on safety ratings. Licensing requirements should mandate an additional test, perhaps the test could be administered over the internet every 2 years to make sure drivers re-qualify. This way the motor carrier is not always burdened with training and updated changes. Motor carriers cannot address everything, and this would allow the regulated community to be proactive.
- ❖ However, the FMCSA should avoid [not bother] carriers who already have satisfactory ratings.

Publicity of Ratings

- ❖ The history of a rating should be visible.
 - If a carrier has an unsatisfactory rating and then improves, the progress should be shown.
- ❖ When the CR's are completed, give a rating that is not public.
 - How about posting ratings on-line so that ratings would be communicated quickly
- ❖ If a carrier's rating is 'unsatisfactory', it is not known in a timely manner.
 - Can there be public notice?
- ❖ FMCSA should publish all six (6) CR scores so that interested parties can have a better understanding of the performance rating.

Rating Levels

- ❖ Current ratings have no distinction between outstanding and marginal compliance. 'Satisfactory' rating is too encompassing; there needs to be more levels of compliance.
 - [Some people are] disenchanted with safety rating system.
 - A single 'Satisfactory' rating level does not motivate carriers to further improve.
- ❖ FMCSA needs to increase choices in rating system, because end users need more information on bad and good companies.
- ❖ FMCSA needs to have a meaning full ratings process that is more tiered.
- ❖ Suggestions:
 - Add an excellent category to the rating system.
 - Change rating systems to a tiered scale to incorporate different satisfactory levels.
 - For example, a graded system of a scale from '1 to 5' or 'A to F' would allow for degrees of distinction.
- ❖ Benefits of tiered ratings:
 - This would allow FMCSA to allocate resources better.
 - Provides a standard of excellence.
 - Would allow consumers to make informed decisions.
- ❖ Crash ratings should be based on preventable accidents rather than overall responsible accidents.

- ❖ Consider DOD ratings and its comprehensiveness.

Lifecycle of Ratings

- ❖ Today, ratings can last several years, regardless of whether the carrier is currently in compliance.
 - Why should a company with a score of 95 be able to operate for 5 years without another review? If safety is so important, then CRs need to be more frequent and not allowed to stand for 6 years.
 - Rating information needs to be current and available in a useful form. Non-current rating information is irrelevant
- ❖ Even if you have not had a CR in the few years, it is good still to get a SafeStat score.
 - There needs to be a specified timeframe for updating ratings, whether it is every 6 months or every year, etc.
- ❖ What about an expiration date on the CR score?
- ❖ What about everyone's ratings being reviewed every 5 years?
- ❖ It would be useful to have a real-time adjustment of ratings. Ratings could be continuously updated based on new data from inspections and violations.

APPENDIX A4. STAKEHOLDER COMMENTS REGARDING SAFETY OPPORTUNITIES AND STRATEGIES

This chapter notes the comments provided by Listening Session participants around topics relating specifically to safety programs and strategies. The statements presented are inclusive of the substantive points made by participants on this set of topics. The goal of the compilers has been to preserve comments in their original form but, at the same time, eliminate redundancy.

A4.1 Attributes

- ❖ The attributes presented by FMCSA are good but requires a shift in the FMCSA's organization.
- ❖ Attributes need to focus on behavior, consider influences and be stakeholder-focused.

Commentary on Attributes

➤ Focus on Positive

- ❖ Reward those who are doing right thing. There is not sufficient 'congratulations' or reward for doing things right.
- ❖ There needs to be more positive interaction between the carriers, the FMCSA, and the driver
 - Give credit to good operations to stop the current assumption that carriers are guilty until proven innocent.

➤ Openness, Communications, Clarity

- ❖ Open up ratings.
- ❖ Clarity is needed for the regulated industry. The FMCSA should provide resources so that carriers can do self-assessments.
- ❖ Assessment criteria need to be clear and understandable to all stakeholders.
- ❖ There needs to be clarity of 'partnership' – create a program where FMCSA works with carriers.

➤ Comprehensive Focus

- ❖ Allow all stakeholders, both public and private, to work together to achieve common goals.
- ❖ Be encompassing.
- ❖ Be viewed by both industry and regulatory groups.

➤ Aligned with Industry

- ❖ Consider the market as an impetus.
- ❖ Programs need to have support of the carrier industry
- ❖ Programs need to be based on an understanding of the industry's opportunities.
- ❖ Programs need to be adaptable, evolving and fluid with the changes occurring in the industry.

➤ ***Collaborative, and hence more efficient***

- ❖ “Line up” with what others already have in place for safety.
 - Look at other states, other federal agencies, other DOT models, and mirror them in developing new regulations.
 - Collaborate with FAA and DOT to become more efficient.
 - Look to the Environmental Protection Agency (EPA), railroads, Federal Transit Authority (FTA), and American Trucking Association (ATA).
- ❖ Success depends on cooperation between entities and partnerships.
- ❖ Right now, there is both a lot of overlap and contradictions between government agencies. Need to especially avoid contradictions and conflicts.
 - For example, the Department of Homeland Security has a contradictory focus to FMCSA on the performance history requirements and drug and alcohol requirements for leasing facilities and new drivers.
- ❖ Work closer with states and federal agencies to share information and achieve efficiency.
- ❖ Being a stronger partner with the insurance community could help achieve overall reduction in cost of risk.
- ❖ FMCSA should take its Ideas back to stakeholders for support before submitting it to Congress.

➤ ***Promotes Growth***

- ❖ Be motivational and flexible.
- ❖ Is dynamic (needs to be able to change in order to accommodate new issues).
- ❖ Be proactive.
- ❖ Be encouraging of new technologies.
- ❖ Provide regulatory relief.

➤ ***Possible, Accessible***

- ❖ There needs to be accessibility to resources and level in comfort in asking for resources.
- ❖ Programs should be easy-to-implement with all kinds of carriers.
- ❖ Programs should be:
 - Realistic and practical,
 - Sustainable and use a reasonable number resources.
 - Achievable, successful, and attainable.
 - Zero based: a regulation should not be implemented until it's value is proven.
 - Credible and accepted.
- ❖ Relevant to the problem.
- ❖ There needs to be a balance between realities; financial versus theoretical.
- ❖ Programs need to be more incremental:
 - More categories in rating system. Like a credit score, ratings should tells you right where you are.

- Overcome one-size fits all.
- ***Cost effective, Affordable, Appropriate Risk***
 - ❖ Spend money where it will yield the most value.
 - ❖ Does someone have to physically on-site at a carrier for several days? Expedite the off-site so it only lasts half-a-day.
 - ❖ Risk should be assessed from a business value standpoint:
 - Do not look to the government to judge risk.
 - Look to insurance because their risk assessment is based on economics.
 - ❖ However, government should look at risk in particular situations, such as hazardous materials situations such as Yuca Mountain.
- ***Performance-Based***
 - ❖ Identify and target carriers with poor performance.
 - ❖ Create incentives for carriers demonstrating the ability to manage the outcomes themselves to an exceptional level. Demonstration of that ability includes:
 - Using valid/accurate and timely information.
 - Being results-oriented.
 - Using benchmarking measures.
 - Using measures, especially those that are performance-based versus prescriptive.
 - Targeting root causes.
 - Being accountable.
- ***More Structure, Uniformity, Consistency***
 - ❖ Eliminate subjectivity as much as possible and reduce interpretation.
 - ❖ Where is consistency needed?
 - Across states and localities.
 - State and federal governments should be more consistent.
 - Right now there is much subjectivity among states.
 - ❖ What is the problem?
 - Lack of consistency makes it difficult to determine how to handle interpretations.
 - ❖ What needs to be consistent?
 - There should also be consistency in definitions. For example, what one entity may think of 'flexibility', another may not.
 - Standards and consistency of training are needed.
 - ❖ What are barriers?
 - Uniformity isn't guaranteed until you have solid audit routines and performance measures.
 - Profiling, legality it is questionable, but there is some validity to profiling.

➤ **Fair and Equitable**

- ❖ Drivers who serve churches and senior centers are not regulated under equitable means as other commercial drivers.
- ❖ Freight and passenger carriers are unique, and need to be treated differently. The FMCSA makes a mistake with cookie cutter compliance reviews and inspections.
- ❖ Regulations should include industries whose core business is related to trucking, such as large retailers.
- ❖ The FMCSA can grandfather situations to make it fair for different types of carriers and drivers.
- ❖ Interstate and intrastate carriers should be handled equally. A single set of rules should apply

➤ **Proportionality**

- ❖ “One size does not fit all.” Right now programs are “one size fits all”, such that it ends up being “one size fits no one.” Programs need to be considerate of:
 - Size of operations.
 - Number of complaints and size.
 - Area of operations.
 - However, there can be basic, core principles that fit everyone.
- ❖ There are different needs for large versus small carriers.

➤ **Simplicity, Plain English, Understandable**

- ❖ Apply the “keep it simple” rule to all rules and regulations. Write them in plain English.
- ❖ Have more straightforward language in regulations
- ❖ Have consistent description of everything across the board.
- ❖ Have a consistent the meaning behind SafeStat score.
- ❖ Make programs ‘easy to use’ for the carrier in the CR process, records for review. For example, have a checklist for carriers. Because there is so much information, the FMCSA needs to make it simpler.
- ❖ A CR program that uses web access could prevent getting a fair cross-section because some smaller carriers might not have web-access.
- ❖ Minimize repetition – a carrier shouldn’t need six interruption letters to understand its problem. Simplify -- enforcement should come sooner.

Attribute Conflicts

- ❖ Flexibility and efficiency are conflicting attributes. Often a flexible program is not efficient.
- ❖ The idea of voluntary participation conflicts with idea of regulation and enforcement.

A4.2 Best Practices

- ❖ The following safety management practices could help:
 - A credit system
 - A service hours approach
 - The ability to periodically check on data
- ❖ FMCSA should try to obtain some trial money to fund the research of best practices by using safety and statistical data to make case.
- ❖ Question: what are best practices versus regulatory practices?

Specific Programs

- ❖ Michigan's driver training is well received, and lowers insurance rate.
- ❖ OSHA allows people to file complaints and ask compliance questions via the phone or fax.
- ❖ The FMCSA should consider adopting and modifying the DOD contract that requires companies to pass a prescreening survey to see if they need to do a safety assessment. If a carrier cannot pass, that means they are not compliant from the get-go.
- ❖ Furthermore, DOD does not just look at minimal compliance; they also look at a company's safety program to equal a complete profile.
 - Provides incentive
 - Introduce elements of profit incentive.
- ❖ The FMCSA should look at what triggers a review; OSHA may be a good spot to start.
- ❖ The FAA has a good program to model after regarding the frequency of reviews.
- ❖ The FMCSA should use radioactive guidelines as scenarios and 'best practices' to follow.
- ❖ FMCSA should look into the California 'Pull Notice' program:
 - Whenever activity happens on a license, notices are sent.

Technology

- ❖ Research untested technologies such as electronic onboard recorders, lane deviation techniques, and collision warning systems.
 - Disadvantages to this approach are liability and exception regiment.
 - The federal government should provide incentives for carriers to test new technologies.
- ❖ FMCSA needs to embrace technology; otherwise, it will not be able to increase its influence. If the FMCSA wants to do more with less, then they need to embrace technology. But you cannot throw the switch tomorrow and hope the whole industry gets involved.
- ❖ The federal government has already invested in technology for items such as ITS and homeland security. It needs to leverage its own investments and adapt the use of these technologies for other purposes and use those additional dollars to help this process.

- ❖ If FMCSA used advanced technology systems for items such as truckers' hours-of-service; compliance reviews could be faster.

➤ **Technology Needs to be User-Friendly**

- ❖ Make technology and software user-friendly. In addition, technologies should not have too many disclaimers.
- ❖ System needs to be simplified in way data is displayed.
- ❖ Help by getting technology into smaller companies.

➤ **Technology for Data Collection**

- ❖ Perhaps use 'transportation cards' that all industry stakeholders carry with them containing important data such as; employment history, medical history, and identification.
- ❖ Have tools to allow law enforcement to track hours of driving.
- ❖ Technology doesn't discriminate based on size – both small mom-and-pop carriers or big carriers can manage data through web.
- ❖ Technology could help speed up the CR process. For example, carriers could transfer information electronically.
- ❖ The FMCSA could become an advocate for on-board technology as a way to understand and manage driver behavior. As opposed to compliance and technologies that manage safety based on results from the past year – on-board technology uses real-time info.

A4.3 Strategies for Change

- ❖ Establish a grid system that could allow clarity around both accident records and roadside ratings.
- ❖ Adjust driving tests: Maybe regulations and safety statistics should be on driving tests.
 - For example, what are typical accident patterns or types of accidents in reference to loads. If I know the statistics about the way a truck hauling concrete has accidents and understand what is considered dangerous, I would be a safer driver.

Encourage Culture of Safety

- ❖ The FMCSA should encourage states to do more criminal prosecution when carriers do not comply with CRs.
- ❖ In an ideal world, there should be stricter out-of-service regulations and drivers getting civil penalties.
 - The obstacles are states and local rights.
- ❖ Carriers want less regulation.
- ❖ Allow a carrier to invite in the FMCSA to benefit from expertise.
 - Instead of carrying intimidation, FMCSA should carry techniques to encourage better behavior. This would combine education with enforcement.

- FMCSA should assess their auditors by amount of corrective measures they suggest as well as enforcement measures.
- ❖ There should be more accountability to the driver to follow regulations, such as hours-of-service.

Self-disclosure, Police Yourself

- ❖ Publish a tool or a format so carriers could post their own CRs.
- ❖ How about a process to submit data yourself?
 - Better yet, make it an incentive and give tax credits to those who do it.
- ❖ Perhaps create a self-audit process similar to completing your tax returns with increased penalties.
 - In addition, the 'returns' could be submitted via the web.
- ❖ Drivers could help identify companies who are changing DOT numbers.

Encourage Innovation

- ❖ An implementation of Web-based systems would allow audits at regional offices instead of on-site.
 - This would also help to streamline audits for carriers with a good performance rating. FMCSA could easily look at the materials online, and renew the carrier's rating if everything looks OK.
 - Audits should hold everyone in the chain accountable:
 - DOT should first go to the ownership list, starting at the state level, then day-to-day management, then to the driver.
 - There should be a trickle down message.
- ❖ Can the FMCSA have any influence on putting testing equipment in vehicles and, as a result, allow carriers to see a decrease in insurance rates?
 - Currently, if carriers place equipment vehicles, no return is seen to the owner.
- ❖ Synthesize different review processes that do the same thing:
 - For example, let's look at school buses in Georgia, which transport 2,000 school kids a day: DOD and CVSA conduct road reviews four times a year. In addition, the county school boards also have their risk inspectors perform reviews. This redundancy could be eliminated.
 - Federal, state and local governments should set goals that are attainable and complimentary to those of other agencies.

Embrace a Total Quality Model

- ❖ If we embrace a quality model, we should need fewer inspectors.
 - For example, if we have information on hotspots where accidents are occurring, we could focus inspections on specific areas. Certain information helps look at root causes.

Data Could Pull Entities Together

- ❖ To meet increasing challenges (legal demands, training drivers and providing oversight), companies need data quickly; they cannot wait on the FMCSA.
- ❖ Unifying the efforts of 50 states would improve timeliness of data – record keeping could be more successful if they were consolidated and streamlined.
- ❖ Regulatory relief could be provided through the development of a national database because it would be a one stop shop for all regulatory needs.

Do Core Work Well; Then Add on Programs

- ❖ FMCSA needs to focus on the current process, so it will work well before we add on to it:
 - Currently, there are many carriers and resources are limited. The addition of potentially reviewing Mexican carriers adds an additional burden when the process cannot even monitor domestic carriers.
- ❖ An expansion of the FMCSA programs should not include additional regulation. The FMCSA should tweak existing regulations and enforce those rules, instead of adding more rules.

Legislation That Would Help

- ❖ Legislation is needed to require SafeStat for intrastate carriers.
- ❖ A rational prioritization selection system, which is derived from a new statutory scheme for safety rating carriers, is needed.
- ❖ There is an increasing legislative burden on industry from federal, state and local legislation requirements.

Quick Hits, Important Gestures

- ❖ Conduct a mock CR for carriers.
- ❖ Endorse truck championships.
- ❖ Check out the inspection area.
- ❖ Conduct carrier closing interview.
- ❖ Limit CDL renewal to 2-3 years.

Appendix B: Stakeholder Comments by Listening Session

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Appendix B1:
Stakeholder Comments by Listening Session
San Diego, California/September 21, 2004
Plenary Session

CURRENT STATE

Compliance Reviews

- ❖ CRs are effective for those that experience audits. The number of carriers being audited is not sufficient :
 - Only 2% of carriers are audited. Need more effective process to audit carriers
- ❖ Oversight should look at safety performance not regulatory performance
 - It is questionable whether there is a correlation between regulatory performance and actual safety results.
- ❖ CRs are resource intensive
 - Re-evaluate amount of resources that it takes to do CR
 - Look at alternatives, especially for those who have good safety programs: remote review (on-line via web, websites, local and state communication)
- ❖ Streamline CR for complaints
 - Tell carriers about the nature of complaints or type of complaint so they can take corrective action. But they do not need to know the identity of complainer

Safestat

- ❖ Address Safestat data weighting and scoring for the CR selection process
- ❖ Safestat process (JOOS, Accident SEA, Management System Score) is broken and not sufficient for oversight
 - If carrier is cited Out of Service: 4 times in 30 months, score is doubled in Safestat. This happens regardless of # of trucks (no normalization based on size of organization)
 - CR looks at # of accidents from x and x, whatever is greater goes into Safestat.
 - Even if have good outcome through a hearing, still get 'punished' in the Safestat process
- ❖ Safestat does not identify the correct carriers for CR
- ❖ Safestat formula penalizes growing carriers
- ❖ Selection process is not equitable
 - Need to find ways to better identify bad carriers
 - Seems like carriers who are doing things right are being targeted. Harder to find those who are not safe.

Accident Data

- ❖ Problems with the definition of DOT reportable accidents
 - Current definition is whether the accident involved a towing or transport for the injured. The feeling is that injury accidents are often pre-emptive not re-active
- ❖ Definition is arbitrary (FOTM not available) / inadequate / not uniform
- ❖ Preventable accidents should be measured and part of a goal. Need to measure what trucks can control.
- ❖ Bring accident preventability decision-making power back to the FMCSA Field investigators performing CRs, this time with preventability training.

- Background: Field investigators no longer have ability to determine preventability of accidents, and whether an accident should count or not. This authority was taken away 7 years ago because of FMCSA field investigator mistakes (OMC).
- According to the Federal Highway Administration the definition is now that all accidents are preventable.
- ❖ Private property accidents are not uniformly accounted across the country

New Entrants

- ❖ New U.S. Entrant audit differs from Mexican Entrant audit
 - Mexican carriers
 - Must go safety audit, provisional authority, then FMCSA does CR after 18 months. Only then are they given permanent authority.
 - US carriers
 - Must go through an initial audit within a 'reasonable timeframe' after its DOT # request, and that's it – there is no follow-up. Plus, US carriers can operate before the audit.
- ❖ New entrant audits should have better follow-up after the initial audit
 - A lot more education should be given to new Motor Carriers
 - Some thought the initial audit should be more informal and educational; others thought the audit within the initial 18 months was informative
- ❖ Process breaks down in follow-up
 - Need better responsiveness from DOT during follow-up
 - DOT is responsive when organization states that they need a training program immediately.
 - Once DOT leaves facility, compliance ends.
 - No one to go to. When calling DOT, there is no person to talk to; can only leave messages.

Drivers

- ❖ Truckers should be held accountable for what they can control, not just carriers
- ❖ Driver is able to move from carrier to carrier (no way for carrier to track past performance)
- ❖ Qualifying drivers takes too much time and there is a shortage of drivers
 - Suggestion: National Database for employee reference checks (Drug and Alcohol; pool program)
 - Need better, faster, and more accessible ways to do background checks, etc. Companies could hire quicker and be more in compliance.
 - Carriers who are winning are those whose drivers can get on the road quickly.
 - Those who are certifying drivers, doing background checks, etc. are losing drivers to other companies

Communication

- ❖ ANI website needs to have accurate data
 - Example: Someone did a search for a company and it was not there
- ❖ Current distribution of communication is insufficient
 - Need to communicate via phone, fax, etc.

- Communication cannot be just through the Internet since not all organizations have access.
- ❖ Information is too hard to get
 - Example: ATA suggested that the field ops manual should be publicly available. Currently obtaining the fields ops training manual requires an FOIA form.
- ❖ Need resources to help carriers comply when new regulations are made

Other Thoughts

- ❖ What is going well: Goals stated clearly; continuous improvement; agency is committed; industry is committed
 - Agency does good job of working with states and their enforcement activities
 - Core value and concern for safety is shared
- ❖ Need to focus on getting current process to work well so we can add on
 - Currently there are so many carriers and resources are limited. The addition of potentially reviewing Mexican carriers, adds an additional burden when the process can't even monitor domestic carriers. Impossible task.

CASE FOR CHANGE

Reasons for change

- ❖ Need to change to improve safety and credibility
 - Need to make data, CR selection process, and Safestat more credible to drivers, states and industry
- ❖ To improve communications that will mitigate accidents
 - E.g. Accident prevention strategies (communicate to company/drivers)
 - E.g. Accident hotspots (so that drivers are more careful in these areas)
- ❖ To make organizational system more cost-effective
 - Focus collectively on high impact safety areas
 - Efficiency and leverage
- ❖ To drive fairness and bring uniformity
 - Drive out arbitrary discrepancies between states (# of compliances reviews, etc.)
 - Even-handed regulation
- ❖ To improve accident reduction
 - Industry analysis and root cause analyses
 - Can play different role (i.e. Hotspot occurrences)
- ❖ Need follow-up to groups
 - Did something similar previously and need to know that it is being acted on; where is this going?

Why change is needed

- ❖ The more things change, the more they stay the same
 - Tremendous amount of opinion but not adopted
 - Suggestion: 2 groups: 1 to analyze ways to bring in new ideas for change and 1 to review existing policies (e.g. CDLIS)
 - Need to change in order to take advantage of innovation

- ❖ Change is necessary otherwise will tread water for next few years. There have been changes in the past that haven't worked. Need to make sure that the change is effective.
 - E.g. Cdllis -- Is data timely?
 - Need to be able to adjust for errors

How to change

- ❖ Test technologies as part of change to use an evaluation tool for seeing whether we are heading in right direction.
- ❖ Information database for tracking drivers who test positive in drug test.
 - Some DMVs track but not consistently across states
 - To minimize occurrences of drivers jumping to new company without disclosing drug record

3rd Party Partnerships:

- ❖ Involve 3rd parties.
 - Government can't do on its own
 - If don't sit down and talk together to get to a process as a community, won't get to compliance
 - Partnerships between DOT and State associations during audits. Join forces and share information
 - Would also leverages #'s
 - Differences in what each looks at
 - Would result in less intrusion and time taken for audits
- ❖ Certification process for providing 3rd party administrator services for trucking associations
 - MRO (medical review officer) for drug tests needs to have training on what is required for DOT regulations

Timeline for change

- ❖ Change is good and needs to occur more quickly rather than all being implemented 6-8 years from now. Perhaps FMCSA can change in bits and pieces.
- ❖ Timeline for change needs to be cognizant of technologies passing by.
 - For example, drug and alcohol testing took 2 years; now there are newer methods.
 - If don't change now then technologies will pass us by.

Appendix B2:
Stakeholder Comments by Listening Session
San Diego, California/September 21, 2004
Future State Breakout Groups

Attributes

- ❖ Scope (of program is well defined)
- ❖ Profiling – Legality is questionable. But there is some validity to profiling.
- ❖ Risk
 - From a business value standpoint
 - Don't look to government to judge risk
 - Look to insurance b/c it is economic
 - However, government should look at risk in particular situations (e.g. Yuca)
- ❖ Need to make sure fair
 - Example: Technology – Do all organizations/parties have access to the technology like web access? If no, and start to implement CR program that uses web access, could prevent getting a fair cross-section based on a focus of those who have easy access to technology.

Discussions surrounding the Whos

Carriers

- ❖ Carriers that are not complying establish new entities to get around non-compliance (i.e. change name, legal status, etc.)
 - Also various other loopholes, document falsification

Drivers

- ❖ Key in accident prevention
- ❖ Need to monitor medical status, in areas such as fatigue
- ❖ Right now not part of equation.
- ❖ Little consequence to impact change on individual behavior
- ❖ Almost operates with impunity
- ❖ Needs to be a part of monitored groups

Government Regulating Agencies

- ❖ Need to have measures of quality for CRs – how are they being performed? (FMCSA and key officials)

Insurance Companies

- ❖ MCS90 – should be ensuring that carriers have this. Right now, carrier gets penalized.

Medical Profession

- ❖ Certification for those who do DOT physicals
- ❖ Program that looks out for shortcomings of clinical physicians b/c they don't know what needs to be looked at during these physicals
 - Doctor shopping occurs
- ❖ Good Example, FAA certification for pilot physicals
- ❖ Availability of list of certified physicians

Owner Operators

- ❖ Community is growing.
- ❖ Have more direct responsibility b/c play role of carrier and driver.
- ❖ Employment laws – how to categorize individual or company?
- ❖ If resources at the government level aren't available, need to push responsibility on operators
- ❖ Different regulatory agencies are defining them in different ways amongst the agency
 - Government agencies need to communicate amongst themselves and streamline communication to industry

Shippers

- ❖ Shipment documents that are incorrect and/or inaccurate should be responsibility of shipper. Currently carriers are cited for any errors.

Leveling the Playing Field

Industry

- ❖ Medical and License sharing information across state and international borders
- ❖ Intercity vs. Intra city should have different standards
 - Exposure in intercity is larger (can probably get from insurance)
 - Miles driven should also take this into account

Certification

- ❖ Certifications b/c some people know what they are supposed to be doing; others don't. Suggestions:
 - Mandatory certifications – professionalizing.
 - Requiring each company to have a safety official who knows the regulations, etc.

Data

- ❖ More performance standards instead of prescriptive standards
 - Your preventable accident rate must not exceed x, reportable collisions must not exceed y, drivers drug screening must be of z standard
 - Instead of: i.e. brakes – must be able to stop within a certain distance
- ❖ There are performance data points in place that can be used.
 - Need to figure out how to use this information
 - Look at those organizations who are the statistical outliers.
 - For example, earlier analysis of # of accidents showed that time of day was an factor
- ❖ All crashes are bad. There seems to be an implication that there are good crashes and bad crashes.
 - What will operational characteristics accomplish?
 - How organizations make mgmt decisions?
 - Need performance standards
 - Will help better target who is reviewed

Database

- ❖ Need to look at trends over time
 - Yearly perhaps
 - Some other federal agencies have yearly reports submitted to them for this purpose
- ❖ Web-based system to allow audits at regional offices instead of on-site
 - If carrier has good performance rating, look at materials, and renew rating if everything looks OK
 - CHP has similar process
- ❖ If information such as qualification file is tracked in a centralized area, then
 - Information will be real-time.
 - Data storage requirements are less for the carrier.
 - Data does not presently exist at fed level
- ❖ Centralized info on driver history would be helpful for carriers
 - Would help carriers have all the info it needs to make hire/no hire decisions
 - Would help carriers be able to re-focus staff in other areas
- ❖ Data accuracy is important especially in a real-time environment b/c impacts real-time decision making
- ❖ Because employers are required to report employment, should start to see employment histories improving.
 - Current in CA (3 years employment; 2 years drug and alcohol test results)

Compliance

- ❖ If embrace quality model, should need fewer inspectors
 - i.e. hotspots: here are where accidents are occurring; check specific areas; information is more timely to look at root causes
- ❖ There is a direct impact of DOT presence and visibility on carriers looking for assistance/information on what they need to be doing in order to be in compliance.
- ❖ Pull notice program
 - A CA program that would be useful
 - Whenever activity happens on a license, notices sent

Enforcement

- ❖ As the number of entities to monitor increases, who is going to enforce?
 - There are currently provisions, but no enforcement.
- ❖ Mechanical defects
 - Not as high leverage of a measure
 - Every driver is supposed to do a pre-trip inspection
 - Need enforcement of this
- ❖ All goes back to the company hiring manager on making the right decisions about fit for the open position
 - Regulations can only go so far

Public Dissemination of Information

- ❖ Accuracy is important
 - Agencies then state that it is the responsibility of regulated to prove info presented is inaccurate before information will be changed
 - Inaccuracy causes great harm
 - 25% of accident information;
 - 15% of out-of-service data issues report difficult/impossible to fix
- ❖ CR results are still posted even if contesting CR results. There are 2 forms of adjudication, one of which contests whether the CR was conducted incorrectly
- ❖ What are standards across other regulatory agencies for posting performance results? How important of a factor is this for comparison purposes?

Appendix B3:
Stakeholder Comments by Listening Session
Atlanta, Georgia/ September 28, 2004
Plenary Session

CURRENT STATE

General Scope

- ❖ Not enough dollars or people involved in the process
- ❖ 2% a year is not enough. Visit all carriers
- ❖ Complaint driven system is prone to abuse
- ❖ Lack of partnering outside FMCSA
 - Insurance companies do the same type of audit—FMCSA should conduct CR, educate and give information back to the insurance company.
- ❖ Roadside inspections and out of service and not so effective
- ❖ Some carriers do see importance and thoroughness of good safety program
- ❖ Lack of accountability with shipper compliance

Compliance Reviews and Inspections

- ❖ CRs good:
 - Good tool, welcome by carriers, educational
 - Good for violations, road side inspections
- ❖ Thorough CR but one size fits all is not enough—needs to be more focused
 - Willingness to comply should be focus
 - An all or nothing selection process. Flags are raised when the data is analyzed to find trends and repeat offenders
 - Focus on where there are a lot of trucks (urban vs. rural)
- ❖ Streamline process to get rating. Takes too long to get CR
- ❖ Extend to electronic screening like Prepass
- ❖ Applies to interstate carriers only
- ❖ More bus carriers need to be inspected. Church buses and charter buses should be treated the equally. Currently they are not checked. We are asking for more inspections. Even the playing field with compliance.
 - Motor carriers have to beg for CR
- ❖ To cut FMCSA work load accept DOD ratings. CRs are equal to or more important than DOT ratings. If have DOD, maybe exception from DOT rating, save man power
 - Wastes resources to have state *and* federal CRs
- ❖ Have different types of reviews: CRs for establishing safety ratings and other safety reviews ex) new entrants can have their system looked out without fear of penalty
- ❖ Inspection Time
 - Inconsistency, especially personality differences
 - Need uniformity and standardization across states
 - Auditors at least be on time and focus on task
 - What information should carriers have ready for the inspector when they come. Respect their time, coordination must take place.

Education

- ❖ Educate smaller carriers about CR process
- ❖ With the “come and see us” policy, save time and energy by talking to groups of carriers at once.

- ❖ Letters are not instructional enough. 9 out of 10 carriers don't know what they are supposed to be doing
- ❖ Enforcement officers in position of educating drivers on hours-of-service. Should be carriers responsibility not officers

Enforcement

- ❖ Review officer duties
- ❖ Lack of enforcement
- ❖ Enforcement fines not as helpful, smaller companies can pay without getting a violation statement

New Entrants

- ❖ Too easy to enter the industry
- ❖ Aid effectiveness by paying attention to new entrants and establish a safety rating
- ❖ New carriers are willing to undergo CRs and unable to get one
- ❖ Respectful of the amount of new entrants and not being able to cover more than 2% of the industry due to money constraints by congress and number of bodies
- ❖ New entrants receive a letter with no follow up
- ❖ No rule on new entrants in GA. Historical experience there is a link with the publication date, instead by the total for the day but not by state

Carrier Inconsistencies

- ❖ Danger zone carrier with 25-50 vehicles. For smaller carriers the cost of a safety director is a competitive disadvantage
- ❖ Not enough focus on relationship between financial strength and weakness of carriers

Organize Data

- ❖ Improve Safestat
- ❖ Small carriers are over represented in statistics
- ❖ Hard to correct mistakes in online system
- ❖ System could have great value if rating comparisons were done to inform organizations of their placement within the industry
- ❖ Data stratification: specify driver types and where they drive. Software can help organize information, make records more uniform and easily searchable
- ❖ Problem that ratings can last several years even if the carrier is in compliance now
- ❖ Standardize auditing of law books (highest paid, lack of data)
- ❖ Safestat score does not have a correlation. Need more local law enforcement input
- ❖ Legislation to require Safestat in intrastate carriers
- ❖ Safestat not available to public or safety officers

CASE FOR CHANGE

Comments on Point 1: 'To keep up with increasing volume'

- ❖ Federal government has already invested in technology (ITS and homeland security) Adapt their information and use those additional dollars to help this process
- ❖ Make barriers for starting a new truck company. Require safety classes that will slow incoming entrants, create better quality carriers and indicate who is violating rules
- ❖ 4X year synthesize different review processes that all do the same thing. (DOD, CVSA (on the road) and FMCSA. We haul 2,000 school kids in Georgia, all of the county school board risk people come to inspect as well as FMCSA, too many
- ❖ Put controls on shippers, may need outside help
- ❖ To meet increasing challenges, (legal demands, training drivers and providing oversight) companies need data quickly themselves, can't wait on FMCSA. Need to move faster. Unify efforts of 50 states. Records could be more successful if consolidated and streamlined

Comments on Point 2: 'To meet increasing program demands'

- ❖ Require fee for new entrants. Justify the cost by earmarking dollars to improve safety, compliance, or education programs. If focused and targeted on safety then the industry is paying for its own safety compliance
- ❖ Fines are sent from one place and money sent to another. Money needs to be dedicated to where it is collected, not shifted to another area.
- ❖ Give companies incentive and tools to help them be safe. Use technology to help report things and give incentives not just punishments.
- ❖ Like Tax credits!
- ❖ Terrorism creates huge pressure on everyone
- ❖ Congress and politics create pressure, not much can be done

Comments on Point 3: 'To expand scope of influence'

- ❖ Questions about 2%
 - Does 2% measure the vehicle population or motor carriers? If FMCSA measures motor carriers does that include inter/intrastate?
 - What's the % of category A and B carriers that were covered by CR? If Safestat is an effective system and all bad ones in A and B are checked than 2% is not relevant and it does not matter that 98% were not covered
- ❖ If scope of influence increases, cross state things will as well.
- ❖ Embrace Intra state carriers during the review process
- ❖ Interstate carriers are consistently charged as they cross states, federally mandated
- ❖ Reach the driver. Look at drivers, enforcement and especially education. FMCSA education programs instead of truck association programs. It's more voluntary for drivers to be involved and develop a relationship with FMCSA
- ❖ Differences between Alabama public service and Georgia safety inspections. Problem with driver log violations. Need uniform penalties. In AL if a driver gets a major log violation there is no notification. But in GA he gets a ticket with no points. FMCSA needs to establish uniform points for drivers log violations. This would create fear in the drivers for falsifying their logs.
- ❖ A driver's personal car counts against his CDL. The state affects insurance. Not fair

Comments on Point 4: 'To expand focus of safety assessments'

- ❖ Expansion should not be used for additional regulation, FMCSA should tweak existing regulations not add more.
- ❖ Better define current regulations. Currently, a company must have "appropriate safety controls in place" that leads to interpretation. Systems need to be defined. New carriers need a roadmap and guidelines to follow.
- ❖ Smaller companies rely on drivers to pass along enforcement violations to the company owner. An at-risk driver may have 4 tickets, but the owner has no idea. Must be way to give information about performance to the responsible parties in a timely manner
- ❖ Should be looking at drivers versus carriers, though maybe that expands focus too much, overreaching
- ❖ Public outcry to allow safety data to go across company lines. Now companies hold the information close and hidden. Maybe the public wants to see more.
- ❖ Capture data on driver turnover. Divide number of seats and drug tests; use the data to see where everyone stacks up.
- ❖ My company is in charge of 1600 small motor carriers, we deal with entry and re-entry. We'd love to be a partner and get involved.
- ❖ We license insurance agents, so why not new entrants? Need to require that new entrants pass qualification test and need authority to enter industry

Comments on Point 5: 'To leverage dependency on partners'

- ❖ States already differentiate and look at intra and interstate carriers. FMCSA should take advantage of that and depend on the states to scrutinize
- ❖ Federally funded roads are a sub connection between investment for the best possible roads and the responsibility of users
- ❖ Leverage needed to be open to additional partners. Ex) GA DVS does a new entrance test and educates using enforcement officers. Instead use non-enforcement partner to do test.

Appendix B4:
Stakeholder Comments by Listening Session
Atlanta, Georgia/September 28, 2004
Future State Breakout Groups

Attributes

- ❖ A model program would be in touch with the needs of the industry it is serving. The FMCSA can gain knowledge and be educated about who it is that they have a coercive power over
- ❖ Affordable:
 - Add a component of “affordable,” ask: what are the resources to fund this? Is it affordable for the industry and the government?
- ❖ Equitable:
 - I’m not sure what fair and unbiased means. What is basic, does it really need to be equitable?
 - Does equitable mean that it needs to be enforced across the board or be the same with numbers?
 - Bus people drive churches and senior centers that are not regulated at all (drug testing)—equitable means everyone needs to do it. How do dollars fit in?
- ❖ Performance based:
 - FMCSA should focus on performance. If a company is operating safely, they should concentrate on performance (road side inspections, etc). Safestat is a good start, needs to be corrected
 - I disagree, the current model is reactive not pro-active. Performance is after the crash.
 - Performance is in real time, if I have a good safety process in place then I am performing up to the standard.
- ❖ How do dollars fit in?
 - Congress hasn’t OK’ed Budgets yet
- ❖ Human Resources?
 - Places not filled
 - Money available?
 - Talent available?
- ❖ There’s an attribute mission: openness, communications; these should be focused on changing driving habits
 - Shouldn’t depend upon just using a hammer approach
- ❖ Increasing the barriers to entrance into the business requires different policy and regulatory attributes from Congress

Who

- ❖ Carrier Officials
- ❖ Carriers
 - New entrants
- ❖ Commercial driving schools/3rd party examiner
- ❖ Customer service/operations schedulers
- ❖ Dispatchers
- ❖ Drivers – ultimately the first line of defense
- ❖ Intrastate

- ❖ Leasing companies
- ❖ Operators – they are ultimately responsible
- ❖ Owners of trailers
- ❖ Shippers/mfg. company/customers
- ❖ Unions
- ❖ Vehicle owners
- ❖ Police yourself –
 - Hold everyone in chain accountable
 - DOT should first go to the ownership list
 - Then day to day management
 - Then to driver
 - Trickle down message
 - Start at the state level

Discussions surrounding the Whos

Carrier Officials

- ❖ Easier to avoid compliance
- ❖ Pack up and reincorporate
- ❖ No accountability

Carriers

- ❖ Policies and procedures on enforcement/disciplinary action
- ❖ What:
 - Financial Health
 - Maintenance records to include details such as truck cleanliness
- ❖ What about the addresses of motor carriers so there is a correct census?

New Entrants

- ❖ Educate New Entrants and then manage non-compliance
- ❖ Can't efficiently get to all the new entrants, FMCSA will never get to everyone. So it's better to orient them before they start. Have a certification process for operators
- ❖ It's inefficient to do CRs and reviews one by one. There aren't enough people to inspect all 900 new entrants, doing them in groups would be better. Groups generate more questions and answers in a setting where you can do more than one at a time.
 - In the future new entrants should be worked together in groups, 50, 20 at a time to increase efficiency and reach more companies

Commercial Driving Schools/3rd party examiners

- ❖ Ensure proper instruction curriculum
- ❖ At federal level, monitor fraud

Drivers

- ❖ #1 is Driver

- ❖ Drivers should be assessed to make things fair, equitable and safe. If you are a commercial motor vehicle in the business you should be monitored.
- ❖ Judicial system – by reducing violations, impact effectiveness of system
- ❖ Law enforcement – through education and outreach. Record violation as seen.
- ❖ Monitor driver behavior
- ❖ There is some linkage between MVR records and driving/drivers
- ❖ Revamp drug and alcohol so that it “captures” all drivers
 - Human Resources vs. Safety tensions
 - Issues of invasion of privacy, for example
 - Drug testing procedures need work
- ❖ What to look at:
 - Crash Data
 - Time period
 - Quantity
 - Fault
 - Severity (fatality, injury...)
 - ◆ Only reportable when meet certain criteria)
 - OoS violations/history (road-side inspections)
 - Tickets
 - Data not available on all drivers*
 - Positive things to track
 - Safe miles
 - Lack of Violations
 - Size/weight violations (not only driver but shipper and carrier as well)

Shippers/mfg. company/customers

- ❖ Ensure that not encouraging unsafe practices
- ❖ Not currently regulated. How to bring them under the FMCSA umbrella
- ❖ Collect shipper and manufacturer data on reportable crashes
 - Can the shipper be reliably ID'ed
- ❖ Bills of lading (time stamp vs. delivery expectation)
 - Ties the shipper in.
- ❖ FMCSA can monitor shippers and motor equipment operators. For those that are going out of service more frequently –which carriers do they hire? Do carriers end up being placed out of service? Get an unsatisfactory rating? What responsibility do these parties have?
- ❖ Shippers place unreasonable demands on carriers. The carrier took responsibility when they agreed to take the freight, but shippers are getting lost in the shuffle. If you've got carriers with out of service problems try looking at who the shippers are. If a specific shipper hires 4 core carries and all of them have problems then perhaps the shipper company should be looked at for placing demands on people hauling products. Shippers always get a free ride! They should be treated fairly and equitably.
 - Same thing with bus companies. A tour group wants a bus to drive somewhere and then tour all day. According to the hours-of-service regulations we need to hire 2 drivers for that, but then the tour group doesn't want to pay. So they will go down the list of companies until they find a bus company who doesn't care about the rules. There are tour bus companies that will write up the least possible cost.

FMCSA needs to make the chartering company more responsible when they are knowingly going against the rules

Unions

- ❖ Keeping unsafe drivers on the road
- ❖ Also do request support from law enforcement when driver is pressured by carrier

Leveling the Playing Field

Non-Profits

- ❖ Not a level playing field. Non-profits have to be regulated too. Driver of passengers is under the same controls as other types of drivers (drug and alcohol, safety testing, drivers ed) but not required to do alcohol and drug testing currently
- ❖ Compliance costs money. You pass that cost along to your customers. There is some resistance to absorbing the cost particularly for non-profit organizations (church, senior center)
 - Is a passenger's life worth less because she is traveling with a church group?

Long-haul vs short-haul vs. local

- ❖ Different in frequency and # of inspections
 - Ties into data
- ❖ Short-haul and local have less contact with safety officials

Intrastate Carriers

- ❖ Federal regulation of intrastate carriers
- ❖ Same info needs to be collected and accessible as Interstate. Need to synchronize, uniformity between state/Fed

Operational Characteristics

- ❖ Of the 600,000 some may not be carriers and those involved with trucking (have DOT #s) but those not involved with carriers do not receive CRs. The FMCSA can consider core businesses and include companies whose core business is *related* to trucking.
 - Are you suggesting they should treat Walmart differently?
 - No, with Walmart they are transporting, but their core business is selling things, not regulation and roadside inspections
- ❖ FMCSA makes a mistake with cookie cutter CR/inspections. Hauling freights versus passengers, unique entities need to be treated differently
- ❖ Need to expand the definition of moving type loads like hazmat and tankers, and others
- ❖ Hazmat
- ❖ Passenger carrier charters
 - Need to be sensitive to passenger inconvenience
 - Charter (how to ID?)
 - Over-the-road vs. regular route

Data (Timeliness, Correctness, etc.)

- ❖ What data is available on officials/carriers/shippers?
 - Would need to build data criteria b/c little is available
- ❖ Information needs to be current
 - Available and in a form that is useful
 - How about online? Immediate?
- ❖ Information needs to be uniform
 - Need to track information in order to manage
- ❖ Information needs to be simple
- ❖ Information needs to be accurate
- ❖ Accuracy of data inputted into system like DOT #
- ❖ Ability to correct data
- ❖ What is online-real time? We should get information regularly but we should not be subjected to regular, constant, continuous watching by the government
 - Does it mean devices in all my trucks?
- ❖ Helpful if data compares you to a national average. Be helpful to compare data number to other similar carriers
- ❖ If data is available at your fingertips, are carriers prepared to keep that information updated? No big deal
 - Do I have the ability to go in and correct the data? With current program, it's impossible to change an error in data
 - Data Quality is the key
 - Need way to update information on website
 - If I challenge information on data, I should have 30 days to fix it (with data removed from site) so that you are not penalized during the time it takes to prove and correct the data
- ❖ To get more current data use insurance companies records, integrate with insurance since trucks have to be insured (according to law) why not register a truck when getting insurance. Data is skewed for smaller carriers and they can't fix information/update info fast enough
- ❖ "Least – best" if we have received several clean records- give us a way to show the updated records. The ability to effect the full picture of the situation- allow you to put in updated good news
- ❖ Problem is the static nature of the data. Conditional rating in October 2004 may not have been updated since October 2000. The data is a snap shot and must be a dynamic rating, prepass system where your score changes each day, (reasonable, feasible)
- ❖ Operators need to update their information too. Neither party is updating the system (need to know carrier added 10 trucks)

Accident Data

- ❖ Some accidents are not the fault of an operator, data needs to indicate avoidable accident, if unavoidable is it fair to say that the carrier is unsafe?
 - No, it's not fair, if it's an unavoidable accident- you shouldn't have to pay the price, you can't help what other people do to you
- ❖ Needs to be an understanding that some violations are more serious than others

Big Brother

- ❖ This raises the issues of “Big Brother”.
 - It is up to the company to manage and then if the company stays “clean” the government doesn’t need to be in my business
- ❖ The Big Brother aspect of this is a question. We are already in a Big Brother state.

Self-Disclosure

- ❖ Publish a tool or a format so that carriers could post their own CR
- ❖ Safesyst.org gives highlights of roadside compliance and crash data
 - Behooves us as managers to use the system properly and be more proactive
- ❖ Are they asking us to take more responsibility?

CRs (When/Ratings)

- ❖ 2% CR's are not going to get us to the right place on safety unless they are specifically done by the 80/20 rule.
- ❖ If safety is so important, then CRs need to be more frequent and not allowed to stand for 6 years.
- ❖ If you don't have a CR in the last number of years, it is good still to get a Safe Stat score.
- ❖ A CR every ten years is not often enough
- ❖ What about an expiration date on the score?
- ❖ Real-time adjustment of rating. Continuously updated based on new data (inspections, violations and other)
 - Quarterly or every 6 mos.
- ❖ When in response to complaint, CR should be more focused
 - Have 2 types of CRs
- ❖ DOD inspections, state, insurance and other inspections

Enforcement

- ❖ How can they search to find out information for enforcement purposes? Find out the DOT Number? Other?
- ❖ How about hyperlinks?
- ❖ Need sophisticated search engines like the one in Texas
- ❖ Identification – they need to find models to find carriers to target
- ❖ Enforcement sends the message
- ❖ How many are de-activated when they want to start a company?

Rewards

- ❖ When evaluating a company, instead of just penalizing, recognize the companies that are doing a good job and give them a reward. (advantage of prepass- great way to award proactive, safe carriers)
- ❖ Enforcement officer does review and gives a carrier \$5,000 in fines. Instead give the option to spend \$3,000 on safety and \$1,000 on fines (to invest in the safety program), definable, measurable safety

- ❖ Focus should be reward based. There is a competitive disadvantage to those being compliant. No advantage to being in compliance. ISO 9,000 voluntary program in 2000, perhaps need a safety situation where if my company does a review every few years in order to be certified, that gives an advantage and incentive to go through the process.
- ❖ Change in the future from just crunching numbers to identifying and managing risk as a prerequisite for getting a license. Give carriers an opportunity to correct things not just by penalizing them. Things can change over time, what are the markers to see change? We need different levels of review. Identify and manage risk instead of holding to a requiring a certain number of inspections.

Education

- ❖ How about a way for a carrier to invite in FMCSA and its expertise not as a punishment. Combine Education AND Enforcement.
 - Instead of carrying intimidation, carry techniques to encourage better behavior
 - Could assess auditors by amount of corrective measures they suggest as well as enforcement measures
- ❖ Continue to support uniformity in training
- ❖ Need to train drivers
- ❖ Need to orient drivers
- ❖ FMCSA should have a hot line for drivers
 - You might get a lot of disgruntled comments
- ❖ Start on state level
 - Formal training when companies seek to be set up
 - DOT 101

Public Outreach

- ❖ Education on state regs and federal
 - Can always do more
- ❖ Info at time of registration and at sale and at rental
- ❖ Bilingual, ESL
- ❖ User-friendly FMCSA reg's
 - Not in legalese
- ❖ More education of high-schoolers

Additional Ideas

Structure and Uniformity

- ❖ State and federal should be more consistent.
 - Eg Hours-of-service Help Line
 - FAQ's
 - How to handle interpretations
- ❖ Uniformity isn't guaranteed until you have solid audit routines and performance measures.
- ❖ Health matters

- Defined the same across the country
- Medical providers need to “be on the same page”
- Supporting team also need to be consistent: insurance people, policy people

FMCSA

Communication

- ❖ Need to personalize and connect to people with responsibility and information in companies
 - A huge amount of mail arrives at our company from the gov’t and we can’t figure out who is supposed to get it.
 - You need to update your information on line. There is a Second address line for this purpose

Authority

- ❖ An effective way FMCSA can monitor carriers and control behavior is by issuing and the threat of losing authority.
 - works for those that require authority, not all are required to have authority
 - FMCSA needs to monitor the authority concept as opposed to monitoring the function of transportation. With a MC number meaning you can haul anywhere versus a DOT # of an interstate motor carrier, when it comes to a safety who cares? The authority should have been done away with because if you want to be a carrier then you must comply with safety. Authority is irrelevant if the purpose of FMCSA is safe operations and reduced injury, death and crashes. We need to determine the function of safety and is it meeting the goal?

Scope of Compliance

- ❖ Do we need to do more than CR’s. Shouldn’t we also do education or best practices. Why stop with just CR’s. Compliance is used as a minimum.
- ❖ We need to know and share what works in order to reduce accidents and fatalities.

Regulations are not on driving tests. Maybe they should be.

- ❖ Types of accidents in reference to loads, for example.
- ❖ What are the patterns, for example.
- ❖ Load types – tankers, flat beds, etc.
- ❖ What if I know the statistics about the way trucks hauling concrete has accidents and understood what is considered dangerous, I would be a safer driver.

Size and Weight

- ❖ MCSAP funds for weight/size (may not be an issue anymore)
- ❖ Virtual weigh-station
 - Camera and scales. No enforcement person there. In pilot in FL.
 - Harder to avoid inspection
- ❖ State penalties and federal penalties. Permitted loads.
 - Even the playing fields

National Registry of Drivers

- ❖ Electronic registry of drivers
 - E-notification of inspection notices and violations
 - Education about when/how/what is available
 - Value-added system to speed notification
- ❖ Use a national database that gives drivers the ability to track their hours-of-service data and insert themselves into the process. The database could electronically track information about drivers and inform how safety actions should be taken
- ❖ A national database could track hours-of-service, federal CDL (mandated by the federal government) and let them maintain the driver qualification file to look the driver up and see if he is eligible
- ❖ What are we going to do with all this data? Who should look at this data—State agencies, shippers?
- ❖ Carriers would not likely be managing the database, but FMCSA would seem big brother if in charge of data. So, have a 3rd party who is not associated with FMCSA or shippers. Huge confidentiality agreements needed.

Regulations in Plain English

- ❖ More straightforward language in regulations
- ❖ FMCSA has implemented some other rules, they can do some grandfathering and try to make it fair for all different types and sizes of carriers and drivers

Appendix B5:
Stakeholder Comments by Listening Session
Mesquite, Texas/ October 5, 2004
Plenary Session

CURRENT STATE

General Scope

❖ **What's Working:**

- FMCSA's set of standards which sets focus and direction for carriers works. Continue talking to leaders of organizations to get them focused around compliance and safety
- Having physical presence at the motor carrier's place of business is good.

❖ **What's Not Working:**

- Missing carriers in large metropolitan areas. How often are city buses reviewed?
- Time restraints: lack of adequate time and officers to complete CRS
- Punitive – ineffective
- Ratings are skewed, good inspections are not always documented and there's a false distance between those in and out of compliance
- Follow up and enforcement lacking, should receive FMCSA approval before opening business

Compliance Reviews

❖ **Not Working:**

- company accident data is not cross referenced with hours-of-service violations or the citations used for the CR process
- Complaint process bad. Once a complaint is received and before setting up the CR, there should be an intermediate step between the carrier and FMCSA.
- The same companies are audited over and over

❖ **Players Involved:**

- Many different organizations and agencies with access to companies and conducting reviews
- Concerned as to whether staffing of FMCSA is too top heavy, since there are not enough auditors
- Intra state carriers need to be included in CRs

❖ **What the CRs Do:**

- CRs only look at current regulations, not at safety as a whole-ongoing process
- CRs do not consider safety culture of a carrier, it's a big factor in carrier operation
- more focus on documentation of driver training
- CRs are perceived by motor carriers as ineffective and punitive especially if the jest is to reduce fatalities. The majority of CR time is spent reviewing hours-of-service, rather than being proactive and preventive
- Ratings make no discrimination between outstanding and marginal compliance

❖ **How the CRs Should Work:**

- Performance as measured by NCA values should override individual complaints against a company thereby triggering a compliance review

- Oversight process is labor incentive, CR should address a smaller random sampling of documents
 - Designate certain auditors to audit larger companies and others for smaller carriers
 - Look at driver leasing companies
 - Target the limited resources problem: carriers with good outcomes should have incentive by avoiding a CR if they continue good outcomes
 - Certain factors (i.e. IE maintenance, OOS) should trigger streamlined audits
 - If the out of service score is high in safestat then specifically review THAT area, do not go through the entire CR process.
 - Focus audit on the factor that is the safety concern
 - Broaden safety ratings and avoid re-auditing carriers with a satisfactory rating
 - Non-substantial and frivolous complaints should not warrant a CR
 - Send carrier a questionnaire post CR to ask about the officer's professionalism and CR procedure at their office
- ❖ **When:**
- Why should a company with 95 be able to operate for 5 years without another review?
 - Everyone should be reviewed every 5 years

Safestat and Database

- ❖ **Improvements:**
- Safestat numbers are spotty and inconsistent, good inspections are often not documented
 - Safestat is good but there are serious issues with formula and incomplete data
 - Room for improvement with missing information and errors
 - FMCSA should consider using required electronic driver files. An electronic database would reduce the amount of time inspectors go through paper files
- ❖ **Factors in Safestat:**
- The process is not eliminating bad carriers or bad drivers. Bad drivers can move around through different companies since we do not have sufficient information. The information captured for a database should have a profile that says John Doe has been put out on several occasions.
 - Consider looking only at preventive crashes. 70% of big trucks, only 30% were contributing factors, so eliminate "not at fault" data from record
 - Enter inspection/crash reports into a shared system with states and major cities
- ❖ **Ratings:**
- Crash rating based on preventable accidents rather than overall accidents
 - Broaden ratings, consider DOD ratings and comprehensiveness of the top rating
 - Satisfactory is all too encompassing, add more

Enforcement and Penalties

- Sanctions are too light when compared to EPA and OSHA fines
- States need to take a more active role in disqualifying driver with a serious record

- 45/60 day shut down is effective
- Not eliminating bad carriers

Operating

- Tie drug and alcohol testing to CDL licensing so if a driver refuses to test or does not pass, he cannot operate a vehicle
- Some companies have chosen to decrease break time in order to not go over 14 hour rule (due to traffic or breakdowns) Install a voluntary break per hours driven.
- Some companies tell drivers to log “relieved from duty” when a driver is waiting for a load to fill. Explain this clause better

Inconsistency

- The oversight process is perceived as ineffective primarily because the lack of consistency around officer training. Officers vary in strictness and leniency.
- Concerned about small carriers. A larger carrier is more predominant in an area so they have more inspections and attract more attention. Smaller carriers are not as easy to see, they may drive less miles and have less equipment. They are floating to the bottom and not sparking the interest of FMCSA
- In the Texas standard accident report there is a box that says “possible injury.” It must be checked—even if no one was transported to the hospital. This creates inaccurate data.
- States have different authority to license people. There should be a federal licensing requirement for interstate drivers as a way to track drivers that jump around. Employers should do checks each time a new driver is hired

CASE FOR CHANGE

Comments on Point 1: ‘To keep up with increasing volume’

- ❖ Involve other resources. It’s unrealistic to do a CR every year on all motor carriers. Use independent contractors to assist with inspections and draw on other means than direct contact to conduct CR
- ❖ Use 80-20 rule—80% of the problem is caused by 20% of the people. Eliminate problems from front end and reduce time.
- ❖ Relieve burden by asking information from motor carriers to indicate if they are in compliance. Like an IQ test, ask about number of drivers. If a company has 100 drivers and only 10 are being randomly tested for drugs then that’s a problem.
- ❖ Be user-friendly with automated phone resources and faxing in renewal forms. Make things easier for us and for you.
- ❖ Adapt and modify the DOD contract that requires companies to pass a prescreening survey to see if they need to do a safety assessment. If can’t pass that means a carrier is not compliant from the get-go.
- ❖ Better use resources, reduce time and create specific selection criteria for CRs

Comments on Point 2: 'To meet increasing program demands'

- ❖ New entrants should demonstrate fitness for duty before operation begins. Takes almost nothing to get operator authority, include a mandatory training class
- ❖ Follow up and get bad people out of the industry. The federal maritime commission and other transportation committees have information on officers and directors. They require a certain amount of experience before being qualification.
- ❖ Remove non-active carriers from the system. An outdated database inaccurately increases the carrier population.
- ❖ Are there current programs that are consuming resources? Look at program value and whether or not programs provide return for safety dollars. Extra funding could be allocated towards better safety programs.
- ❖ CRs need to be more educational for the carrier instead of a check-up on compliance
- ❖ Use data to determine which carriers to audit (25% new entrants, 25% on A, B list, 25% complaints, etc)

Comments on Point 3: 'To expand scope of influence'

- ❖ Reconfigure mcsap money, do not waste on road side inspection
- ❖ Help with education. Require leaders to go to regional safety education seminars sponsored by DOT and trade partners (educate on hiring, inspection procedures and accident measures)
- ❖ Get industry on board and ease burden by getting industry to do what FMCSA wants to accomplish
- ❖ FMCSA partnership with FTA (city bus transit). They currently have no enforcement arm, so city bus operations never get reviewed and it shows.
- ❖ We would rather have feds maintain mcsap dollars and CRS because then all would meet same requirements and benefits and be consistent among states. Different enforcement agencies read possible injuries and accident reports differently.
- ❖ Local law enforcement should share state information, standardize reporting forms
- ❖ Automation of data sent to DOT prior to a CR
- ❖ Questionnaire, phone calls, mail outs to contact carriers
- ❖ train and change the system to prevent the "out of site, out of mind" approach to small carriers

Comments on Point 4: 'To expand focus of safety assessments'

- ❖ Create national standardized program that the driver goes through every 2 years to update his skills and reduce crashes
 - Driver schools only teach enough for drivers to pass the CDL test. Depends on company to fully train drivers.
 - Airplane and train operators go through standardized, remedial training. Truck industry does not.
 - Minimum 12-week schooling for new drivers. (8 weeks of time backing, 4 weeks of learning the rules)
- ❖ Expand investigation to driver level and not just company level.
- ❖ Companies do not get credit for corrective actions like firing drivers. May not know they have a problem until something occurs
- ❖ conduct a carrier closing interview

Comments on Point 5: 'To leverage dependency on partners'

- ❖ Communicate and share information between US customs and federal agencies.
Speeds up boarder safety inspections by knowing the US DOT #
 - US customs should share information with commercial vehicles
 - need to know what hazmat materials are crossing the border
- ❖ Standardized manner for states to notify carrier that a driver received a violation. tell the carrier their drivers were stopped
- ❖ Why have adversarial relationship with OSHA—VPP programs? We ought to want to invite FMCSA in to do things with us instead of dreading the required visit.
- ❖ Expand relationships and incentives to partner with agency.
- ❖ Require insurance. Currently, neither Sdot or USDOT catches uninsured carriers - They borrow ICCS and DOTS from others, invent phony IDs and insurance cards.
- ❖ Include no-zone training, sharing the road with trucks and buses for noncommercial drivers as basic defensive driving technique in driver's Ed. Work together, educate about highway hazards.

Appendix B6:
Stakeholder Comments by Listening Session
Mesquite, Texas/ October 5, 2004
Future State Breakout Groups

Attributes

- ❖ Performance based: identify and target those with poor performance, create incentives for those that are demonstrating the ability to manage the outcomes themselves to an exceptional level
- ❖ Clarity for regulated industry. FMCSA should provide resources so that carriers can do self-assessments
- ❖ Clarity of partnership: create a program where FMCSA works with carriers
- ❖ Ease of use for the carrier: CR process, records for review, check list for carriers. There is so much information, make is simpler.
- ❖ Accurate and timely data
- ❖ Speed up, enhance information and data to and from FMCSA (accident reports)
- ❖ Regulated carriers are business operations. Anyone who owns a truck must know what is going on. Trade associations are currently sending out information, this information does not reach everyone
- ❖ Guidance and regulations are written in plain English (keep it simple)
- ❖ Has consistent description of everything across the board
- ❖ Set goals that are attainable and complimentary to those of other agencies
- ❖ Work closer with states and with federal agencies (to share information and achieve efficiency)
- ❖ All stakeholders (public and private) work together to achieve common goals
- ❖ Stronger partnerships with insurance community (to help achieve overall reduction in cost of risk)
- ❖ Should include clarity and measurability.
- ❖ Eliminate subjectivity as much as possible; reduce interpretation
- ❖ Proportionality
- ❖ Size of Operations
- ❖ Number of complaints/size
- ❖ Area of Operations
- ❖ Fairness - Interstate and Intrastate should be handled evenly. _Feds now have authority?

List of Whos

- ❖ Brokers
- ❖ Carriers
 - New Entrants
- ❖ Consortia
- ❖ DOT officers and inspectors
- ❖ Drivers
- ❖ Driver Schools
- ❖ Leasing Companies
- ❖ Medical Practitioners
- ❖ Owners
- ❖ Safety Personnel
- ❖ Shippers
- ❖ States
- ❖ Vehicle Observing Companies

Discussions surrounding the Who's

- ❖ Drivers, owners and safety personnel should be grouped together as far as priority

Carriers

- ❖ Carriers hold liability
- ❖ Motor carriers should be the main emphasis, targeted towards the poor performers and those with a conditional rating
- ❖ How: Mandate carriers access to the driver/data database to regulate drivers
- ❖ We are asking for too much regulation, its up to the carrier to get the job done and get the information. FMCSA can help us get access to information.
- ❖ Shifting policing function to carrier is touchy in this economic environment.

New Entrants

- ❖ New entrants – evaluate them to see if they are up to standards before entering.
- ❖ Check to see if the carrier is an old carrier under a new name
 - licensing application process would need to be changed
- ❖ Currently no follow up and background screening of new entrants
- ❖ Improve new entrant program with stronger control, safety audits, testing, safety fitness programs
- ❖ Look at acute and critical violations – if poor processes put them out of service until in compliance
 - Some new carriers put out of service for 30 days when they do not receive their warning letter
- ❖ New entrants should alert FMCSA of cell phone numbers, not just land line so that they can be tracked when on the road
- ❖ To contact all new entrants entering per year, use contracted auditors instead of enforcement officers.
 - Third party contractors for other FMCSA activities, especially those without an enforcement action associated.

Consortia

- ❖ Oversight of consortia – following regulations, time of testing, DPA, etc.
- ❖ Consortia-are they following the regulations for providing documentation, random testing, accurate reports
 - Small motor carriers rely on consortium to keep them in compliance. Difficult to help people comply if the consortium does not know the rules.

Drivers

- ❖ Drivers need stronger say on when shipment can be delivered

Assessment:

- ❖ When carriers come out of service—it doesn't impact the driver.
- ❖ Drivers need to be assessed (Out of service, drug testing, citations, and warnings).
- ❖ Rate drivers more heavily, since there are more of them
- ❖ Driver behavior and the effectiveness of driver training should be assessed

- ❖ Drivers - crashes, roadside inspection history (pass rate and why they didn't pass), tickets, MVR
 - Every state varies; need consistency with tracking violations
 - Cities too. City, states, counties and feds need to be on the same page

Accountability:

- ❖ More accountability to the driver to follow regulations such as hours-of-service
 - Create more visibility and penalties for not complying.
- ❖ If information successful and driver held accountable then when he tries to jump ship then he won't be able to get a new job
- ❖ Shortage problem but if held accountable will do better job
 - FMCSA should not be worried about shortage, but holding them responsible will improve safety. As long as driver with bad record is allowed to switch companies, then safety will not be improved. Must be accountable in some way.
- ❖ Given shortage of drivers, only so much pressure can be put on the drivers before they walk.
- ❖ Problem of people hopping across carriers
 - If carriers knew about people hopping they could do something

How

- ❖ License Renewal - requiring training before licenses can be renewed
- ❖ Alternative method: Measure them on their own private time – how do they do driving in their personal cars with their regular license. Then any citation received on their personal time goes to CDL
 - The insurance companies watch this so what's the problem!

Education

- ❖ How many caused by young drivers? Education of young drivers really important. What about questions on drivers Ed tests.
- ❖ They mention farm vehicles on the test but not commercial vehicles
- ❖ Provide more comprehensive driver training on an on-going basis

Driving Training Schools

- ❖ Trainers – some monitoring or minimum reviews, standards, have guidelines and certifications
 - What about over-regulating? A rule was just passed on training.
 - Didn't go far enough. Doesn't address defensive driving.
- ❖ Quality training
 - Should it be regulated?
 - It should be consistent; the question is how to do that
 - Truck driving schools? Professional accreditation

Medical Practitioners

- ❖ Certification of physicians and medical practices, need consistency
 - Many doctors are not kept up to date with the new changes and guidelines

Owners

- ❖ Owners have the money so they should be regulated
- ❖ Owner's history of prosecutions, unsatisfactory ratings
 - Don't change their name, penalty assessment if they do change their name
- ❖ Owner of company should be prevented from setting up new company
 - Carriers shouldn't operate under multiple entities
 - A lot is involved; some have no insurance
- ❖ Carriers need to declare who management is
 - They have to do that in some states

Safety Personnel

- ❖ Safety personnel-core performance of their organization, education - certification and recertification

Shippers

- ❖ How many shippers are asking drivers to violate hours-of-service? Look at shippers to see if there are a certain few that are putting the pressure on the carrier industry
 - drivers log has shipping information, a specific shippers name may be linked to forcing out of service hours
 - Need to police that somehow, enforcement.
 - Large shippers are the ones involved. They need regulation and a specified penalty. Small shippers do not have as much leverage
 - Example from Hazmat industry. Waste - from cradle to grave - everyone in the chain is responsible for the disposal. Give shippers responsibility in addition to the carrier. Penalty is liability. Make shippers accountable for hiring carriers.
 - Responsibility of shipper to choose good carrier, not just the guy with the cheapest rate.
- ❖ Shippers - controlling beginning of process, the source
- ❖ Setting expectations with shippers (Note: there is no accountability with shippers on what they ask carriers to do. Maybe shippers can be involved in this process)
- ❖ Widen Scope: Shippers and Receivers should be held responsible for demands put on driver
- ❖ Proper identification of shipped goods

States

- ❖ States need to notify carriers about suspended drivers
 - Have heard it is an issue of no funds
 - Maybe there are technologies to do this. How much does email cost?
- ❖ Hold states accountable on crashes and roadside data
- ❖ FMCSA should encourage states to do more criminal prosecution when carriers do not comply with CRs
- ❖ Funding is a big issue. FMCSA needs to find funding for states to maintain compliance.

Vehicle Observing Companies

- ❖ The vehicle observing companies...companies get those reports and do not follow up on them. That should be considered, too. They might be doing it – having the sticker on their truck but it is for show. It's not something they monitor.

Leveling the Playing Field

Need to accommodate operational characteristics

- ❖ Define Risk: Hazmat and people carriers are not more risky. Should not be what is carried, it should be their process, no matter what their load is.
 - Risk issue triggers CR
 - Political environment affects this, however
 - 70% of accidents caused by four wheelers.
- ❖ Bus industry operates differently from the trucking industry - hours-of-service
- ❖ Compare companies of same ratio and classification by industry segments (there would most likely be 10 segments)
- ❖ The size and weight measure should be normalized based on the location of the citation
- ❖ Urban drivers and over the road – can we find a way to compare and equate the circumstances (surface transportation classification code, perhaps)
 - Decide consistent class of vehicles: motor coach, school bus, cutaways, etc.
 - Reality check – hazmat are going into a new checking program.

Data

- ❖ Safety performance and operational characteristics should be the priority of what is look at for assessments
- ❖ Stronger emphasis on history record of the company (trending is a key factor for insurance carriers)

Measures

- ❖ The number of man hours used and worked should be measured instead of just using miles
- ❖ Establish a benchmark for total collisions per miles driven (Could use OSHA data as baseline)

Data Collection

- ❖ Carriers input information on safety programs into a computer system so that the FMCSA does not need to do as many on-site reviews
 - Some carriers so new that they do not know what to put in the system. Need education and information. Make a website, a manual.

Data consolidation and availability

- ❖ Merge existing information: CDLIS, crash data, roadside inspections to asses the good guys and bad guys.
 - Some of this information is collected but not shared. Motor carriers do not have

- Intra and interstate
- Need central database for drug testing. Regulatory relief because it will be a one stop shop and less need for doing checks.
- ❖ We need a national registry for CDL, for drug use and testing
 - Some states link current health with CDL
 - Arizona you can get a CDL good for 25 years!
- ❖ National database versus a national pointer system (CDLIS) to contain safety performance - records, drug and alcohol testing, roadside inspections...pool results into one source.
- ❖ FMCSA look at merging databases into one.
- ❖ FMCSA has some of this information, it just needs to be reviewed and consolidated (trace old carrier information) and match DOT numbers
- ❖ Establish a system to capture and use accurate data
 - Complete 150 form every year to capture updated information
 - Capture updated information from insurance companies as well
- ❖ Publish all 6 CR scores (so that interested parties can have a better understanding of the performance rating)
- ❖ Data should be available but needs to be explained.
- ❖ The data on safety is used for business decisions and for marketing. We tell people our Safe Stat stuff.
- ❖ Public safety versus private safety of a national database. Government not releasing all information.
 - Need:
 - Central repository for positive drug and alcohol results
 - Results of roadside inspection and accident history by driver (already contained in safestat)
 - Employer violation notification program (similar to California PULL notice program)

Data Quality

- ❖ The information needs to be up to date and proper.
- ❖ Provide better avenue to contest inconsistencies in data

What Data to Collect

- ❖ Focus more on using data that comes from a dependable source such as DOT, insurance coverage information, roadside citations, and inspection data.
- ❖ Crash indicators
 - This is the best measure of safety
 - It should be established based on a rate that is determined by the driving environment or operations circumstances
- ❖ Accident data compared against citations issued and hours worked
- ❖ We need to know whether crashes are related to drugs, etc. things they are targeting.
- ❖ Causality issues
 - There are very few crashes that relate to drugs.
 - Hours-of-service and fatigue are two different issues. Separate them.
 - Few accidents are because of mechanical malfunctions.
 - Why watch and inspect this so closely when the cause is the driver?

- Enforcement community is emphasizing the wrong thing.
- Causality – you follow the rules but there is always an element of human error
- Preventability does not equal causality
- ❖ Measure preventable accident rates
 - Issues isn't the standard
 - Issue is that the goal counts instead of whether you had any control in the accident.

Ratings

- ❖ If a carrier has an unsatisfactory rating and then improves, that progress should be reflected in the ratings
- ❖ The history of a rating should be visible
- ❖ Unsatisfactory rating is proposed for 60 days, to give carriers a time to fix problems
- ❖ Ratings should be more graded, for example one to five and that would allow a degree of discrimination. This would allow FMCSA to allocate resources better.
- ❖ Establish a Grid System which could allow clarity around both accident records and roadside ratings

Compliance Reviews

- ❖ Use data to discriminate the problem children and then monitor them
- ❖ What one CR statistic in last two years – how many are on the A list and the B list?
- ❖ Conduct smaller scaled audits (aimed at specific departments of a company) and make the scoring from that audit a condition for renewing certification.

Indicators for Administering a Compliance Review

- ❖ Preventable crashes
- ❖ Vehicle inspections
- ❖ Crashes are the outcome. Everything else should be driven from that outcome. Focus on the regulations that are most likely to produce the outcomes.
- ❖ Financial state- when companies are in trouble the first programs cut are usually safety and maintenance.
- ❖ the age of the fleet, especially if not updated frequently.
- ❖ Driver stability / driver turnover. Stable workforce with strong management is basic. Deterioration in one of the other leads to problems
 - Subjective measure of strong management– using objective characteristics
 - What is a good turnover rate?
 - 60%
- ❖ Look at the key elements of a carrier's safety program
- ❖ History of the motor carrier, the drivers, how many companies the owner has closed and re-opened

Frequency and timing of safety assessments

- ❖ Before you are granted authorization authority (note: this assessment should be a requirement before the authorization authority is granted)
- ❖ At least once or twice a year

- ❖ When a company has been given a “bad” collision record based on internal audit/review of recent history
- ❖ When a company gets an “unsatisfactory” rating or a “conditional” rating within 180 day timeframe
- ❖ If you don’t complete a 150 form your operations authority should be pulled or you should loose your insurance. FMCSA would be responsible for pulling the operations authority.
- ❖ When there is a reason
- ❖ Ten years vs. yesterday is a big difference. It’s irrelevant when it gets to be ten years old
- ❖ Major wreck
 - Commercial vehicle’s fault?
 - Now just fatality numbers
 - Make it preventable fatality
- ❖ Perform CR with a rating in the first 18 months.
- ❖ Lesser type of analysis – to catch low lying fruit

Roadside Inspections:

- ❖ How about roadside inspection that put you out of service. Given to drivers, not carriers

Regulation

- ❖ Ideal world like to see stricter out of service regulations, drivers getting civil penalties. Obstacle- states and local rights
- ❖ Carriers want less regulation
- ❖ Apply the “keep it simple” rule to all rules and regulations
- ❖ Regulations need to be simple and consistent across all states.

Enforcement

- ❖ Certain violations become just a cost of doing business – some should literally make carriers go out of business.
- ❖ Strengthen penalty for out of service violation
- ❖ Sometimes a truck company is taken out of service but the driver is not given a ticket
- ❖ What if a driver is out of service but has to move the truck out of the inspection area?
- ❖ Management response to violations isn’t given any credit
- ❖ What violations affect the CDL?

Education

- ❖ Train officers at borders to prevent invalid violations from being issued.
- ❖ Education and certification for all the entities discussed (physicians, consortiums, new entrants, etc)
- ❖ FMCSA should provide computer interactive training on their website
 - Feds have the ability to do the research and develop good education courses.
- ❖ Be careful. What is the goal? To get safer drivers on the road or to certify training?

- ❖ Could use review and input on safety training – it would help to know what works and is good
- ❖ Redirect dollars to education and enforcement

Additional Ideas

Technology

- ❖ Technology is helping on speeding – but governed trucks still can be jiggered with.
 - Not so – very hard to get to those without codes

Other good programs

- ❖ For frequency- FAA has a good program, look at that
- ❖ DOD doesn't just look at minimal compliance; they also look at safety programs to equal a complete profile
 - Provides incentive
 - Introduce elements of profit incentive

Partnerships

- ❖ Partnership must include an exchange of information with federal government so that we can make proper decisions with proper information (CDLIS)

Driver Disqualification

- ❖ What matters is On the Road Performance!
 - State is the only entity that can disqualify driver
 - States need to disqualify drivers
 - If they were doing their job we wouldn't be working this issue
 - What about giving carriers some support in disqualifying drivers?
 - Protect them from litigation, for example.

Proactive Approaches

- ❖ Allow regulated community to be pro-active. Easy to put authority based on safety rating. Licensing requirements should mandate an additional test (perhaps over the internet) every 2 years to make sure driver re-qualify.
 - So that the motor carrier is not always burdened with the training and updated changes.
 - Motor carriers cannot address everything.

**Appendix B7:
Stakeholder Comments by Listening Session
Chicago, Illinois/ October 12, 2004
Plenary Session**

CURRENT STATE

FMCSA's role

- ❖ We want a partnership program rather than an adversarial relationship. As carriers we wish to work with the governing bodies and get the bad guys off the road. There are more positive outcomes with running a quality company with an emphasis on safety.
- ❖ Lack of contact with the FMCSA. More visibility and ease of contact.
 - Too many recorded messages and not enough real people available to answer questions by phone.
- ❖ Fear of FMCSA oversight

Safestat

- ❖ Safestat cannot tell the whole picture of a carrier since it's just a snap shot.
- ❖ Are good inspections recorded into safestat?
- ❖ Safestat should be organized by mileage instead of number of units.
- ❖ Safestat looks at carriers with bad marks, the system is reactive not proactive.
- ❖ Safety ratings are affected by unimportant factors. If a motor carrier is rear-ended the driver is not at fault, yet that crash incident is recorded on safestat.

Compliance Reviews

- ❖ CRs are effective for changing short term behavior, on a case by case basis.

Who is Audited:

- ❖ CRs are limited, reactionary and time consuming
- ❖ Why doesn't the FMCSA check back or follow up?
- ❖ The 2% does not include mom and pops carriers
- ❖ Inspectors re-inspect when a company has a satisfactory rating.
- ❖ FMCSA currently goes where they can get the biggest bang for their buck by choosing to audit the bigger companies with thousands of trucks rather than the small 4 truck companies. That's where the 2% comes from. The larger carriers are usually compliant since they are always inspected.
 - concentrate more on smaller carriers that do not have strong safety programs
 - smaller companies get lost easily as they do not tend to join associations or go to meetings
 - use email to distribute information to carriers

Who Conducts the Audit:

- ❖ Look at using outside firms (insurance, private, certified to do special process) to conduct parts of a CR. Carriers would have no problem with non-FMCSA inspectors auditing them as long as the reps are qualified in making the safety assessments

How the Audit Works:

- ❖ Oversight is data driven, but CR is not risk based so this is inefficient. CRs go through all 6 factors of a review instead of focusing on the reason the carrier has been tagged.

- Concentrate on out of service carriers and target their reason for being out of service
- More targeted and efficient
- ❖ CR filtering methodology is arbitrary, x was triggered the visit but a whole review is done
 - focus selection on the “need” area

Partnerships

- ❖ Partnership between industry and enforcement as well as outreach to the public.

Drivers

- ❖ Lack of driver control since the system fails to track drivers. Bad guys can go from one company to the next since violations stay with a company and do not follow the driver.
- ❖ Negative inspection results should follow a driver (attached to their CDL). Is his bad record indicative of the entire fleet? This would keep carriers from hiring drivers with bad records.
- ❖ Driver Medical examiners need to be certified. Driver’s health assessment should be available, as not all drivers will tell a company.
 - Possible central database of driver information
- ❖ Limit CDL renewal to 2-3 years
- ❖ Quality of the driving force specified with clear MVR’s, number and type of violations. Changes in these numbers can be an indicator of a poor driver.

Inconsistent

- ❖ Selection process for CRs is inconsistent and undefined.
 - Deal with complaints in a standard way since they prompt reviews
 - Re-define process of investigating complaints. Frivolous complaints can trigger a review. Non-frivolous complaints need to be defined and frivolous ones omitted
- ❖ Length of CR experience varies from 2 days to 6 weeks
- ❖ Lack of enforcement uniformity in writing violations for safestat
- ❖ Marginal, limited in scope, inconsistent enforcement (feds/state, legislative/judicial)
- ❖ Hard to compare data points of fatalities between bus crashes and carriers

Roadside Inspections

- ❖ Roadside inspections are not a good indicator since they are inconsistent and discretionary.
- ❖ No credit given to those who pass the roadside inspection

New Entrants

- ❖ Prevention and education work a great deal to lower the number of new entrants. Carriers want to comply they just do not know how.

Oversight Process

- ❖ Being in compliance does not mean a carrier is a “safe” operator
- ❖ Completing paper work does not equal safety

- ❖ FMCSA is focused on licensed carriers, but can they recognize the unlicensed carriers running with authority?
- ❖ Authority issues are not being enforced
- ❖ Fails to account for industry differences. Shotgun approach to regulatory compliance. Level the playing field within the industry

Law Enforcement

- ❖ Law enforcement training is functionally based, WI-track data, only 4% checked out by fully trained people. It's more likely that crashes are the responsibility of unregulated motor carriers
 - Oversight relies on roadside activity. Insufficient training of law enforcement officers.
- ❖ Accountability for law enforcement reporting accuracy
- ❖ Need accident report guidelines, lots of problems occur with safestat because of miss-information and checking the wrong boxes on the accident report

CASE FOR CHANGE

Comments on Point 1: 'To keep up with increasing volume'

Agreement:

- ❖ Need to catch up with what is there now and keep up.
- ❖ Economic realities show decreasing resources for all areas including enforcement, law, rail partners, etc. The percentage will become less than 1% if we do not change.
- ❖ Already a driver shortage, what happens with increased volume expectations?

How to approach the problem:

- ❖ 45,000 new entrants is a lot to handle. To control industry FMCSA should look at Non DOT carriers, local businesses and exempt carriers.
- ❖ It's easy to get DOT authority. Look to raise the bar on authority criteria. There should be an investigation before issuing a license to prevent repeat carrier offenders from re-opening business under a new name.
- ❖ Create a barrier for companies trying to reopen under new DOT # and attempting to start a new business after being shut down
- ❖ Mandate training for new carriers before they enter
- ❖ Certified 3rd party outsourcing

Comments on Point 2: 'To meet increasing program demands'

Agreement:

- ❖ Increase in program demands requires more resources
- ❖ Related demands are entry into Mexico, security issues with terrorism, hazmat carriers, language barriers, states don't have resources to educate and enforce.

How to approach the problem:

- ❖ DOT classifications. View the following differently:
 - private fleets
 - LTL

- TL
- intermodal
- shippers/logistic providers
- ❖ FMCSA needs a certain amount of trust and cooperation from the industry otherwise enforce will fail. Strong consequences are needed.
- ❖ Disparity between intra and interstate carriers (federal standards should apply to all). Many fatalities are from the intrastate population. To justify the need for change, focus on reducing those types of collisions.
- ❖ Some intrastate carriers give back federal money because they don't have personnel to complete CRs. Encourage states to expand their partners. Funding could be tied to performance of intrastate carriers.

Comments on Point 3: 'To expand scope of influence'

Agreement:

- ❖ Need broader sampling than 2%
- ❖ Scope of influence versus productivity costs

How to approach the problem:

- ❖ Decentralize efforts. FMCSA (Fed DOT) should audit and train the state DOTs to find the under trained and the non-reporters.
- ❖ For new entrants post a bond to cover the cost of pre-entry safety certification and rating, conducted by a certified 3rd party examiner.
- ❖ Make drivers and owners more accountable. Perhaps create a self-audit process similar to completing your tax returns with increased penalties.
- ❖ FMCSA should get involved with the driver training process and serve as a resource
- ❖ Expand scope to include other aspects of the DOT (car drivers). Use the DOT educated and certified perspective to teach others how to share the road with trucks.
- ❖ Influence over shipping community, hold them accountable to safety too with time tables and block/breaking capacity in industry.
- ❖ Federal government gets updated information. Send this to state enforcement so states can understand what they are supposed to be enforcing

Comments on Point 4: 'To expand focus of safety assessments'

Agreement:

- ❖ Some states are missing DOT numbers.

How to approach the problem:

- ❖ Enforcement necessary at individual driver level. Drivers know enforcement happens at the carrier level so they can get away with more.
- ❖ Track both drivers and owners of company so they do not resurface. Need universal database for tracking. Perhaps use 'transportation cards' that all industry stakeholders carry with containing important data (employment history, medical history, identification).
- ❖ Use grades for drivers. Grade company proportionally (index)
- ❖ Carriers can market themselves on how safe their drivers are. Safe company with only A or B drivers. Index the number accounting for the difference between a carrier with 1000 drivers and 10 bad ones versus 20 drivers with 10 bad ones.

- ❖ Federal CDL for uniform requirements, compliance and public awareness of trucks and cars since they need to share the road

Comments on Point 5: 'To leverage dependency on partners'

How to approach the problem:

- ❖ Regular audit/training of State officers to keep stats consistent.
- ❖ Leverage association partnerships with
 - insurance companies
 - medical community
 - Prepass
 - state agencies
- ❖ Educate public and brokers about trucks, some responsibility back on them
- ❖ Need to have federal and state consistently in cooperation
- ❖ Partners with the national medical certification community
- ❖ Focus partners on causal factors. Quality is an issue, so only use qualified 3rd parties.
- ❖ Dependence on federal regulations, should focus more on results. Assess the safety culture of individual companies and states. What is a carrier's tolerance to loss and poor performance? Measure the quality of a carrier's driving force.
- ❖ Insurance companies are good partners. Their client's safety is the bottom line.
- ❖ Partner with driving schools and Mexican drivers
- ❖ Concerned about budgetary constraints. Not sure partners can work based upon state issues. 3rd parties help with CR administrative work (imputing carrier data into the system). A specialized investigator is not needed for that. If 3rd parties are used, must have quality training, oversight and certification.

Additional Cases for Change

- ❖ To prepare for open boarder crossings between Canada/US/Mexico
- ❖ To respond to economic factors.
 - Justification from cost stand point: spend more on enforcement or barriers to new entrants in the market? Does it make sense to put the burden on the enforcement people? If enforcement is increased then it may create barriers to entry.
- ❖ To increase limits of liability

Other Comments

- ❖ Offer incentives and record positive behavior
- ❖ Educate others about driving with trucks, truck blind spots
- ❖ Certify safety coordinators at carrier companies. Help those in the industry learn more.
- ❖ Work in conjunction with driving schools, especially Mexico
- ❖ FMCSA Communication improvements:
 - more user friendly website
 - better explanation of why credit card needed for a no change service
 - make available form templates on website

Appendix B8:
Stakeholder Comments by Listening Session
Chicago, Illinois/ October 12, 2004
Future State Breakout Groups

Attributes

- ❖ Educational
- ❖ Successful
- ❖ Uniform
- ❖ Accessible
- ❖ Measurable
- ❖ Security-minded
- ❖ Informed
- ❖ User friendly / easily understandable
- ❖ Targeted toward the root cause
- ❖ Encouraging new technologies
- ❖ Dynamic (change to accommodate issues)
- ❖ Attributes are good but require shift in FMCSA's organization. Need to be able to extend boundaries.
 - i.e. equitable – right now one size fits all but fits no one (current state)
- ❖ Performance-based – uses accurate and timely data
- ❖ Clarity – assessment criteria needs to be clear and understandable to all stakeholders
- ❖ Attributes listed are good but need to address current issues
- ❖ Definitions needs to be defined in more detail
 - Less subject to interpretation
 - Balancing act
 - Which ones?
 - What are the parameters for subjectivity?
- ❖ Regardless of attributes, boils down to quantifiable results
- ❖ Cooperation – success is dependant on cooperation between entities
- ❖ 1 set of rules regardless of inter/intra/etc.
 - Current authority is not there
- ❖ Consistency – across states and localities
- ❖ Standards (consistency of training)
- ❖ Realistic/practical—needs to be grounded
 - What is current system/not working/is working
 - Boundaries
- ❖ Measurable- use benchmarking
- ❖ Incremental
 - More categories in rating system
 - Like credit score- tells you right where you are
 - Overcome one-size fits all
- ❖ Understandable
 - The meaning behind Safestat score
 - Don't need 6 interruption letters to understand
- ❖ Implementable – for all kinds of carriers
- ❖ Attainable- use reasonable resources
- ❖ Align / in line with
 - FAA, DOT
 - “Line up” with what others have in place for safety

- Avoid contradictions/conflicting
- ❖ Cost effective
 - Spend money where there is value
 - Do all 6 factors need to be assessed?
 - Does someone have to physically be there for several days? Do quick or ½ day based on onsite, rest from offsite

List of Whos

- ❖ All entities with a DOT #
- ❖ Brokers
- ❖ Carriers
 - Unregulated companies
 - Small Carriers
 - Carriers with Conditional rating
 - New Entrants
 - Fleet Providers
- ❖ Drivers
- ❖ Driving/licensing Companies
- ❖ FMCSA
- ❖ Insurance Companies
- ❖ Local law enforcement officials
- ❖ Maintenance
- ❖ Operations People
- ❖ Owners of equipment
- ❖ Shippers
- ❖ States
- ❖ 3rd Party Providers
 - Commercial Driving schools
 - Consultants (transportation)
 - Inspection Personnel
 - Medical providers/professionals
- ❖ Tow companies

Discussions surrounding the Whos

Brokers

- ❖ Transit time requested
- ❖ Whether drivers with satisfactory rating are being used
- ❖ Accountability
- ❖ Fair expectations

Carriers

- ❖ Crash statistics: at fault verses preventable
- ❖ Heavier weighting on safety measure
- ❖ Fatality statistics for unregulated companies
- ❖ Intra state crashes and inspections

- ❖ Repeated use of companies with poor safety ratings – risk
- ❖ *concentrate on DOT accidents that are preventable
- ❖ Focus on auditing accidents
- ❖ Target carriers with high accident frequency, then find bad guys from there

Unregulated Companies

- ❖ Regulated inter/intra state companies over 10,000lbs.

Small Carriers

- ❖ More enforcement for the smaller carriers
- ❖ Small carriers should show they meet certification requirements
- ❖ Extra effort to incorporate the smaller carriers

Carriers with Conditional rating

- ❖ Currently no incentive
- ❖ Needs follow-up within 6 months*
 - If not address within 1 year* then they should be put out of service
 - *Time frames require further evaluation. Dependent on condition (acute vs. critical)

New Entrants

- ❖ Mandatory attendance and successful completion in training program, i.e. OK program, before obtain authority to carry
 - Then enforcement

Service Fleets (contractors, constructing, intrastate fleets)

- ❖ See above, same as motor carriers and equipment providers
- ❖ What:
 - Uniformity on DOT audit for non-DOT trucks/carriers, i.e. buses
- ❖ How:
 - Lower/higher out of service standards for high profile carriers
 - Follow radioactive guidelines/scenarios
 - Roadside

Drivers

- ❖ Quality
- ❖ History
 - Accident and violation frequency
 - Drug and alcohol tests
 - Notifications from state licensing
 - Could help with companies who are changing DOT #s
- ❖ Scoring system similar to carriers
 - Centralized database
- ❖ What
 - OOS history
 - Drug & alcohol

- MV history
- Valid license by state
- Log violation
 - Needs to be attached to license
- Accidents (more detailed about incident)
 - Help predict trends
- Background checks
- Accident records
- Out of service violations
- Drug and alcohol testing
- Moving violations
- ❖ How
 - Central database at national level
 - Register drivers?
 - i.e. CA pull notice program
 - i.e. Mexican CDL program (b/c of speed of deployment – a recent program)
 - Hold driver accountable for safety and background
 - Report compliance to DOT, different from carrier responsibility
 - Fund states to capture, collect and report moving violations data
 - Road test and license review
 - Track out of service violation to driver
 - DOT # to driver's license
- ❖ When
 - Right now only reports convictions
 - Needs to be adjudicated first
 - Creates lag in reporting
 - At hire
 - CDL issue or renewal
 - Pre-employment
 - Annually
- ❖ Concern: Will a program that targets a focus on driver put more responsibility back on carriers?

Driving/Licensing companies

- ❖ Drug screening results

FMCSA

- ❖ Apply own rules consistently
- ❖ Stats among states vary

Insurance Companies

- ❖ Financial stability, best "A" rating
- ❖ Self-insurers

Local Law Enforcement

- ❖ Truck complaints

- ❖ Education and training quality
- ❖ Note: FMCSA has no authority over this group

Maintenance

- ❖ Service, quality, validity

Operations Personnel

- ❖ Communication and directions given from dispatcher to driver

Owners (of the chassis, intermodal)

- ❖ U.S. accountability
- ❖ Equipment
- ❖ Owner accountability
- ❖ What:
 - Take responsibility for regulations, officer of company
- ❖ How:
 - Educate/ train new owners
 - Owners responsible for new entrant audit
 - Check before a number is issued
 - CDL equivalent for owners
 - Online website i.e.) for new entrants
- ❖ When:
 - At start
 - Every 3-4 years - upgrade

Shippers

- ❖ Accountability
- ❖ Fair expectations of shippers
- ❖ Regulate shippers by hours of operation
- ❖ Incentives to shippers to create more driver friendly loading times, better equipment utilization, predictable freight patterns
 - e.g. discount for non-peak hour shipping
- ❖ Trucking companies expand operations to handle non-peak shipping (extend to weekends, use more drivers without additional cost of equipment)
- ❖ Need to understand what rules the drivers need to abide by
- ❖ Need better policing but how?
 - i.e.: hours-of-service did help to modify shipper (customer) behavior but not fully across all shippers.
 - Carriers have dropped shippers but other carriers will pick them up
 - Scale-dependent?
- ❖ What:
 - Delivery schedules
 - Unsafe loading, packaging
 - Overweight
- ❖ How:
 - Add shippers to FMCSA
 - Watch the load

- Apply hazmat shipper principles to others

Self-Accountability of Stakeholders

- ❖ Self-done—accountability—responsibility—give them a role, let them help out
- ❖ Enter into database
- ❖ Certified personal do audit
- ❖ Safety personal check info
- ❖ DOT accident register for companies to register

States

- ❖ What:
 - Catch the CDLs (or about to be CDLs) between states
 - Data quality, compatibility
 - Equity of roadside vehicle inspections
 - Training of staff, law enforcement compliance re: regulations
 - Uniformity, communication and interpretation of regulations
 - Uniformity of motor vehicle records
 - Uniformity of years that CDL is viable
- ❖ How:
 - Use W2 form as legal address

3rd party providers

- ❖ Certification
- ❖ Conflict of interest issues

Commercial Driving Schools

- ❖ Certification

Consultants

- ❖ Certified to improved consistency of what is being communicated
- ❖ Also may require change in rules (interpretation of rules creates subjectivity)

Inspectors

- ❖ Certified
 - i.e. CVSA certification program

Medical Providers

- ❖ Knowing, understanding and accessibility to database
- ❖ Certification
- ❖ Certified for DOT purposes
 - i.e. FAA
- ❖ Medical doctors performing, not assistants
- ❖ Need consistency, completeness
 - Need better control of physical form
 - Currently comes from drivers should come from medical professional
 - Risk – increased cost

- ❖ What (assess with uniformity):
 - Physical health (blood pressure, hearing loss, medications)
- ❖ How:
 - Use FAA method for guidelines
 - MRO's for drug testing requirements
 - Certify the doctors – care force, rural areas

Tow Companies

- ❖ Price gauging
- ❖ Law enforcement favoritism of tow companies

Ideas on How to Audit, Collect/Track Data, etc.

Use Third-Parties

- ❖ Institute CPA like 3rd party to conduct internal audits of security performance to a) encourage more companies to comply and b) increase data collected
- ❖ Have internal certified personnel conduct self audits or get a 3rd party to do it (note: provides funding relief for government)

Technology

- ❖ Require EOBR on all interstate carriers
- ❖ Research untested technologies (electronic onboard recorders, lane deviation techniques, collision warning systems)
 - Disadvantages- liability, exception regiment
 - Federal government provides incentives for carriers to test new technologies
 - Carriers need freedom from oversight
- ❖ Replace log book process with fatigue management or onboard recorders
- ❖ Breakdown fatalities by weight classification
- ❖ Law enforcement track hours of driving

Database

- ❖ Track historical data on drivers, company owners, shippers (note: ACLU privacy issues could be a barrier)
 - Accessible to carrier's safety directors only
 - Have company update driver info when he leaves
 - Possibly combine with PAC
 - Include drug screening results (positive and negative)
 - Carriers should enter safety performance data online
 - MRO's download all pre-positive test to pre-populated database
 - If online, could access anytime of day
 - Authorization from driver to release personal information for background checks (on database)
- ❖ Database could be active 24-7

CDL

- ❖ Take over CDL to form a fully consolidated program, and address language requirements

Data

Data Consistency

- ❖ Make sure data is reported consistently from various parties

Data as a Predictor

- ❖ Need to look incidents as predictor of crashes/accidents, not just at fatality rates
 - Causation needs to be part of record. Avoidable vs. not

Operational Characteristics

- ❖ Comparison currently as whole (mix of carrier types and sizes, when i.e. Hazmats are not in neighborhoods) instead of to like carriers
 - What are appropriate categories?
 - There are definitions but not used in comparisons

Historical data

- ❖ Historical needs to be used, but only if it is only 1 piece. Weighting depends on other data being collected. More of the data used needs to be current. Need to balance.
- ❖ Historical (Safestat)
 - Seems like historical data is used, such that not all carriers are given CRs.
 - But does not mean they are always in compliance
 - Randomization?

Data Needs to be Viewed Holistically

- ❖ Need all 3 to reduce crash rates (WI study)
 - Size/weight
 - Roadside
 - CR
- ❖ Need to look at programs holistically because 1) goal, 2) data feeds

Enforcement and Intervention

- ❖ Fines-- Important to be equal across locales
- ❖ Should be progressive
- ❖ Should fit the crime
- ❖ Owner/Operators
 - Protective umbrella?
 - vs. interstate carrier
 - Reality of politics; may be cost of doing business to larger carriers

Penalties

- ❖ Implement- harsh, quick, severe penalties for violators, also loose authority
- ❖ Revoke authority of people working without DOT #s after a certain amount of time (should ignorance be an acceptable excuse?)

Intervention

- ❖ Most effective ones are the ones that are most immediate
- ❖ Company-wide audits > If immediate consequences
- ❖ If rating is unsatisfactory, not known
 - Can there be public notice?
- ❖ When to act
 - When driver has been in more than one accident in 90-days
 - Vehicle out of service detects violations over 30-days

Financial responsibility

- ❖ Raise min. level of financial responsibility:
 - Last change was 1995. Need to update.
- ❖ Increasing financial responsibility levels – liability
- ❖ Centralized data for insurance for carriers

Education

- ❖ Make more materials available, especially for smaller carriers
- ❖ Need to understand what rules the drivers need to abide by
- ❖ Need better policing but how?
- ❖ Example: hours-of-service did help to modify shipper (customer) behavior but not fully across all shippers.
 - Carriers have dropped shippers but other carriers will pick them up
 - Scale-dependent?
- ❖ Insurance of carriers
 - Some insurance carriers do not understand business

Response to Federal Register #4

- ❖ Yes, but timely/accurate/meaningful
 - Need to ensure data quality
 - Size of carriers, miles traveled, how to make comparisons of apples to apples vs. apples to oranges
- ❖ Keep public informed on who is keeping data from being timely and accurate
- ❖ Public scrutiny is most effective means of behavior modification
- ❖ Have 1 site instead of 2 (currently have Safer System and Safestat)

Additional Thoughts

Consider Resources

- ❖ Too much time and resources devoted to appease the legal process
 - Takes away from main goal

CR Triggers

- ❖ Are various paperwork items being filed in a timely manner?
 - Taxes, IFTA, 2290, IRP, etc.
 - May be an indicator of quality
- ❖ Look at what triggers a review- OSHA may be a good spot

Continue Stakeholder Participation

- ❖ Ideas – return to stakeholders for support before putting through congress

Look at Existing Like-Programs

- ❖ Look at other DOT models and mirror them in developing new regulations
 - Avoid pitfalls and learn from them
 - EPA, railroads, FTA, ATA
- ❖ Look at EPA cradle to grave
 - May be difficult

Appendix B9:
Stakeholder Comments by Listening Session
Falls Church, VA / October 19, 2004
Plenary Session

CURRENT STATE

Scope

- ❖ Need rational prioritization and a system to reach more entities
- ❖ Streamline process, use available technology, driver data and use 3rd party inspectors under the direction and control of FMCSA.
- ❖ Current approach to measuring safety forces a complex problem into a simplistic solution. It assumes that the carrier is the cause of all problems, ignoring other significant factors (e.g. roadway design, environment, vehicle components)
- ❖ Majority of processes are focused on motor carrier. Driver focus is limited.

Safety

- ❖ Safety management and compliance are not necessarily connected
- ❖ Currently only compliance oriented. Safety management is a broader approach than just regulations. For compliance, think beyond just rules and look to safety practices.
- ❖ Measuring safety factors is much more complex than the current formula allows. Include: roadway, designs of safety equipment, and the operating environment
- ❖ CRs are mainly compliance oriented. Safety management goes well beyond compliance.
- ❖ “Safety review” process should be reinstated
 - Entry level and older companies
- ❖ Process is too cumbersome and too lengthy
 - Focus and streamline to address problems correlated to safety performance

Data

- ❖ Why is the data not specific to the individual driver?
 - The driver has the most significant effect on the operation of the vehicle and the carrier’s rating.
 - Need statistical data provided to driver annually or carrier prior to audit
- ❖ Timely access to data – MVRs, medical CDL, failed D&A
- ❖ Consistency of data systems
 - Need more federal leadership in not just the concept and methodology but in federal design and development. Can’t ask states to design and build and then have FMCSA come out with a new system.

Number Clarification:

- ❖ Get number of carriers accurate. Start with a clean slate. Know who you’ve got and eliminate duplicates and old carriers
- ❖ Clarification in DOT # system to ensure that only carriers are getting #s. Otherwise, an extensive amount of time is spent “weeding out” registrants

Program Effectiveness:

- ❖ More constructive analysis of crashes
- ❖ Lack of quality data to identify problems and program effectiveness. Show good data to show that programs work

- ❖ Why is remediation always last minute? What not trend analysis and notification of problems early?

Database and SafeStat

- ❖ Need a complete national database that is accessible to carriers
- ❖ If Safestat and the data are used for CR targeting, why is it made public?
- ❖ Correcting information has been a problem in the past
- ❖ Data flow drives performance based reviews. Reporting should take place on one federal form.
 - Reporting should be mandatory and in as close to real-time as possible.
 - Data improvements can only occur when information fields are consistent and timely.

Methodology:

- ❖ Safestat methodology is excellent, data is not and sharing is needed
 - Not timely, accurate or reliable from different sources
 - No data sharing between federal and state
- ❖ Why isn't Safestat being used more? Since 'it works'.
- ❖ Safestat methodology may not be the best. Not proven
- ❖ Perhaps Safestat isn't really as good as FMCSA thinks. It needs more juice, it's not whole yet
- ❖ Funding for more reliable reporting of data to Safestat

Ratings

- ❖ What is the formula that calculates the rating? It needs to be looked at.
- ❖ Static ratings are meaningless to the public.
 - A satisfactory rating issued a decade ago should not be relied on to make service purchasing decisions today.
 - To the public, only two ratings have meaning, "satisfactory" or "unsatisfactory." Eliminate the "conditional" rating.
- ❖ Agency chronically unable to comply with statutory mandate to rate all carriers
- ❖ Recent tendency of agency to pressure field personnel to change ratings.
- ❖ Need CR and ratings linkage with new entrant program.
- ❖ New entrants should exit the 18-month provisional operating authority period with an assigned safety rating, not just safety audit.

Outdated and Inaccurate:

- ❖ Most assigned ratings are outdated, not accurate indicator of actual safety condition of carrier (management, operating practices, equipment, safety compliance)
- ❖ Only several thousand safety ratings assigned each year
 - Inadequate effort. Cannot reduce growing backlog of unrated and outdated ratings of carriers
- ❖ Numbers of CR assigned ratings vary from year to year. Increased #'s often followed by declines.
 - No accurate information on number of annually rated carriers, numbers on FMCSA website and Volpe site vary

Compliance Reviews

- ❖ FMCSA sends enforcement officer for CR after any fatality accident regardless of fault.
- ❖ During CR, if a violation is identified and will result in fine or penalties, structure part of the monetary penalty to be used for compliance assistance and education
- ❖ Should be specification and prescriptive oriented, as its not much performance based.

What Works:

- ❖ CR great to tell carrier what to do, not how to get it done. Specify safety roles to streamline CR and process things quicker
- ❖ CR effective when addressing driver and out of service issues.

Consistency:

- ❖ Compliance reviews need to be done the same all over the country. Need consistency, continuity and including both small and large companies
- ❖ Complaints trigger a CR which is too labor-intensive and not streamlined to meet more carriers

New Entrants:

- ❖ Use CR as a frontload for new entrants program
- ❖ New motor carriers reviewed in 18 months. Opportunity to educate them and start on the right foot
- ❖ When a USDOT # is issued the recipient should be given full education of CR process.
 - Suggestion: Hold a seminar in a strategic location. Use Florida's model for seminars and explain regulations, requirements and process

Timeframe:

- ❖ Need informal intermediate step before the visit
- ❖ Surprise vs. scheduled review
 - Better/quicker process
 - Less impact on business
- ❖ Specific timeframe to conduct review (i.e. a carrier will be reviewed at least 1 time every x # of years. Also permit additional reviews based on safety rating.

3rd Parties:

- ❖ Consider using 3rd parties to conduct CRs, paid by motor carrier and under the direction and control of FMCSA.
- ❖ FMCSA could do CRs with contractors to identify problems

Focus:

- ❖ More compliance reviews and more directed at those with compliance issues
 - Basic formula of what to do and how to do it hasn't improved much
- ❖ Some CRs are by convenience of activity
- ❖ Change complaint system as a way to target companies for CRs
- ❖ Compliant follow-up is shotgun approach and not rifle approach. Carriers with established history
- ❖ Need a system to have levels of CRs similar to that used in roadside program

- ❖ Need better system for assigning CRs to be conducted. Need an easier and clearer way to assign reviews to state and federal staff.
- ❖ Refocus system of selection of carriers for CR selection process needs to be enhanced or improved.
- ❖ Current reviews are repeated. Same “known” violators.
 - What about the unknown?

Document Heavy:

- ❖ CR process is too technical for carriers
- ❖ Number of supporting documents is too large and insufficiently defined.

Corrective efforts:

- ❖ Current CR system is too punitive. Insufficient recognition given to a carrier's corrective efforts once it detects HOS violations.
- ❖ Need to give credit to states for intrastate CRs that are conducted.

Drivers

Focus:

- ❖ Current process does not use available driver data
- ❖ Most uncontrollable element is the driver, so focus on roadside inspections and driver error statistics
- ❖ More emphasis on the driver, reduce emphasis on:
 - Process. Driver takes a poor record with him
 - Operators passing information on to drivers
 - Commercial motor vehicles
- ❖ Performance is driver-based; company is a support system
- ❖ Why isn't data specific to individual driver?
- ❖ Driver has single biggest effect on safety.
 - If something came specifically on a driver, it would have an effect.
- ❖ Always driver-related in every topic. So must be performance based.
 - More driver intense incentives
 - Training on the front-end
 - Individual driving records
- ❖ Improve communication with drivers
- ❖ “Driver-related” counts mask the seriousness of violations
- ❖ Bad drivers, so share records between companies

Carriers

- ❖ Should have equitable enforcement between large and small carriers.
- ❖ Small companies impacted by rare events
- ❖ Carriers need to check on own MCS-150
- ❖ If company inherits bad tendencies needs an accessible FMCSA person to help comply without being hammered
- ❖ Should be more responsive to different types of carriers, specifically on drivers' hours-of-service

New Entrants:

- ❖ New entrants should demonstrate basic FMCSA knowledge proficiency

- ❖ Need to front-load control over safety quality of carrier through new entrant program
- ❖ Smoother transition from driver to management with guidance from FMCSA
 - (Toolkit, expectations)
- ❖ Some form of anonymity for someone who goes to a new company and inherits compliance issues.
 - Contact with FMCSA to facilitate process

Partners

Insurance:

- ❖ Track insurance and enforce non-compliant carriers
- ❖ Establish method with states to notify FMCSA if insurance company goes out of business
 - Insurance is not tracked
- ❖ Why not partner with DOD auditors and regulators
 - Need support? Look for partners

Partners with Industry:

- ❖ FMCSA data is too old
 - Recruit us (carriers) to help. There are opportunities.

Industry Differences

- ❖ Treat each industry part specific to their unique characteristics and experiences ex) hazmat haulers, etc.
- ❖ Industry wants to be safe, but takes all of the burden. There are other taxes and fees to be paid.
- ❖ Unique exposure of some companies not considered.

Inconsistencies:

- ❖ Look at how to address seasonal business
- ❖ All FMCSA divisions need to apply the same standards and be equally strict.

Manufactured Parts

- ❖ Inspectors should record who manufactured parts
 - (May be a NHTSA issue)
- ❖ How do you determine if the carrier or the part is faulty?
- ❖ Safety should be measured by component (such as problem with brake manufacturer, not with carrier that installed part)
 - If bad parts are tagged then equipment could be included in analysis of safety

Enforcement

- ❖ Focus problem
 - What are problems e.g. dump truck operations
 - Generally enforcement for intrastate carriers is less focused and more difficult
- ❖ Carriers without Prepass seem to be subject to greater inspections (roadside enforcement officers have more opportunities to eyeball and inspect a vehicle)
- ❖ Reporting violations to FMCSA staff results in notifying violating companies

- ❖ Focus on road enforcement for speeding, erratic driving, driver responsiveness and causing accidents, instead of lack of compliance or vehicle condition
- ❖ Disproportionate enforcement of regulations
 - What follow-up is done when a violation is reported to FMCSA?

Penalties

- ❖ Ineffective use of sanctions and incentives
 - Refer to page vii of USDOT IG report of 2/13/04
- ❖ Sanctions are more stick than carrot.
- ❖ Resources need to be targeted on problem carriers
- ❖ Train, Train, Train investigators for finding violations
- ❖ Should establish critical violation for failure to repair safety related defects listed of a DVIR prior to its next use.

Incentives

- ❖ Incentives with fines. when company takes efforts to improve its rating or non-complying ways, a percentage should come back to them for their safety program
- ❖ Fine to go in escrow (similar to Transfer 163)
 - % back to company if in compliance
- ❖ Like the idea of carrot and stick
 - What can be done to incentivize?
 - There can be a disincentive sometimes (because it costs money).
 - It there any way to get a break?
- ❖ Positive Incentives
 - Tax incentives
 - Retire older vehicles
 - Safety equipment
 - EOBRs
- ❖ Is there a way to get insurance incentives, though difficult at the front end?
 - Airbags are an example of a device that had direct benefit and insurance recognized
- ❖ Company incentives to help enforce and motivate embracing driver education.
- ❖ Balance enforcement with incentives

FMCSA

- ❖ FMCSA needs to improve its website to help stakeholders find info more easily.
- ❖ Have a process to disseminate info to carriers (email, fax, something)
- ❖ Help operators have a clear understanding of regulations. Train state and local officials to help carriers comply.
- ❖ Does FMCSA have any kind of compliance assistance program for small businesses? If not, it would be very helpful for smaller operations
- ❖ Concern that FMCSA has used research to justify what its goals are as opposed to creating goals

CASE FOR CHANGE

Comments on Point 1: 'To keep up with increasing volume'

- ❖ "Barriers to entry" vs. "keeping up"? Get control.
- ❖ Incorrect measuring (vehicles not carriers)
- ❖ Volume will increase and % of CRs will decrease.
- ❖ Can't do it the same way with increasing numbers.
- ❖ Try 3rd party reviews.
- ❖ Utilize available state partners.
- ❖ We have infrastructure at capacity. The one thing that would be of biggest help to carriers would be to improve roads.
- ❖ Functionally there is no way to manage the increase in new carriers and freight.
- ❖ Monitoring growth will allow them to better manage CR process.
- ❖ If there is no change rates will begin to rise.
- ❖ If there is a change it may increase the downward trend in rates.
- ❖ Safety, reduction in accidents and fatalities using comparative and projected data along with specific goals and data supporting part achievements.
- ❖ Rational prioritization selection system derived from new statutory scheme for safety rating carriers.
- ❖ Streamline CRs. Do more preliminary checks. If something is suspicious then do a full blown inspection.
- ❖ Focus data collection analysis on program effectiveness and causation factors

Comments on Point 2: 'To meet increasing program demands'

- ❖ Prioritize the programs. Results should drive priorities.
- ❖ Congressional mandates
- ❖ If Feds focus in these other programs it will draw away from current CRs completed.
- ❖ 3rd options for new entrants
- ❖ Focus on remediation not enforcement. The goal should be to make industry better, not just to punish it.
- ❖ If there is no change then the burden on auditors and enforcement will increase
- ❖ If there is no change then other demands will come up and something will suffer. Limited funds split into more pieces.
- ❖ If there is a change then supplementary funding methods could be use and need to be explored.
- ❖ Decreasing volume and number of carriers
- ❖ Amount of freight
- ❖ Impact on economy
- ❖ Number of non CMV automobiles.
- ❖ Change Safestat to trigger CRs for smaller carriers with low VMT per year.

Comments on Point 3: 'To expand scope of influence'

- ❖ Privatize?
- ❖ Higher % of CRs need to been conducted.
- ❖ Trying to reach more people just to do an audit is ridiculous. We need to have a reason.

- ❖ If there is not change then the scope of influence will decrease and in turn there will be negative consequences.
- ❖ If there is a change then they could focus on new entrants and influence them positively.
- ❖ Utilization of non federal resources
- ❖ State Partners
- ❖ Non governmental resources (i.e. contractors)
- ❖ CRs and safety ratings must trigger deterrent effect. That's not so right now
- ❖ Leverage benefit through drivers
- ❖ Improve relationships between States and Feds and Feds and Carriers.
- ❖ Better allocation of resources based on contemporary analysis of data including causation factors and program effectiveness.
- ❖ Focus on non CMV as well as CMV since they contribute to a disproportionate # of CMV crashes.

Comments on Point 4: 'To expand focus of safety assessments'

- ❖ Include safety management controls.
- ❖ Safety programs as a whole (credit/reward).
- ❖ Shipper/brokers are influences on carrier action.
- ❖ They could "narrow the scope" of the CRs allowing time to move CRs.
- ❖ New entrant program does not accomplish anything at the front end except get a carrier ready for a CR.
- ❖ If there is no change then:
 - FMCSA is missing and not identifying the biggest problem
 - Issues beyond motor carrier control will not be addressed.
 - Can focus on true safety problems.
- ❖ Uniform and consistent application of rules to create a level playing field.
- ❖ Inter vs. Intra carriers
- ❖ Large vs. small
- ❖ Front load new entrant program with CRs and assessment ratings.
- ❖ If driver gets a violation the carriers should be notified by the issuing officer.

Comments on Point 5: 'To leverage dependency on partners'

- ❖ Encourage, promote and support other agency programs.
- ❖ Insurance records
- ❖ More cost effective
- ❖ More third party groups need CRs. Volume concerns. More carriers.
- ❖ Need to change because system does not work.
- ❖ As vehicle miles go up rate goes down.
- ❖ Have to keep up with increasing volume.
- ❖ Need to assess carrier safety more accurately.
- ❖ If there is no change then the FMCSA will never have adequate resources.
- ❖ If there is a change then they will be able to develop partnerships and meet future demands through leveraging.
- ❖ Selection system and data needs continuous improvement and monitoring of data quality, collection systems, and selection of systems.
- ❖ Continuous improvement and evolution of systems based upon technology, data, and knowledge gained.

- ❖ Are “partners” the regulated parties?

Additional Cases for Change

- ❖ To assist end users on getting information on good and bad companies, therefore increase choices in rating system
- ❖ To use technology, increase information sharing and gather data
- ❖ To help carriers to go beyond basic compliance and reach successful safety management
 - Small carriers, non-profits and trade organizations want to, but it’s a huge task with little help.
 - Create cooperative effort to help each other.
- ❖ To create a level playing field for the industry.
 - Include brokers and shippers into the equation, since they make demands that create illegal actions.
- ❖ To focus on remediation not enforcement
- ❖ To put resources where the problem is located
- ❖ To respond to infrastructure constraints
 - Roads at capacity, bad congestion following a commercial vehicle accident.
 - Price of fuel going up and being threatened.
- ❖ To address the fundamental issue that the public has the right to expect a safe and reliable industry and carrier
- ❖ To acknowledge other drivers on the road who do silly things
 - Cut in front of trucks, etc.
 - Address non commercial drivers with testing, monitoring and educational programs
- ❖ To promote best practices sharing
- ❖ To reiterate that carriers are forced to choose to serve client or lose client

Other Suggestions:

- ❖ Not keeping up with the number of “approved” carriers. Is FMCSA just concerned with covering the numbers to hit their mark goal?
- ❖ Move from fleets to owner operators (increasing number of carriers).
- ❖ Increasing legislative burden on industry (federal, state and local legislation)
- ❖ Change “worldview”
 - Of everything being tied to fines
 - Stay ahead of regulations to avoid something negative.
 - Do more than only regulating “top down” and garnering support from “middle” and “bottom” through regulations and fines.
- ❖ If there is no change everyone from the top down continues to drown, those who don’t need to be regulated will continue to be and FMCSA is likely to squander partnerships.
- ❖ FMCSA is central focal point for data used by industry. Quality of data is missing and not timely.
- ❖ Education of non CMV public using the roadways.
- ❖ Streamline processes and cut back on paperwork
- ❖ Public perception
- ❖ Federally regulate and mandate
- ❖ Partner with insurance companies

- They have so much information, but not always willing to share data.
- Loss runs are the carrier's property not the insurance industry, FMCSA could review and collect that information

Appendix B10:
Stakeholder Comments by Listening Session
Falls Church, VA/ October 19, 2004
Future State Breakout Groups

Attributes

- ❖ Measurable
- ❖ Achievable
- ❖ Accepted
- ❖ Sustainable
- ❖ Consider influences
- ❖ Understandable
- ❖ Relevant to the problem
- ❖ Reasonable
- ❖ Stakeholder focused
- ❖ Results oriented
- ❖ Affordable
- ❖ Accurate
- ❖ Harmonization
- ❖ Motivational
- ❖ Pro-active
- ❖ Regulatory relief
- ❖ All encompassing
 - Stats (65% passenger/car related accidents)
 - No studies that prove can assign 65% of fault to passenger cars
 - Flawed sample size, etc
 - Safety plan must include motoring public
 - Overall highway safety
 - Agency is starting to get there
 - Recognition of fault
 - No zone
 - Expand to include car drivers (need education)
- ❖ Education and enforcement component to both carriers and cars
- ❖ Simplicity
 - Minimal data points that can take you where you want to go
 - Just because you can gather so many data points does not mean all are needed
 - Easy measure vs. meaningful measure
- ❖ Cooperation
 - Across agencies
 - Local law enforcement agencies cooperating with FMCSA
 - Information must come in and then go back out again
- ❖ Stakeholder shared
 - Needs to be continuous input from the stakeholders as trucking, safety, etc changes
- ❖ Program needs to be tailored to different carriers, hazmats, etc
- ❖ Why don't we federally license carrier drivers?
 - Would help collect data on bad drivers
 - Poor and late state reporting
- ❖ Effectiveness/measurement
 - Need to ensure that there is correlation between what we want to be measuring and what we are measuring.

- ❖ Can FMCSA have any influence on putting testing equipment in vehicles and as a result see decrease in insurance rates?
 - Currently, if equipment is placed in carriers no return is seen to the owner.
 - Goes back to cooperation
- ❖ Uniformity applied
 - Each service center uses same criteria in determining when there is an enforcement case.
 - Discrepancies between regions need to be smoothed out
- ❖ Necessary (zero based: not a regulation until you prove it has value)
- ❖ Cater to the root cause of a problem
- ❖ Viewed by both industry and regulation side
- ❖ Performance based versus prescriptive
- ❖ Understand industry opportunities
- ❖ Accessibility to resources and comfort to ask/get resources
- ❖ Give credit to good operation to stop the current- guilty till proven innocent

Conflicting Attributes:

- ❖ Flexible versus efficient- a program that is so flexible is not efficient
- ❖ One size does not fit all, different needs (large v. small carriers)
 - But could have some basic core principles
- ❖ Evaluate carriers on multi-rating and best practices
- ❖ Program needs to be adaptable, evolving, fluid with changes in industry
- ❖ Supportive of industry
- ❖ Comprehensively focused
 - Those who share the road w/ commercial vehicles
 - Shippers and brokers
- ❖ Simplified: application of rules
 - Enforceable
- ❖ Understandable
- ❖ Measures what relates to Safety
 - Currently it measures surrogates
 - Measure data at lowest level possible
- ❖ Performance measures of the actual program (check itself to see how the program is performing)

Who

- ❖ Carriers
 - New Entrants
 - "Rogue" carriers
- ❖ Dispatchers
- ❖ Drivers
- ❖ Independent Operators
- ❖ Insurance
- ❖ Intermodal Equipment Providers
- ❖ Law enforcement
- ❖ Motoring public

- ❖ Owner/operator
- ❖ Physicians
- ❖ Railroad, ocean providers
- ❖ Shippers
 - Truckload Carriers
- ❖ State Vehicle Association (DMV)
- ❖ Students
 - Education of potential drivers

Discussions surrounding the Whos

Carriers

- ❖ What can FMCSA monitor:
 - Check for pro-active programs in place and are they effective
 - Track number of accidents a year (YTD)
 - Safety culture (training program, attitude, safety record, policies)
- ❖ How FMCSA can monitor:
 - Incentives (ex. 1 cent per gallon on IFTA)
 - Voluntary compliance from a company: company asks for a review, is then given a period of time to fix problems
 - Training focus on learning and understanding versus mechanical
- ❖ Some carriers are slipping through the cracks
 - Some private carriers will never have the possibility of being audited
 - No one is responsible for some carriers and someone needs to be
- ❖ Carriers need to be aware of what is out there i.e. SafeStat
 - Unaware of penalties
 - Mailing info
- ❖ A lot of carriers are not connected to the internet
 - Demand some safety proficiency
 - Amongst: Carriers, drivers, etc.
- ❖ Educate carriers about how things are reported since the current is very technical and hard to understand
- ❖ Execute the series of things that truck companies are supposed to be doing
 - Ask them if they are using these methods, or if they know of them
 - Check insurance files periodically
 - Insurance companies don't normally give this info to the state
- ❖ Carriers must be able to understand and appreciate
 - Education level below that of many
 - Reachable
 - Interpretable
- ❖ Small carriers not tapped for CRs - Big carriers are disproportionately tapped for CRs
- ❖ Reality is that small carriers are probably more likely to have safety defects.
- ❖ Others within the safety organization - the company also needs to be tracked. The individuals isn't accountable, it usually falls on the company. 'They' don't track individuals. The problem is more with the individual. The problems with individuals moving companies. Their record doesn't follow them.

New Entrants

- ❖ Watch point of sale or re-sale of equipment by VIN
 - Who's buying and what are they using them for; are they churches and non-profits or small companies operating illegally?
- ❖ Some carriers are predominately in the business of buy and selling trucks and not in the business of hauling freight.
 - Catch them as they change titles
- ❖ New entrants should attend a seminar prior to receiving a DOT #. It should be harder to get into the business than stay in the business.
 - Need more education before DOT # established. Example: Florida program where new carriers should have to attend seminar to learn about CR process
- ❖ Compliance does NOT equal safety, do more upfront to prevent future problems
- ❖ Need to implement more stringent new entrant program
- ❖ Need to challenge their knowledge of rules when they apply (like is done for a driver's license) to assure fitness before DOT # is established
 - Example to test fitness: DOD program (they send carrier 7 page questionnaires before they are accepted; as a result 20% are rejected; this is on their DOT #) or insurance program
- ❖ Have higher level of financial responsible for entry level carriers
- ❖ There is no penalty for carrier to violate, get fined, close down and open back up under different name.
 - Need a 'watch list of individuals'
 - Check for consistent hours-of-service violations
 - Check sale of equipment
 - VIN #s not captured often
 - Purpose of use
 - Vehicle manufacturer/reseller
- ❖ New Entrant Program – get them early!
- ❖ Must control quality of carriers as they enter the industry
 - It is unreasonable to think that we can regulate and review the 660,000 carriers that already exist
- ❖ Currently there are mock CRs in place for new entrants to see what actually occurs
 - Michigan has driver training that is well received, and it lowers insurance rate - Model

Rogue Carriers

- ❖ Need to look at the appearance of the driver
- ❖ Need to look at the appearance of truck (already does play into roadside inspections but needs to be done outside of the inspections)
 - Check what is an 'Imminent hazard'
- ❖ Rogue carriers can be reviewed by just traveling up and down the interstate. But often they drive back road routes to avoid inspections.
- ❖ Issue w/monitoring driver and truck appearance is that there are no fed personnel to do this. How to accommodate this then? Perhaps have State personnel monitor/drive on back road routes.
- ❖ Look at whether MCS150 form submissions are timely
- ❖ Look for evidence of insurance (time sensitive)
- ❖ Gypsy operators

- There is a hefty fine but no enforcement
- ❖ Track carriers (officers) that come in and out of business
- ❖ Rating problem carriers that already exist and rate them in a way that has affects
 - Have a prioritization scheme

Dispatchers

- ❖ Assess safety culture

Drivers

- ❖ ASK DRIVERS! Before making changes
- ❖ All Drivers – commercial (all CMV- any vehicle over 10,000lbs) and non commercial
- ❖ More training for all drivers, cut down on noncommercial caused accidents
- ❖ Are there incentives/benefits to having experienced drivers?
 - Not if you are not unionized
 - Many carriers would rather have new drivers
 - Pay less
 - Train from ground up
 - Some insurance companies will not let you have drivers with less than ___yrs experience.
- ❖ Fair Labor Standards Act
- ❖ National Registration of Drivers
 - Helps with Hazmat, security mandates, hiring mandates
- ❖ There is a serious driver shortage
 - Some of the biggest violators of hiring practices are large companies
- ❖ If they start keeping track of the drivers then they can follow drivers from company to company and in turn track the company safety values etc - will help track not only bad drivers but bad companies as well.

What to Monitor

- ❖ Monitor:
 - Average violations
 - Different types of violations
 - Enforcement and motor carriers can see this
 - Is this realistic?
 - Not really
 - Down to the driver level
 - Including the appeals process (data accused)
- ❖ Driver violations/data monitor records:
 - Past employers
 - # of accidents (at fault)
 - Moving violations per timeframe
 - Look at the whole MDR
 - Drug and alcohol violations
 - Security violations
- ❖ Violations such as speeding / Driver out of service record
 - Company needs record of this b/c it is a prediction of accidents
- ❖ Accident experience data

- Needs to be timely, reliable, accurate
- ❖ On board recorders
 - Hours-of-service
 - But records need to be associated with managers and companies not only drivers.
 - Still can not measure difference between on duty and off duty time
 - General challenge in implementing

Accountability

- ❖ How do you determine what is a bad driver?
 - It has been hard to hold the driver accountable for his/her performance
- ❖ How do we produce driver accountability?
 - Accountability to ALL drivers
- ❖ A lot of the issues come back to the driver.
- ❖ We need to change driving performance of our drivers
 - Performance will not change unless there is accountability
- ❖ Will accountability distract from the safety regulations?
 - Not if you track a driver over time.

Violations

- ❖ Speeding violation enforcement- more severe consequences (take away license, high fines, etc)
- ❖ Equipment violations need to be remembered

Insurance Companies

- ❖ Determine best practices
- ❖ Make loss prevention resource program available
- ❖ Disclose claims data
- ❖ Standard regulations across states
- ❖ Programs focused on cmv, address needs and statistical data

Intermodal Equipment Providers

- ❖ Inter-modal equipment suppliers
 - This makes sure the equipment supplier is accountable as well so its not always the drivers/carriers
- ❖ Railroad, ocean carriers

Law Enforcement

- ❖ Strictest reasonable penalty, instant penalty
- ❖ Officials trained in basics of commercial driving
- ❖ Have a seminar to educate - this is for the local law enforcement officers that report: non-CMV
- ❖ Local law is the source
 - Collect less
 - Make it standardized
 - Problems with filling these out properly
- ❖ Monitored level of enforcement - different levels at different place

- Look at what is assessed at specific locations
- What and if the officers are charging for the violation
- This can be done on individual and on company

Motoring Public

- ❖ Monitor:
 - Get some trial money to fund the research for this
 - Use safety and statistical data to get funding
- ❖ Education
 - Make sure public know this is a law, and issue
- ❖ Expand existing "Share the Road" program
- ❖ Basic driving test should include ability to drive with commercial vehicles
- ❖

Owner / operator

- ❖ Often not seen; common to bus world
 - CR's for charter buses by going to the attractions
- ❖ Unsuspecting owner/operators
 - Abused by carriers
 - Need Protection, Education
- ❖ Make a program to help the owner fix the problem
- ❖ Monitor the owner of the truck so the same owner doesn't shut down, and then opens up a different store
- ❖ keep owners name as part of the database not just the data of the business

Physicians

- ❖ Way to track immediate certification that drivers are visiting
 - Currently drivers can go anywhere
 - Doctors don't want to put you out of work
 - So physicians know what they should look for to certify a 'safe' driver
- ❖ Currently, doctors are certified by the FAA and nothing is in place for drivers
- ❖ If drivers forged medical cards, this is a felony
 - More effective medical oversight

Shippers

- ❖ Accountability, responsibility for safe-loading
- ❖ Investigate shippers with trends of incidents or consistently asking drivers to drive illegal hours
- ❖ Needs regulation
- ❖ Time accountability – need to be able to present evidence such as a log
 - But what to track?
- ❖ Shippers are unregulated – that is a problem
 - Bus world – customers, brokers, schedulers; they plan itinerary
 - Freight world – shippers
- ❖ Shippers should get fined for “forcing” drivers to break regulation
- ❖ Maybe license shippers; hold them accountable in some way
 - Give shippers more information and make them accountable for knowing that

- Can't make the industry enforce the shipper/customer controls
- Is it better to regulate the shipper or the motor-carrier to effectively enforce?
- Insurance perspective
- ❖ At what point does it become negligence to the shipper to give hazardous material to a carrier?
- ❖ In CR review the shippers, brokers are forgotten and all burden is put on the carrier.
 - Should FMCSA have jurisdiction over shippers and brokers?
 - How would FMCSA enforce rules with respect to these other entities?
 - Build off contractual expectations
 - Actions taken against shippers who continually attempt to contract with unreasonable time etc
 - As well as take action against carriers who accept these unreasonable contracts
- ❖ It is naïve to believe that FMCSA can have effect on shippers etc.
 - Reality
 - Consumers need to make the correct decision
 - Education
 - Brokers are already regulated but there is no enforcement
- ❖ Held to same standard as carriers by
 - Act of congress
 - Legislation
 - Enforce criminal and civil penalties
- ❖ Shippers require products be delivered on time, demand drivers to violate min hours
 - How vehicles are loaded
 - Need rule making for shippers
 - Drivers get in trouble for this, and it is not their responsibility

State Vehicle Association (DMV)

- ❖ Correct data
- ❖ On same page, consistency

Infrastructure

- ❖ Secondary roads have many accidents too
- ❖ Need to look at Infrastructure/ highways as contributing factor

Leveling the Playing Field

- ❖ Need national vocabulary to level the playing field
- ❖ Definition of "truck" - There are some inappropriate exemptions
 - Dump trucks
- ❖ Need uniformity among interstate & intrastate
 - The reauthorization looks at this issue

Data (Timeliness, Correctness, etc.)

Data Collection

- ❖ Need single form to collect data consistently and single reporting format system that is loaded regularly and timely;
 - Single federal form that all have to fill out when filing complaints and CR's
 - 675,000 carriers and everybody knows who the top 100 are and those 100 have the resources to monitor; the others don't have that level of resources available at their disposal; they rely on insurance companies, etc for that data; assessment; NEED CENTRAL DATABASE

Data Analysis

- ❖ Safety management; Conduct root cause analysis
- ❖ How should data be looked at?
 - Crash per vehicle or per mile (better than per truck)
 - Fuel reporting miles
 - Currently this is flawed because there are loophole where people can downplay the number of accidents that are occurring
- ❖ More data and research about the problems that surround motor carrier vehicles.
 - Find what is actually causing the driver to cause accidents

Data standards

- ❖ Need standardization
 - Look at ANSI Standard Z15 – standard under development for buses, trucks, company vehicles, etc.
- ❖ Encourage State and local data sharing
 - It is currently redundant to have both levels gather the same information
- ❖ Correct the measures
 - Research can be systemized
- ❖ We have a lot of surrogates for indicators of future performance but not a lot of correct measures

Accident Data

- ❖ Accidents interstate are not captured in CR
- ❖ Need to include reportable accidents vs. just recordable accidents
 - Question of resources: Who will review the reportable accidents?
- ❖ Need more post-accident information – what things contributed to the accident? Liability implications of preventability are strong.
 - Liability and preventability are two different things when it comes to the investigation
 - Liability is a strong disincentive to doing an investigation
 - Oftentimes, carriers want to become included in NTSB investigation team for protection
- ❖ Measure all accidents when calculating accident rates
 - Should all categories be used? (Chargeable, Preventable, etc)
- ❖ Make measures account for the number of times the driver is at fault
 - There is a weak definition of what is preventable
 - Currently this is subjective and vague
- ❖ Crash rate

- There needs to be a standardized system
- Based on mileage, not on # of vehicles
- 1 or 2 unfortunate instances will give a high SAE average
- Crash rate favors large carriers
- ❖ Need to evaluate crash causation
- ❖ States don't know the differences between vehicle types, and how to report crash

Safestat

- ❖ Rework SafeStat
 - Relies on CR (not enough carriers have CR)
 - More accidents East of Mississippi
 - Geographical miles are not included (effects peer group)
 - Safety management is really only a picture of prior enforcement (CRs)
 - Should be called Enforcement SEA
 - Quality and timeliness
 - Algorithms
 - Errors in data base (inspection rates)
 - Proportionality
- ❖ If Safestat is public:
 - Causes a burden of inquiry
 - Require evidence of liability performance
 - The carrier is knowledgeable about a problem that is out of his control
 - Safestat just tells if there is a violation (SAT or UNSAT) end of story, no big inquiries
 - To reform this - when the CRs are done have a rating give that is not public

Driver Database

- ❖ MCMIS-database for the drivers
 - Good place to start on the hiring side
 - Drivers are the variables
- ❖ Better database for the carriers
 - No support from the regulators
 - Regulations on industry
 - Current state: No one knows the records
 - Data too comprehensive
 - One issue is support
- ❖ Drug and alcohol testing
 - No record from the previous instance of failing alcohol test
- ❖ Who would own data?
 - Need referee
 - Violation of driver's right to privacy

Ratings

- ❖ Change rating systems – they should be tiered
 - Should incorporate levels of satisfactory
- ❖ Meaningful rating process

- Tiered
- Disenchanted with safety rating system
- Satisfactory=not unsatisfactory (this should change/lacks motivation)
- Provides a standard of excellence
- A to F would allow consumers can make informed judgment *arguing grade

Compliance Reviews

- ❖ CR and its involvement comes after the fact; after an unsatisfactorily audit or a new carrier to the program. What should be done is starting off with conversations around mediation and not from a corrective action approach after you've violated.
 - Need more education and less punishment
 - More proactive
- ❖ CR Triggers should include:
 - Insurance cancellation
 - Operating authority
 - Out of service violations
 - Crash data
- ❖ Restructure CR process to actually look at recordable accidents and what carrier has in place to not only address them but prevent them
- ❖ CRs need to be more of a training and remediation tool and less of a penalizing system
 - Dispatcher training/development/education
- ❖ Some carriers are visited again, and again, and again and others aren't getting reviewed at all.
- ❖ Simplify the CR
- ❖ To assign a CR to a carrier:
 - need to become more specific on what to look for
 - make sure criteria are predictive
 - have system in place in advanced
 - Taylor the review based on what needs to be look at
- ❖ have different types or levels of a CR
 - at a state level - they look at your record
 - have levels of CRs that do levels of service
 - need same style of rating
- ❖ CR does not focus on driver
 - Involve driver more in CR but maybe on other side
 - Interviews to determine more about the company
 - Listen to the drivers
- ❖ CR-predictable process
 - Gives the carrier a roadmap of what to destroy

Commercial Drivers License

- ❖ Develop a national CDL drivers license
 - Carriers have to invest in drug testing and other costs, but should be able to pull data from central database;
 - Current process is time consuming and costly

- ❖ Info on CDL should follow the driver; all info on driver should be open to carriers

Technology

- ❖ Are out there, just need to be used to implement ideas
- ❖ Needs to be easy to use, not too many disclaimers
- ❖ Need to apply standard technology to all trucks; make access to these technological advances easy
 - Detect when trucks depart lanes;
 - Radar systems
 - Drowsy drivers detectors
 - All of the above should be on the trucks
 - implement techno. on passenger cars making them more visible to truck drivers
- ❖ Make technology, software user friendly
- ❖ System needs to be simplified in way data is displayed

Enforcement

- ❖ Bad is always recorded, what about good?
- ❖ Needs to be an educational step in conjunction with warning letter and fines
 - Gain safety proficient knowledge as a result of warning
 - PRISM is good example
- ❖ Enforce current rules instead of creating new ones
- ❖ If many accidents are caused by non-CMV drivers, then focus on the offenders
- ❖ Education for the law enforcement officer on the scene
- ❖ Notify the motor vehicle carrier of driver violations
 - Have FMCSA supply this data
- ❖ Level of enforcement aimed at the drivers (non-CMV)
 - Make rules for this
 - Have it made on a 50 state level
 - Enforcement of current laws around motor vehicles
 - Make money available for more law enforcement
 - Allocate a new fund that would look at this, and hold fund accountable for the results or lack thereof
 - Increase the levels that are being spent for this

Penalties:

- ❖ Make the fine not so steep so there are ways to actually fix the fines
 - Charging puts out of business and doesn't help fix problems
 - Put the fines into an escrow account so that it can be reused

Incentives:

- ❖ Create market incentives for carriers to exceed minimum standards
 - Example OSHA's Voluntary Protection Program, DOD's 5-tier rating systems
 - Marketing for customers who use good carriers
- ❖ State incentive safety programs
 - Highway tax credits or deductions

- ❖ Give me a good reason (carrot) to slow down, incentives
- ❖ Potential “carrots”
 - Tax incentives – credits/ deductions
 - Vehicle registration fees based on performance (because make be taking \$ away for improvements)
 - Pre-pass privileges – approval/suspension
 - Congestion mitigation programs – low cost access to city centers
 - Look at all fees that are applied to carriers and determine which ones could be structure to reward
 - CR’s - if fail make them pay for a remediation program
 - Need follow up to get off of probationary period – if not put OoS
- ❖ Credit/deposit incentive: we don’t know if this is going to be effective but we believe it will be.

Partnerships

- ❖ Partnerships:
 - Create DOT resources – partnerships – use trade associations, insurance companies and others that already know the operations

Education

- ❖ Education before punishment is the key
- ❖ To address turnover rates/shortage of drivers: Start in high school for developing potential drivers; identify transportation as viable career paths (vocational training); prevent them from doing things between the ages of 18-21 that would prevent them being hired as drivers
- ❖ The industry should define standards / criteria for “competent persons” just like the medical industry does.
 - The government should not pour out money to education a population that should be responsible for its own education

Safety

- ❖ We have to get beyond snapshot view of CR
- ❖ First have to get accurate picture of what is happening out there; problem that we’ve had since going to a performance based organization is that we’ve never reached that because of data issues
 - No consistency around the country; no consistent delivery of data despite VOLPE’s best efforts.
 - State report cards are all over the place. Need single system.
 - Will never be model if don’t have accurate data
- ❖ Important to note that compliance is not safety
 - No incentives from Feds to carriers
 - But compliance does breed safety – but it is how people use/apply the regulation
 - Regulations do work; the violation of the regulation is usually just a symptom, so you must go find the root cause
- ❖ Too much emphasis on honor system versus documented records;

- ❖ Are these changes something that can be embraced by the existing industry? If Yes; then it has to start somewhere
- ❖ There is a problem with constraining our thinking to the belief that the carrier is the source for all safety problems. Need to think broader and:
 - Involve other data to assess performance
 - Look at the lowest level of data
 - What is currently going on?
 - Looking at what is causing crashes
 - Looking at what is actually causing problems
 - Systemize the research (e.g. validate findings)
- ❖ Address safety at large level
 - Environmental, sharing the road
 - Data exists; extract to analyze
 - Lowest level of available data
- ❖ Review/Assess the safety management practices
 - credit system should be in place
 - service hours approach
 - ability to periodically check on data
 - Using advanced tech. systems
 - truckers hours-of-service
 - compliance reviews are faster
 - access to vehicles are more restricted to those that don't deserve

FMCSA

- ❖ FMCSA better, simpler communication, cut down the bureaucracy
- ❖ Hard to find the right information, who is the authority?
- ❖ Agency is already overwhelmed and this will only add to that (tracking driver data)
- ❖ Needs a performance metric for the program itself

Balancing Resources

- ❖ Need to review programs and their play on resources
 - i.e. Security background checks for hazmat carriers there were implemented after 9/11– it is necessary or does it detract from other higher priority safety and security items? Don't need a driver's license to hijack a truck

Appendix B11:
Stakeholder Comments by Listening Session
Springfield, Massachusetts/ October 26, 2004
Plenary Session

CURRENT STATE

Safestat

- ❖ Safestat may be good but data quality problem is hindering the process.
 - Local/state standardization issues
 - Safestat is too narrow, only a snap shot and not completely related to safety.
 - No process to update Safestat once violations are resolved
- ❖ Safestat data is one sided.
 - Unfortunately many decisions are made on inaccurate data
 - To correct data allow for company comments on unfavorable ratings. A carrier can post their own response ex) "I am challenging this" or "up for review."
- ❖ If not at fault why should that crash count against a fleet?
- ❖ Data is bad, so it shouldn't be used to target companies

Database

- ❖ More annual data directly from carriers to FMCSA
 - Adapt MC 150, add more safety questions and include company specific data.
 - RISLER annual drug and alcohol statements and # of company drug tests
 - # formal driver training programs
- ❖ Let carriers know that FMCSA is watching even if they haven't had a CR
- ❖ Current state is reactive not proactive. Data currently has issues of timeliness

Compliance Reviews

- ❖ Focus on drivers, owners and managers
- ❖ Safety manager rating system
- ❖ Oversight process is very positive
 - Now have policy development to ensure compliance
 - CRs are effective in changing operations.

Improvements:

- ❖ CR needs oversight and training.
- ❖ CR qualification and training inconsistent. And it's hard to correct wrong data.
- ❖ Compliance review should be more positive than punitive
- ❖ There's no educational assessment or intermediate steps before a CR is conducted. Can't call and ask FMCSA to come in without doing a full compliance audit. Help us fix a problem before FMCSA comes for the CR and fines us.
 - Give educational seminars.
- ❖ Carriers may maintain no rating without hindering business

Safety Review:

- ❖ CR versus safety review. Reach out to carriers; teach them about differences, checklist of requirements and triggers.
 - More interaction with carriers. More outreach and contact with small carriers to help them comply

- New entrant program has safety reviews which are more a combination of education and compliance
- ❖ CR is a good way to ensure compliance to rules but not a good measure of safety programs or behaviors

Process:

- ❖ Not random checks or audits
- ❖ Define time length between audits
- ❖ Outsource CRS to private companies
- ❖ Perception is that it's not an impartial process. Carriers feel there is partiality in targeting companies for CRs, especially big carriers.
 - Need to change the inspector for each CR so it is not the same inspector each time. May create a more fair compliance review
- ❖ Trucking companies should be checked periodically for compliance. Those companies that continue to violate the regulations should be held accountable. But remember more flies are attracted to honey than vinegar.
- ❖ Vehicles tagged with out of service penalty need to be inspected during a review

Technology

- ❖ If FMCSA wants to do more with less than they need to embrace technology. But you can't throw the switch tomorrow and hope the whole industry gets involved. Do a phase in.
 - Technology could help speed up the CR process and carriers could transfer information electronically

Education

- ❖ Education and assistance for smaller companies. Its not that they don't want to be compliant but they don't know how (unaware of regulations, lack resources, and "they don't know what they don't know")
- ❖ Educate the public about driving on the roads with trucks
- ❖ Education done by 3rd parties such as JJ Keller is perhaps not as effective as training done by FMCSA directly

Roadside inspections

- ❖ Profile by commodity
- ❖ Transpass on right track
- ❖ Standardize inspections and inspectors
 - Inspections are inconsistent (due to lack of knowledge)
 - Need to review qualifications of the inspectors
- ❖ Roadside inspections are inconsistent. Some states use them for income sources and level one is not the same everywhere. Partner with others to improve the industry.
- ❖ International haulers
- ❖ Cannot regulate without jurisdiction

Safety

- ❖ Overlap of safety and security post 9/11

- ❖ How about turning empty malls, etc. outside large cities (such as NYC and LA) into major distribution centers to transfer freight that is transferable from XLG trailers to smaller trucks for safer and easier deliveries?

Partners

- ❖ Trucking companies should have compliance coordinators that can communicate with DOT personnel to keep up-to-date with changes in regulations
- ❖ Focus on attracting companies to hire compliance coordinators. DOT personnel, the law enforcement part of safety operations and compliance coordinators should cooperate.

Drivers

- ❖ More focus on individual drivers
- ❖ Driver errors vs. equipment issues
- ❖ Identify ways to measure driver behavior
 - Observations
 - On-board technology

Compliance

- ❖ Some of the things vehicles are put Out of Service for are unbelievable
- ❖ Companies have a difficult time getting problems resolved
 - Some times its easier to pay a fine than to try to resolve a problem
 - 30-36 months given

Regulations

- ❖ Problem: one-size fits all is the biggest straight jacket. Regulations should make things safer, go back to the basics. If you have a group doesn't have many accidents and problems than they need to be except from regulations, (100 mi. radius rule).
- ❖ Effectiveness of current regulations
 - Motivate compliance: Show carriers the value of compliance other than a punishment of a fine.
 - How to save money
 - How to do audits
 - How to reduce accidents

Outreach

- ❖ Better publicize outreach programs
 - Typically there's no contact with FMCSA until enforcement!
 - FMCSA has an image issue it needs to deal with (fear of retribution when providing constructive feedback)

Incentive

- ❖ Positive reinforcement. Instead of focusing on the bad companies, discover best practices of good companies and publicize them.

Carrier Fitness

- ❖ Identify ways to watch driver behavior. Performance based not just statistical
- ❖ Conduct interviews without face to face meetings (electronics, paper information)

CASE FOR CHANGE

Comments on Point 1: 'To keep up with increasing volume'

- ❖ Lack of knowledge if increasing volume is true in organic growth. Are new entrants companies with new trucks and new drivers or just a shuffling of the deck with a new DOT number?
 - Large companies split into 50 dot numbers one for every state they are in.
 - Get a handle on growth. Where are the new companies coming from?
 - clean up dead carriers in database
- ❖ Mirror market. Be flexible for ups and downs.
- ❖ Cons: less safety than currently achieving
- ❖ Consequences: out of control if no change
 - 1 per 100 million
- ❖ Need a focus on direction
 - Electronic > productivity
- ❖ Only do 2% now. With the increase there won't be any audits or less than 1%
- ❖ Rotation by region
- ❖ Change who you see
- ❖ Do 1% accurately
- ❖ Random compliance reviews
- ❖ Also DOT needs to clean-up data on defunct carriers.
- ❖ DOT needs to understand where growth is coming from in order to target programs appropriately

Comments on Point 2: 'To meet increasing program demands'

- ❖ No effort to look at existing programs to see if they're viable. Eliminate programs of no value before layering more things on.
- ❖ Agree, but review viability of existing programs and eliminate/modify some programs prior to implementing new ones.
- ❖ Breaking point now
 - Local police, state police, MCA, TSA, RSPA, DHS
- ❖ #1 standardize DQF into a national database that any carrier could tap into instead of duplicating files from carrier to carrier
- ❖ Agree!
 - Foreign nationals
 - New entrant/HM/security
- ❖ More programs are needed
 - Voluntary assessment with time limit to comply safety review before fines
- ❖ Yes
- ❖ Communication
 - Let the industry know what you have and how it works
- ❖ Insurance screening of new carriers

- ❖ Disqualification of drivers under 383 by carriers

Comments on Point 3: 'To expand scope of influence'

- ❖ Define influence, what part of industry are you trying to influence? How? And in what way? Direction?
- ❖ oversight good but needs checks and balances
 - Embrace technology or you won't increase your influence.
 - Create targets. Look at focus spots, hot spots, top 3, 5, 10 problems and go over the big bang issues.!
- ❖ 2% too small
- ❖ Do safety reviews
- ❖ Can do more than trying to crucify same guy 10 times
- ❖ More safety reviews less punitive
- ❖ Increase scope of influence over driver i.e. drug and alcohol testing
- ❖ Entry level restrictions
- ❖ Probationary period for carriers

Comments on Point 4: 'To expand focus of safety assessments'

- ❖ Influx of foreign nationals brought in from overseas to be drivers. Deal with driver safety and fitness for the road.
- ❖ FMCSA mission statement versus expansion, what should the focus be?
 - It's becoming a layering process, the whole thing needs to be reassessed
 - How much can FMCSA take on and continue to be efficient, accomplish goals and stay within budget? Can another agency (like DHS) security program take on some of the responsibility?
- ❖ Consider economics of trucking industry. In a few years there may be a decrease of carriers due to the high price of diesel fuel
- ❖ Have officers of organization sign-off on compliance certificates
- ❖ Not necessary to focus on other entities. All states adopt FMCSAs. Why spread FMCSA resources thinner than they already are.
- ❖ Maintenance programs
- ❖ Shippers, foreign nationals, drivers, owners, safety – how to implement?
- ❖ This case for change is important to help clarify mission of FMCSA

Comments on Point 5: 'To leverage dependency on partners'

- ❖ Important to have some dependency on others, different layers working together. Many organizations are involved in the regulations but not in the reporting (insurance, medical, TPAs.) They have a wealth of knowledge about carriers at their disposal; the information is just sitting there, not being accessed.
- ❖ Partner with states, don't lean on them. They need to work closer to make sure states are implementing the statutes and laws that FMCSA and congress pass.
- ❖ Effectiveness. Partnerships are needed where carrier's hands are tied since regulation brings them 90% and they need that extra 10%.
 - Need to rely on partners: medical community, TPA's, service agents. All have good information. Lots of partners are not currently part of regulatory process.
- ❖ Caution: one database is a challenge as far as data standardization is concerned
 - Look at intermodal DB (IAAA)

- For example, the goal of Safestat is good, but the process is not perfect. Good example of how data quality can be a compounding problem.
- ❖ Expect more from the states. Are states implementing the statutes in a way that the federal government intended?
- ❖ Effectiveness of current process should be reviewed. There are currently limitations specified within the statutes that may be a blocker to progress.
- ❖ Similar to SEC
- ❖ Unions?
- ❖ Media
- ❖ Make states earn the federal \$ they jump through hoops to get
- ❖ Compounding problems?
- ❖ Uniform data
- ❖ National databases and standardization. Partnerships would help to standardize.

Additional Cases for Change

- ❖ To change mindset of safety enforcement
 - Manage behavior vs. manage safety
 - Use technology to facilitate
- ❖ To be fair
- ❖ To improve communication and stakeholder community participation
- ❖ To keep up with changing dynamics of the community
 - Example: population is largely moving away from large to small carriers. Therefore may need to increase barriers.
- ❖ To accommodate the changing driver pool

Other Suggestions:

- ❖ Focus on fact that 70% of truck-related fatalities are caused by car. Cannot focus on 30% of truck caused accidents and ignore 70%! Must go after 70%!
- ❖ Data is not accurate. Affecting business
- ❖ Better appeals process needed
- ❖ To accommodate the fact that the world has changed/is changing and technology has evolved/is evolving.
 - Use this as an opportunity
 - Cost of tech is coming down and improving
 - Word Wide Web is more accessible
- ❖ Congestion on highway
- ❖ Entry level driver issues
- ❖ What about people driving vehicles under certain prescription drugs that affect their ability, such as any drug that slows their reaction time? Not just truck and bus drivers.
- ❖ FMCSA needs to look at forces that drive the company not just the company
 - Customers
- ❖ "Safestat" for drivers not just companies
 - Most 'unsafe deficiencies' due to driver error
 - Penalties 383.51 not enough
- ❖ Toss up. Who reviews information and who enforces?

**Appendix B12:
Stakeholder Comments by Listening Session
Springfield, Massachusetts/ October 26, 2004
Future State Breakout Groups**

Safety is...

- | | | |
|----------------|-----------------|----------------|
| ❖ Goals | ❖ Profitability | ❖ Common good |
| ❖ No accidents | ❖ Commitment | ❖ Lost time |
| ❖ Belts | ❖ Training | ❖ Common sense |
| ❖ No injuries | ❖ Enforcement | ❖ Rules |
| ❖ Mod rate | ❖ Longevity | ❖ Standards |
| ❖ Money | ❖ Professional | ❖ Performance |
| ❖ Measurement | ❖ Safety bonus | ❖ Insurance |

Attributes

- ❖ Efficiency
 - Right now lots of overlap between agencies
 - Work closer together/pool responsibility
 - DHS vs. FMCSA focus
 - i.e. Leasing facilities. New driver regulations – performance history requirements vs. drug and alcohol requirements contradict each other
- ❖ Voluntary vs. not
- ❖ Consistency in definitions
 - What one entity may think of 'flexibility', another may not
- ❖ Equitable
 - Right now there is subjectivity among states
- ❖ Reasonableness
- ❖ Considerate of market as an impetus
- ❖ Accountable
- ❖ Focus on behavior
- ❖ Action to describe implementation
 - Implementable
 - Enforcement
- ❖ Fairness
 - How enforce laws
 - No crime until they find one
 - Small and large carriers
- ❖ Focus on positive
 - Those trying to do the right thing
- ❖ Reward those doing right thing
 - No enough congrats
- ❖ Open up ratings
 - Include excellent category
- ❖ Positive interaction
 - MC and FMCSA, driver
- ❖ Functionality
- ❖ Balance between realities (financial, etc.) vs. theory performance work
- ❖ *Education – training
- ❖ *Standards for measuring progress consistently applied

Who

- ❖ Carriers
 - Any w/DOT #
 - Intrastate carriers (also seasonal carriers)
- ❖ Corporations
 - Large corporations
 - Corporate officers
- ❖ Dispatchers
- ❖ Driver leasing companies
- ❖ Drivers
- ❖ FMCSA
- ❖ Inspectors
- ❖ Intermodal containers
- ❖ Law enforcement (both federal and state)
 - Need to have standardized enforcement
- ❖ Lumpers (DoL)
- ❖ Owners of small companies (local trucking)
- ❖ Receivers
- ❖ Regulatory agencies (other than FMCSA)
- ❖ Shippers and brokers
- ❖ State motor transportation association
- ❖ Third party providers
 - Commercial Driver Training Schools
- ❖ Vehicle manufacturers

Discussions surrounding the Whos

Carriers

Anyone with a DOT

- ❖ Who is in this category?
 - Motor carriers, USPS trucks
 - Small carriers – rarely go through a CR
 - (Pull over 26,000 lbs), CDL licensed drivers
 - Independent Drivers
- ❖ Should be fair and accessible to small and big carriers
- ❖ Problem: those that fall under radar – we don't know if they have problems or fatalities
- ❖ Those pushed out of CDL range, under radar
 - Bad records follow
- ❖ Track through accident reports, check up
 - Not everything pops up. problem: Moving companies- when there is a problem carriers just get a new CDL and go to another state
- ❖ Assigned risk pool
 - Business, private → insurance – identify in diff states
- ❖ Reality not enough resources for all small ones, identify worst carriers

- ❖ CRs ensure compliance to regulations not necessarily a safe company

Corporate officers

- ❖ SEC-like signature of statement

Dispatchers

- ❖ To assess CRs – talk to them, see operation, safety operation
 - Conduct Employee interviews (like OSHA) and make observations
- ❖ If a dispatcher understands hours-of-service, etc. then it shows there is a commitment to safety
 - Shows Dispatcher's knowledge of rules
- ❖ Check for proper training in sending out trucks
- ❖ Connection between the road and facility
 - "1st line of offense, last line defense"
- ❖ Look at Morale of employees + drivers
 - Dispatcher can control that
- ❖ There is currently no documentation on dispatcher activities
 - Data storage issues
 - Off hours
- ❖ You can relate the following back to the dispatcher: On-time rates and miles per gallon
- ❖ Dispatchers are key resources, underutilized

Driver Leasing Companies

- ❖ Agreements need to be monitored, especially the economics of the agreement
- ❖ What
 - Qualification Process
 - Driver performance
 - Training
 - Understanding of regulations
 - Compliance
- ❖ How
 - Certification– using CR process
 - Reporting should happen, make them responsible for presenting information in a more accessible system
 - Not held to same standards
 - Database
 - Track driver's employment record, tie back to leasing co.
 - Road observations
 - Not just paperwork, CR

Drivers

- ❖ Drivers don't always report back to carrier
 - Need direct accountability
 - Take CDL away if there is an unqualified driver
- ❖ FMCSA is a big part of the equation, drivers need to be more aware
- ❖ Conduct a CR for drivers

- To assess driver fitness
- ❖ Laws, liability
- ❖ Public safety should be the greatest goal—so it trumps all other issues
 - FMCSA can play the advocate role
 - Post 9/11 overlaps with general safety
- Standardization:
 - ❖ Standardized license
 - CDL vs. working license > need to be one and the same (instances of some truck drivers who do not have a personal license but have a CDL)
 - Eliminate ability to authorize licenses in multiple languages (because if the driver cannot read English, s/he cannot read many road signs)
 - ❖ Standardize term 'CMV'
 - Right now there are 2 definitions in the statues
 - Need to determine when a CMV-related license is needed and license requirements
 - ❖ Standardize procedures for license requirements
- Education and Training:
 - ❖ Require minimum standard education for drivers
 - i.e. DVIR – make driver accountable as well for their education not just carrier
 - ❖ Yearly education requirement
 - Some states already have this
 - Education of use of new logbook is important

FMCSA

- ❖ Fed government does oversight
- ❖ More objectivity
 - Consistent (fines)
 - Enforcement (must be consistent with interpretation)
- ❖ Standards:
 - Performance, history of officers
- ❖ Are problems being solved?
- ❖ Education and outreach program
- ❖ Quality of training
- ❖ Interface metric to look at carriers, shippers, drivers
 - Look at whole issue
 - 1 segment → balance of focus
 - Regulations complementary
- ❖ Public certification and qualification of officers
 - Be aware that officers certification expires and recertify them
 - Monitor by state

Inspectors

- ❖ Location of safety inspectors is important (i.e. weigh station) not just to ensure that a broadness of inspections are being performed but also to ensure the safety of the inspectors. (this may be a training topic for law enforcement)
- ❖ Should have hands-on experience of sitting in a CMV
 - Help them use information better
 - Was part of outreach originally

- Con: concern about building close relationship between inspector and inspectee that would not make the inspection objective
- ❖ Should evaluation equipment as part of federal CR instead of just state
 - Helps determine whether maintenance records are valid
 - Example: airline inspections
- ❖ Should review terminal operations
- ❖ Need training
- ❖ Need consistency
- ❖ Send vehicles with known mechanical problems and see if discovered
- ❖ TV camera during driver inspection
- ❖ Hours of operation
 - Biggest violators are at nights, weekends since they are not usually monitored
 - Have a PRESENCE!!
- ❖ Do outreach to educate, not just to come and find violations. Add a more positive interface
 - At Roadside
 - At Trucking company headquarters
- ❖ Surveys
 - State program qualified general inspection program

Owners

- ❖ Should have a required level of education for all owners seeking at DOT # (not just MC#)
 - Use this as a barrier to entry
 - Also use this as a way to reduce fines (if take x educational classes, will reduce fine)
 - However, does not address intrastate issue
- ❖ Background check/fitness check before owner obtains authority
 - Credit check – this used to be done prior to deregulation
 - However, creates higher level of resources to regulate
- ❖ Require a 'real' yearly certification like SEC, OSHA (300 log) affirmation
 - Note: OSHA is a good example b/c it also considers operational characteristics
- ❖ Require them to do pre-employment drug testing

Shippers/Brokers

- ❖ Time load/time left
 - Needs to be automated to be effective
- ❖ Create disincentive to put load on street
 - Network/knowledge within industry of who will take loads
 - How to report and enforce? What will be the response? Need to know that the agency has someone whistleblowers (this is not the term they used) can talk to.
- ❖ Include shipper on accident reports
 - Also need to change what is a reportable accident is b/c lots of accidents are not considered 'reportable'
 - Need to look at the frequency and classes of accidents and how the shippers relate
- ❖ What are shippers doing to assist carriers in compliance?
- ❖ Help learn regulations, educate, awareness

- To understand the realities of transportation
- ❖ Their only Incentive is cost
- ❖ Have shippers tour distribution centers
- ❖ Regulate shippers (they put loads together but don't have to load)
- ❖ Use OSHA ratings on injury reports
- ❖ Shipper rating
 - Based on on-time arrival, accurate, safe environment
 - Some look like "hell-hole, death-trap"

State Motor Transportation Association

- ❖ What
 - Opportunity – qualified trainers
 - Funding to associations
 - Resource for FMCSA
 - Access more carriers
 - Smaller carriers
 - Training
 - Endorse truck championships
 - Educate about no-zone and driving with commercial vehicles
 - Conduct a mock CR
 - Connected to consultants

Third Party Providers

Driving Training Schools

- ❖ What:
 - Curriculum
 - Adherence to standards
 - Instructor qualified/trainer
 - Off-site testing
 - Student qualifications
- ❖ How:
 - Have FMCSA take/test out the course
 - FMCSA should endorse existing good certified program (schools are no certified currently)
 - Encourage similar programs(best practices) for new schools to adopt
 - State operated schools
 - FMCSA Track:
 - Oversee curriculum
 - Pass Fail rate of schools
 - Performance of graduates – crashes, violations

Vehicle Manufacturers

- ❖ Conformance to standards
- ❖ Vehicle maintenance
- ❖ Standards from highway admin
 - Break standards

- ❖ Building safe, data easily downloaded
 - Consistent use of information in the system
- ❖ The trucking industry does not have any no 5-star safety vehicle (features)
 - (like buying a car)
 - Make safety a priority with manufacturer
- ❖ There are no safety factors or standards for trucks, like Survivability
 - A safety feature: Need grab rails, good step system
 - Basic safety for drivers
- ❖ Technology– computer chips to track the speed of vehicle at crash, etc.
- ❖ Retrofitting
 - Help with wining harnesses, simple way to improve trucks mechanical safety features and technology of buying a new upgraded vehicle

Data

Driver Database:

- ❖ National CDL
- ❖ Fix CDLIS or use and improve
- ❖ Need a better way to access driver information (can't access CDLIS)
 - Needs to include the following information:
 - Drug and alcohol information, whether positive or negative
 - Positive information as well (i.e. 20 years accident free)
 - Discharge for cause
 - DOT recordable accidents
 - Physical (a.k.a. medical) info
 - Suspensions and revocations
 - Felonies/other crimes
 - Enforce carrier use of this system
 - Data needs to be uniform (CDLIS is not uniform)
- ❖ Records (ex- drug/alcohol.) should follow drivers

Data characteristics

- ❖ Data should not equal image of a document
- ❖ Accurate
- ❖ Real-time
 - Data should be real-time to help trigger action
 - Would help to determine when CRs should be performed in a timely manner
- ❖ Standardized
 - Standardization
 - Moving violations – get them the same in each state, and put them in the database
- ❖ Easier access
- ❖ Easily corrected
- ❖ Centralized
 - Administrated by fed agency, tough for 50 states to do
 - NHS National Highway Safety – similar program

- ❖ Fact based, not objective

Types of Data to Track

- ❖ Licensing, safety, driving information on performance
 - All with CDLs
- ❖ Security info, background check
- ❖ Safety information not financial should generate the database
- ❖ Measurements
 - Amount of training
 - Facts

Sharing/ Privacy/Changing Data

- ❖ Notification of record change, automatic
- ❖ Figure out how to protect (changing) the data, yet give stakeholders access
- ❖ Require states to share information on drivers
 - Tie failures to a driver's CDL
 - Partner with state licensing offices

Data Collection

- ❖ Method of information collection will need to be dual-tracked
 - Use technology for those who can access. Need non-technical solutions for those who can't
- ❖ Capture and measure real time performance
 - Be proactive – now – do not do stuff to change last year
 - Advocates for effective use of technology
 - Breaks out, tires out, near misses, quick breaks → on board recorders
 - Black box to show when drivers go over hours-of-service
 - Help by getting technology into smaller companies
 - Start with the Manufacturers
 - Legal issue – who owns information in the recorder?

Compliance Reviews

- ❖ For CRs streamline and implement soon
 - Be like OSHA and allow people to file complaints and ask compliance questions via the phone or fax
 - Touch more – to and from FMCSA
 - LOI letter – FAA

Enforcement

Rewards/Fines

- ❖ Need a rewards system that is full cycle (rewards everyone: the company, driver, etc.)
 - Insurance credits
 - Tax credits

- ❖ Consent order
 - If improve over time, fine is reduced over time,
 - Assess a high fine and give incentive to reduce
- ❖ Recognize good carriers – OSHA – VPP (voluntary protection Program)
 - State conciliation
- ❖ Incentive: Get a free decal when you are inspected and have no violation – decal says- you don't have to be inspected for another 60 days (even if you are pulled over) accountability—the original officer's name is present on the decal if there are any questions.
 - Cuts down on inspecting the same trucks over and over again since it shows the truck was already inspected

Communication

- ❖ Communication needs to be proactive and not just through the internet
- ❖ Report card that can be used for PR

Education

- ❖ Agency needs to provide educational/informational materials that are useful like the new entrant CD
 - Right now, useful materials are the ones they purchase from 3rd party entities. The free versions are not user-friendly. (Not all entities are going to pay for useful materials).
- ❖ Mentoring
 - Originally the objective of associations

Additional Ideas

Economics of Safety

- ❖ Pay scale – since much of safety boils down economics, if there is a way to ensure pay is fair/equitable, then have a better chance of equitable safety compliance by industry
- ❖ Any program should promote: 'Safety pays off'
 - Education first
 - Follow-up with compliance (\$, prison)

Model Programs

- ❖ Hazmat program is an example program to look at

Logbook Rules

- ❖ Need to re-look at logbook rules
 - After 14 hours, allow for 3 sleep breaks instead of 2 to make more versatile (otherwise people are looking for a way to get around current one)
 - Reinstate Line 1
 - Education of use of logbook is important

Parking Lot

- ❖ How is interstate carrier defined?

Appendix C: List of FMCSA Listening Session Participants

Last Name	First Name	Organization	Title
Adams	Kendra	NYS Motor Truck Assoc.	Deputy Director
Adams	Tim	AAMVA	Program Director Motor Carrier Services
Akerson	George	Dahlsten Truck Line Inc.	Vice President
Alexander	Ray	Liberty Mutual	Sr. Technical Consultant
Allen	Lewis	RR Donnelley Logistics	Fleet Safety Manager
Allen	Sheila	The Transportation Advisor Inc.	
Amelio	Frank	USF Logistics	Security and Safety Systems Administrator
Anderson	Tom	Interstate Distributor Co.	Director
Anderson Bomar	Marsha	Street Smarts	President
Andracki	Chris	Menlo Worldwide	Safety Manager
Anzuoni	Chris	Plymouth and Brockton Street Railway Company	Chief Operating Officer
Arnn	Edward	Arnn, Inc.	CEO
Arredia	Mary Jo	Cushing Transportation	Safety Director
Ayers	Doug	GA DMVS	Captain
Ball	Mike	Impact Engineering Technologies	President
Bambach	Leonard	SIRVA	Field Service Manager
Barrow	Angela	DMVS	Corporal
Bartlett	William	CUSA, LLC	Region Safety Manager
Baxter	Amy	Transportation Specialist Inc of Indiana	Manager
Beacom	Joe	Landstar System, Inc.	Vice President
Bell	Uly	Roadway Express	Driver Supervisor
Bengston	Dave	Unigroup, Inc.	
Bennett	Bill	SEFL	
Berry	David	Swift Transportation	Vice President
Billows	George	IL Trucking Association	
Binder	David	Florida DOT	Lt. Colonel
Bishop	Jennifer	NTSB	Project Manager
Boggs	Robin	GA Dept of Motor Vehicle Safety	Sergeant
Bowles	Dee	Apollo Van Lines, Inc.	Safety Director
Boyd	Barry	GA Dept. of Motor Vehicle Safety	Sergeant
Brewster	Jerry	Roadway Express	
Brezinsky	Vincent	Roadway Express	Line Howl Driver
Briles	Elaine		
Brock	John	Milestone Group	Director
Brown	Thomas	BUS Solutions Co. LLC	Owner
Bubnis	Michael	United Natural Foods	Eastern Region Safety Supervisor
Buckner	Mark	Mohawk Industries, Inc.	Transportation Safety Manager
Bugg	Bruce	CVSA / GA DMVS	
Burkert	Jack	Trailways	Safety Liaison
Camara	Susan	USF Holland, Inc.	Manager Regulatory Compliance
Campagna	Shannon	National Beer Wholesalers Association	
Campbell	Curt	Roadway Express	Term Manager
Campbell	Jim	Roadway Express	Field Safety Manager
Campbell	Stephen	CVSA	Exec. Director
Careaga	Luis	Tornado Bus Company, Inc.	Safety Director
Carroll	George	Leisure Time Charters and Tours	Director of Safety
Christello	Tricia	MMTA	Associate Director
Claffey	Scott	Great West Casualty Company	Manager Safety Services
Clark	Jerry	USX	Safety Director

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Last Name	First Name	Organization	Title
Clark	William	Pool Co. Texas Ltd.	Manager
Clemente	Rich	Truckload Carriers Association	
Cloherly	Edwina	NHTSA, New England Region	Regional Program Manager
Coleman	James	Marion A. Allen Insurance of Georgia	Director of Loss Control and Safety
Come	Joe	U.S. Dept. of Transportation	Program Director
Cooper	Teresa	GA Dept. of Motor Vehicle Safety	Lieutenant
Copestake	Robert	American Coach Lines, Inc.	Director of Safety
Coulter	Ray	Crete Carrier Corporation	Vice President of Safety
Coxhead	Bud	WI State Patrol	CR Supervisor
Craig	Rick	OOIDA	Director of Regulatory Affairs
Crowe	Charlie	Peter Pan Bus Lines, Inc.	Safety & Training Manager
Crowell	Ed	Georgia Motor Trucking Association	President
Currie	Kevin	USX	Safety Manager
Cusumano	Daniel	Rhode Island State Police	Trooper
Davis	Michele	The Transportation Advisor, Inc.	
Davison	Mark	SIRVA	Director
Dimitry	John		
Doggett	Jim	Nebraska State Patrol	Captain
Donaldson	Gerald	Advocates for Highway and Auto Safety	Senior Research Director
Donscheski	Doug	Nebraska State Patrol	Motor Carrier Safety Assistance Program Manager
Dorhing	Bill	Dorhing and Associates	Legislative Advocacy Association Management
Dotson	Art	CUSA Gulf Coast Transportation	Director of Safety
Dowling	Steve	CVSA/CA Highway Patrol	
Downey	JD	PeopLease Corporation	Vice President Safety
Drackley	Jim	AMI Leasing	Safety Coordinator
Duke	Jack	Wausau Insurance Companies	Technical Director Transportation Services
Dupuis	Robert	J P Noonan	Safety Director
Eaves	Susan	American Red Cross	National DOT Administration Officer
Eisen	Jonathan	International Foodservice Distributors Association	Dir. Government Relations
Ellsworth	Gale	Trailways	President and CEO
England	Bill	AIG Consultants Inc.	Senior Technical Services Manager
Schumann	Jerry	Unigroup, Inc.	
Estabrook	Jay	U. S. Contract Trucking, Inc.	Fleet Operations Manager
Evener	Larry	Roadway Express	
Falzone	Michael	Eureka Van & Storage Company, Inc.	Risk Manager
Farrell	Paul	SafetyFirst Systems	CEO
Farwig	William	ABF Freight System, Inc.	Regional Manager Safety and Security
Fawley	Herman	McKee Foods	
Feather	David	Virginia State Police	Sergeant
Ferenczi	H. John	Mid-States Express, Inc.	Director
Findeisen	Les	Texas Motor Transportation Association	Director of Policy
Flanagan	John	Stevens Van Lines, Inc.	Manager
Flick	Steve	Federal Companies	Director Fleet Services and Safety
Fulton	Gwendolyn	GA Dept. of Motor Vehicle Safety	Captain

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Last Name	First Name	Organization	Title
Galt	David	Business and Legal Reports	Legal Editor
Gamino	Henry	California Drug Testing Associates	President
Gann	Rusty	Bulkley and Associates	Safety Manager
Gay	Andy	Howard Sheppard, Inc.	Director of Safety
Gegg	James	USMTCI	President
Germann	Charles	Brubaker Transfer	President
Gertsen	Steve	Gertsen Interstate Systems	Safety Director
Giacoman	Rodolfo	TML Information Services, Inc.	Administrator
Gibbons	J. P.		
Gibson	Kathleen	Georgia Department of Transportation	Administrative Specialist 2
Gilbert	Brian	Del R. Gilbert and Son Block Company, Inc.	President
Gill	Clyde	RF Morse & Sons, Inc.	Compliance Coordinator
Golden	David	Property Casualty Insurers Association of America	Director - Commercial Lines
Goldsmith	James	Liberty Mutual	Sr. Technical Consultant
Goldstein	David	U.S. General Accounting Office	Senior Analyst
Goodin	Ben	CVSA Missouri	
Gordon	James	Georgia Department of Transportation	ITS Projects Manager
Gossett	Byrd	Executive Courier, Inc.	President
Grant	John	International Association of Chiefs of Police	Division Manager
Groth	Bobby	FFE Transportation Services Inc	Senior Compliance Manager
Guariento	Alessandro	Greyhound Lines, Inc.	Sr. Director Safety & Security
Gulley	Jim	Transguard Insurance Co. of America	Vice President
Hall	Cary	Southeastern Freight Lines	Regional Safety Manager
Hammond	Wyatt	Trans Products	President
Hankinson	Richard	Mackin Construction, Inc.	Fleet Manager
Hatch	Virginia		Truck Driver
Hatch	Harry		Truck Driver
Hedgpeth	David	FFE Transportation Services, Inc.	Vice President
Hellinga	Laurie	Insurance Institute for Highway Safety	Research Associate
Henderson	Dick	CVSA	Government Affairs
Herber	David	L&B Cartage, Inc.	General Manager
Hines	Ann	Arkansas Oil Marketers Association	Executive Vice President
Hively	Randy	A Touch of Class Limousines	President
Horak	Michael	Academy Express, LLC	Risk Manager
Huber	Scott	Unigroup, Inc.	
Hughes	Michael	Regulatory Compliance Services, Inc.	President
Humphrey	Ron	McNay Truck Line	Safety Director
Irwin	Michael	Michigan Center for Truck Safety	Director
Janak	Michael	Transgas, Inc.	Safety Director
Jenkins	Gene	JLT Enterprises	General Manager
Jennings	Philip	Saia Motor Freight	Director of Safety
Johnson	Jerry	AR Highway Police	Inspector
Johnson	Larry	Nebraska Trucking Association	President
Jones	Pamela	HNI Risk Services, Inc.	Safety Advisor
Joyal	James	Del R. Gilbert and Son Block Company, Inc.	
Kapner	Troy	JAM Distributing	Fleet manager
Kastner	Michael	National Truck Equipment Association	Director
Kearley	Harry	Alabama DPS	Captain
Keck	Roy	GA Concrete Association	President
Keener	Gary	Mohawk Industries, Inc.	Safety Coordinator
Kerlik	Andy	New Penn Motor Express	Vice President-HR Safety

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Last Name	First Name	Organization	Title
Kilton	J. Scott	Peoplease Corporation	Manager
Klingman	Tom	UPS	Operating Tax Manager
Kotowski	Peter	NTSB	Senior Investigator
Kynston	Bruce	CVSA California Highway Patrol	Lieutenant
Lacy	Don	Prime, Inc.	Director of Safety
Lang	Dean	SEFL	Reg. Safety Manager
Lantz	Brenda	NDSU	Program Director
Lasko	Jonathan	Seder Foods	Director
Lavin	Ernesto	SCT	Inspector of Transport
Levario	Arthur	Arizona Trucking	
Lewis	Richard	United Road Services, Inc.	Safety and Compliance Officer
Lipsius	Ira	Schindel Farman & Lipsius	Partner
Litmer	Daniel	Wood-Mizer	EHS Manager
Littler	Norman	United Motorcoach Association	Senior Vice President
Lynch	Tim	Motor Freight Carriers Association	President/CEO
M	Matthew	Advocates Group LLC	President
MacLeod	Daniel	Landstar / Ranger	Driver
Madar	Scott	International Brotherhood of Teamsters	Assistant Director
Mahorney	Bill	American Bus Association	Director of Safety
Malloy	Mike	Transport Topics	Reporter
Manning	Kenneth	Zachry Construction Corporation	Director DOT Compliance
Mariotti	Leonard	Van-Pak, Inc.	Safety Director
Martin	Becky	Southwest Freight Distributors	Safety Manager
Martin	Alan R	Public Utilities Commission of Ohio	Deputy Director
Maus	Jacqueline	National Safety Compliance	Manager
Mayer	Diana	Marvin Johnson & Associates	Director of Safety
McCain	Randall	GA Dept. of Motor Vehicle Safety	Lieutenant
McDougle	Mitchell	Bryant Transportation Co. Inc.	Safety Director
McKain	Brian	U.S. Postal Service	Purchasing Specialist
McLeod	Mark	GA DMVS	Chief Enforcement Officer
McMurtry	Michele	NTSB	Project Manager
McQuaid	John	Industrial Packaging Alliance of N.A.	Executive Director
Meadows	Tom	Ky Auto Insurance Plan	Manager
Melton	David	Liberty Mutual Insurance Group	Director
Meraz	Nelly	Nelly Meraz Consulters	Owner
Mercadante	Jeff	Pitt Ohio Express	Manager of Compliance and Training
Merz	Roland	Texas DOT	Program Manager
Metzger	Steven	Sunoco Logistics L.P.	Senior Operations Specialist
Middleton	Paul	Statcom, Inc.	President
Miller	Kimberly	Transportation Specialists Inc of Indiana	Vice President
Miller	Ed	Maryland Dept. of Transportation	Motor Carrier Policy Office
Miranda	Armando	Tornado Bus Company, Inc.	Operations Manager
Moldstad	Richard	Gallagher Transportation Services	Trucking Loss Control Consultant
Morrisette	Kenneth	Interstate Van Lines, Inc.	Executive Vice President
Mott	Richard	California Professional Export Car Association	Member
Mugno	Scott	FedEx Express	Managing Director
Murphy	Tara	Central Transport, Inc.	Manager of Safety
Murray	Lisa	The Transportation Advisor	
Naff	William	US DOT NHTSA Mid Atlantic	
Neal	Mike	USA Truck, Inc.	Director

Appendix C: List of FMCSA Listening Session Participants

Last Name	First Name	Organization	Title
Neatrou	Jason	Liquid Environmental Solutions of Texas	Transportation Manager
Needham	James	The Brunalli Construction Company	Vice President
Newsome	Lynn	Great West Casualty Company	Safety Service Representative
Nichols	William	Carrera Transport, Inc.	Director
Niswander	Steve	Groendyke Transport	Vice President Safety
Nothe	Charles	The Transportation Advisor, Inc.	President
O'Connell	Mike	Commercial Vehicle Trucking Association	
O'Connor	Pat	IWLA - Kent and O'Connor	
Odgers	Griff	Andrews Logistics, Inc.	Director of Safety
Olson	Owen	JAM Distributing	Safety Director
Orbovich	Milan	Public Utilities Commission of Ohio	Chief Enforcement Division
Ortiz	Abby	Rosiles Transport Services	Consultant
Osiecki	Dave	American Trucking Associations	Vice President
Owen	David	NASTC	President
Patton	Oliver	Heavy Duty Trucking Magazine	Washington Editor
Peterson	Michael	Universal Am Can Ltd	Director of Safety
Peterson	Matthew	Mack Leasing System	Manager National Account Lease Sales
Phillips	Monica	JLT Enterprises, Inc.	Asst. Office Manager
Pierce	Dan	Schneider National, Inc.	Director of Loss Prevention
Poncy	Julie	Texas Star Express	Safety Director
Presley	Ken	Service Insurance Agency	Vice President
Raslowsky	David	National Safety Compliance, Inc.	President
Remington	Allyn	Operation Blessing International	Safety & Compliance Manager
Rivard	Charles	Gainey Transportation Services, Inc.	Vice President of Safety
Robbins	Jerry	Weldon Executive Coach	General Manager
Robertson	Doug	Grocery Manufacturers of America	Manager Government Affairs
Rogers	Vernon	FedEx Freight Western Region	Safety Advisor
Rohrbaugh	William	Bill Rohrbaugh's Charter Service	Treasurer
Roth	Ron	Transportation Technical Services	Executive Vice President
Rothstein	Bob	American Moving & Storage Assn (AMSA)	General Counsel & VP
Rund	Kevin	Illinois Farm Bureau	Director of Local Government
Russell	David	TLC, Inc.	Partner
Russell	Dennis	Coach USA / CUSA	
Santos	Carlo	Refrigerated Food Express, Inc.	Director of Safety
Scavuzzo	Anthony	ABF Freight System, Inc.	Regional Manager
Schaefer	Will	Truck Manufacturers Association	Staff Engineer
Scham	Verlyn	Great West Casualty Company	Senior Safety Representative
Schultz	Jill	J. J. Keller & Associates, Inc.	
Schweitzer	Richard	National Private Truck Council, Inc.	General Counsel
Scott	Ted	Yellow Roadway Corp	Director
Seaton	Henry	Seaton & Husk L.P.	Partner
Sedlacek	Frank	Sentinel Insurance Agency, Inc.	CEO/President
Selkirk	Alexander	Transplace	Business Development Manager
Sheldon	Laurie	Gainey Transportation Services, Inc.	Compliance Manager
Shephard	Kevin	ABF Freight System, Inc.	Regional Manager
Short	Jeffrey	American Transportation Research Institute (ATRI)	Research Associate
Siekerman	Donald	Pennsylvania Motor Truck Association	Director of Safety
Simpson	Scott	Guardian Fire Protection	Manager
Smith	John	US Express	Safety Manager
Smith	Gregg	American Pyrotechnics Association	Program Safety Manager

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Last Name	First Name	Organization	Title
Snook	Garry	ESAD Inc	Owner
Spangler	Michael	Pacella Trucking	
Spencer	James	Texas DPS	Captain
Story	Stephen	James River Bus Lines	President
Suits	Joseph	Moore Expressions	Vice-President
Sullivan	Chris	McKee Foods	
Sweeten	Harlin "Skip"	ABF Freight System, Inc.	Regional Manager Safety
Swygart	Terrie	SIRVA	Supervisor
Taylor	Charles	Property Casualty Insurers Association of America	Assistant Vice President
Teasdale	Charles	Wisconsin Department of Transportation	Lieutenant
Teetzen	Ken	ABF Freight System, Inc.	Manager of Safety and Security
Thomas	Julie	Thomas Enterprises	Truck Driver
Tidwell	Brenda	Leisure Time Charters and Tours	
Tisdale	Jack	Yellow Transportation, Inc.	Safety Administrator
Tofte	Damon	IESI Corporation	Area Safety & Compliance Manager
Trantham	Don	Weyerhaeuser Company	Manager Transportation Safety & Compliance
Troian	Gregg	Pittsburgh Logistics Systems, Inc.	Chairman
Tunnel	Mike	American Trucking Association	
Uriah	Ron	Pitt Ohio Express LLC	V. P. of Safety
Van Etten	Gary	National Transportation Safety Board	Senior Transportation Specialist
Velidow	Kenneth	United Natural Foods	Transportation Manager
Vickers	Vic	Gold Kist, Inc.	Fleet Manager
Vise	Avery	CCJ	Editorial Director
Voelte	Kevin	National Ready Mixed Concrete Association	Manager of Gov. Relations
Vonderau	Gene	Alabama Trucking Association	Director of Safety
Wagner	Kathy	CUSA, LLC	Regional Safety Director
Warn	Tammy	Interstate Distributor Co.	Director
Weagle	Allan	A Perfect Limo	President
Weldzius	Jan	Menlo Worldwide	Safety Coordinator
White	Patrick	Melton Truck Lines, Inc.	Vice President
Whiteside	John	James Helwig & Son, Inc.	
Whiteside	David	JB Hunt	Senior Director of Compliance
Wilhelms	Steve	Brink's, Inc.	Regional Safety Manager
Williams	John	ABF Freight System, Inc.	Regional Manager Safety/Security
Williams	Bruce	TLC, Inc.	Partner
Wilson	Richard	Tran Services	Regulatory Compliance Manager
Wisla	David	Slip Stream Expedited Services	President
Wislock	John	American Trucking Association	
Woodruff	Greer	JB Hunt	VP Corporate Safety
Woods	Teryl	Frito-Lay	Fleet Safety Mgr
Woolam	William	Texas Transportation Institute	Senior Research Scientist
Yamaguchi	Brian	Earle M Jorgensen Company	Manager of Transportation & Logistics
Young	Guy	Georgia Motor Trucking Association	Vice President

Appendix D: Transcription of Pre-Session Interviews

Question 1:

How effective is FMCSA's current compliance review process? What is working now? Not working?

Effectiveness

- ❖ The process generally works.
- ❖ Not terribly effective. Even with close to 700,000 carriers, probably less than 1% can get a Compliance Review. The agency is able to address problems that are obvious like a big accident or an incident that causes damage, but at that point it's too late.
- ❖ The compliance playing field is not level. The DOT concentrates its efforts on high profile carriers. People are concerned that the other carrier companies do not receive the same type of compliance efforts.
- ❖ Fairly effective.
- ❖ I'm not sure its working all that well. My sense is that the FMCSA targets companies that they can reach not those that ought to be reviewed.
- ❖ The Military Command Process is a rigorous inspection. If a company has already gone through the MC process, then the FMCSA need not waste its time.
- ❖ CR process is a good tool. Our concern is that it is not applied in an effective way.
- ❖ Some companies are reviewed over and over again and given the satisfactory rating each time, when on the other hand many companies have never been inspected. We don't want the FMCSA to waste its resources and our time by reviewing people who are already safe.
- ❖ Many of our carriers also get reviewed by the Department of Defense. Perhaps the DOT and DOD can share their audit information and if there are significant data differences they should help each other to eliminate those and better use their resources.
- ❖ The CR process is somewhat effective. The review itself is decent but the problem is that it doesn't target the right people. Resources are not applied to review the people that have not been rated or the problem children.
- ❖ CRs are insufficient. Industry of household goods transportation has regulations (information to consumers, proper conduct with shippers, weighing the vehicle) that the freight industry doesn't have to follow.
- ❖ Not too many of our guys are being visited for CRs. The DOT is not as interested in taxi and parcel delivery service. But big truck carriers with accidents and employee complaints peaks their interest.
- ❖ Additionally, the inspections are not ineffective but more need to be done and it's critical that everyone participates.
- ❖ I don't know how FMCSA can effectively manage the process if there is a lack of funding from all the players.
- ❖ Safestat is working for CRs for inter and intrastate carriers. We have a compliance review division within our law enforcement division that completes both CRs. We use Safestat scoring, interstate carrier CRs are assigned to us from FMCSA, we get the Intrastate listing from WOPEE and we use both these indicators to track carriers for CRs. Before we had access to these methods we were using complaints, accident reports and out of service rates to find trouble carriers. So Safestat has been great for CR access, especially for intrastate.

Working

- ❖ In the moving of chemicals, the use of drugs and alcohol is not a big issue because there is better communication between the driver and the dispatcher in the chemical industry than there may be in the trucking industry at large. Fellow truck drivers realize that if there is someone using drugs and alcohol and there is a serious disaster linked to it—then many people will be affected.
- ❖ The regulatory procedures do cut down on the number of incidents, but this contribution needs to be scientifically determined.

Not Working

- ❖ The safety and security buzz post 9/11 concerns me because we are developing an over-reliance on technology. I have a hard time believing that the black box software system is going to be “the answer.” The real problem is losing the human interaction.
- ❖ The compliance aspect is one area that we could focus on. There are complaints filed against them [FMCSA] because there are a lot of drivers. Those complaints sometimes trigger a full audit when it is not always needed. There is inconsistency on this across the FMCSA offices. The inconsistency is in how this is handled office to office. Some offices take a streamlined approach while others look at a full blown compliance review approach to complaints.
- ❖ There is an inconsistency in the way crashes are treated in one aspect of program versus another. For example, when a carrier is pinged for review; they look at all safety aspects of the carrier. When they do a review, they can focus either on the single accident that triggered the review or on the carrier’s accident history which will cover multiple incidents. The inconsistency is that they only focus on the single accident for safety reviews while a more comprehensive approach is taken in the other types of reviews.
- ❖ Safety is not VALIDATED. Since the 1930s the DOT has required services hours but recently they were abolished. The FMCSA needs to understand and identify benchmarks for daily hours on a cumulative basis. There is just not enough science or causality behind the regulations.
- ❖ Key problems go unlooked, unnoticed or un-acted upon
- ❖ The smaller companies that are harder to find (i.e. don’t have a garage or a fixed address) are being overlooked.
- ❖ The FMCSA needs to have consistent data go in so that the data can be used to evaluate which companies ought to be reviewed.
- ❖ The CR process is still behind the power curve, the industry is underserved. The FMCSA is not getting around to enough companies. More updates are needed to satisfy the public and carriers.
- ❖ The FMCSA cannot spend a lot of time sending out warm fuzzies—it’s a business and we might not hear from them unless something goes wrong.
- ❖ We are unable to use Safestat completely because states are not consistent; we need to get everyone on the same page.
- ❖ Accidents and roadsides need to be included in the whole process in order to have a complete program, as it is NOT now. The biggest problem is not including intrastate accidents and violations.
- ❖ Enforcement directed at carriers is one of the biggest challenges for the FMCSA.

Maintenance

- ❖ National Safety Board uncovered a problem with maintenance and inadequacy of brakes on tractor carriers. Over half of the trucks tested had some sort of serious brake deficiency.
- ❖ The FMCSA needs to work on the truck brake problem because of a) the growing number of fleets and b) the fact that no one has been methodically or consistently checking brakes.
- ❖ Problem with the movement of containers. Some dollies sit in yards in NY, NJ and CA.
 - Resources are lacking.
 - The question becomes who has responsibility to do maintenance on container dollies in terrible condition. Many trucking companies responsible for transporting the containers do not have responsibility over the dolly breaks.

Data / Database

- ❖ The agency has a long way to go to build and maintain their databases
- ❖ Dealing with the data of crashes
- ❖ The data system is a complete mess.
- ❖ There is no mechanism for removing extinct companies (mergers, etc), so hundreds of companies are inaccurately reported as active.
- ❖ The population needs to be controlled and Safestat needs to be configured to reflect reality.
- ❖ The cross-check between a satisfactory rating and having insurance is helpful. However, the system is out of date. All interstate motor operators should have insurance. Insurance companies can do a lot more work than the FMCSA. So with a safer, more accurate database, if you see a carrier with canceled insurance or with a satisfactory safety rating but no insurance certificate, this is a red flag
- ❖ There is a serious need to keep information current and uniform. States use different data for covering accident reports since there is no standard report for local officers.

Log

- ❖ Multiple logs in the cabs of trucks
 - One log for inspectors and another log to track the driver's pay.

Question 2:

What alternative methods should FMCSA consider for determining carrier safety fitness and for addressing unsafe behaviors?

- ❖ The FMCSA should work closely with the employers, the carriers instead of coming in with a big stick thereby encouraging companies to hide things. I
- ❖ Enforcement should be framed as "let's look into this issue because we want to help you fix a problem."
- ❖ Many federal agencies engage in surprise visits to look for problems. Some of that is good because it keeps people on their toes and ensures rules are being followed.

- ❖ A new method would be to improve the technology and ability of persons doing CRs to access info in a more rapid manner than at present.
- ❖ Technology should not be a substitute for personal contact between an inspector and the people running the business and overseeing safety since this is a valuable part of the CR process. Instead, technology can be used to a) speed up the reporting process, b) help assess the number of items in the CR and c) identify critical areas instead of just completing log book entries. The entire system needs to be streamlined and available so inspectors can stop hunting through paperwork.
- ❖ A more viable alternative for completing the CRs is to use Federal and/or State employees with proper training and oversight as 3rd party inspectors. There's a concern that if an inspector is hired to complete a CR and paid by a carrier company, then the inspector is not going to look as critically at the safety issues.
- ❖ CRs and other kinds of driver and vehicle enforcement are effective when linked to a carrier.
- ❖ When conducting a CR, the inspector should also check for other violations (i.e. tickets for being out of service, vehicle out of service, crashes).
- ❖ Great progress but more inspections are needed.
- ❖ We figured out that visible enforcement got the most bang for its buck. Visibility is not just about the number of inspections conducted, it's about doing some in the middle of the night and on road ways other than highways so that carriers know they are subject to inspection at any time they are driving.
- ❖ DOT looks at raw numbers too harshly and fails to evaluate the operating environment that a carrier faces on a daily basis. Example: hauling gasoline in rural areas presents different safety challenges than a downtown/urban environment or a highly congested shopping center.
- ❖ When judging the performance of an industry these areas need to be looked at with more honesty and objectivity. A smaller truck delivering to a mall retail outlet must be treated differently than a 65ft unit wheeling around downtown to deliver to a Giant or Safeway.
- ❖ Conceptually, using performance data in figuring out carrier safety and fitness has always made sense.
- ❖ The performance assessment via SAFENET – provided that the data is good, has made more sense.
- ❖ The question is – does compliance equal safety? In some areas it does and in other areas it doesn't but all factors are included in the safety rating. There has been a want and a need to tie compliance regulations to a safety outcome. This has been very hard to do.
- ❖ There is some ongoing work in progress that can help determine which regulations are needed or not needed to get the desired outcomes. The agency has no choice but to move forward with regulations due to Congress' push, however, the regulations need to be thoughtful.
- ❖ The FMCSA needs to ensure uniform potential for completing Compliance Reviews. This way large trucking companies are not the only ones receiving frequent evaluations and auditing allowing the smaller companies to go free.
- ❖ If the FMCSA can justify that violating hours-of-service, drug tests and driver qualifications leads to higher accident rates then the alternative methods are viable.
- ❖ If a member has been using a transportation company with a flawless record and suddenly an issue comes up, this should be a clear sign of concern and cause for investigation.

- ❖ Alternative methods: a) getting rid of repeat offenders, b) the agency being direct and open in its efforts to go after offenders and c) the process needs to be timely and factual.
- ❖ Since some states still insist on roadside inspections, buses are subject to unloading 40 passengers at a dangerous weight station with trucks coming through. When accidents occur it is more frequently due to driver error not equipment failure.
- ❖ A vehicle test is clearly definable and easy to do because brake and steering problems go by the book. So the emphasis of a CR should be placed less on the vehicle or proper filing methods and more on driver fitness.
- ❖ If Safestat is going to be used the FMCSA needs to make sure the data is current by using a common accident report form that law enforcement officials are required to complete.
- ❖ If a rating shows that a carrier doesn't have insurance, a letter is sent allowing 45 days to rectify the problem. However, due to a lack of follow up at the local enforcement level, the process is inconsistent. The letter that is sent should also go to the local law enforcement.
 - Follow up is needed to make sure that a) a carrier is in compliance within the prescribed period and b) if a company is found out of compliance that they are not operating their vehicles and remain in temporarily suspended status until the problem is solved.
- ❖ Obviously performance is the ultimate factor. If someone is showing problems they should be targeted regardless of their rating.
- ❖ New entrants also have to be a super high priority. Newer carriers have more accidents.
- ❖ Each one of us can tell stories about the amount of unlicensed carriers we've seen on the road. It's hard for the FMCSA to find these people or connect them back to a specific garage. But that's what needs to be done.
- ❖ It's an impossible task to do alone so the FMCSA needs to engage states. The agency can set priorities for states that are worth their time and effort.
- ❖ In 1990 there was a proposed amendment to the transportation act that mandated a uniform program (originally done in seven states). The ATA supported the initiative since it suggested using uniform standards for the state register. Unfortunately the change did not happen, much to the dismay of many of us involved in the process. The uniform program did not create new standards. The state would only issue a permit if a company met the federal requirements. The uniformity was not between the states but that this was a way to ensure compliance.
- ❖ There aren't a lot of state roadside inspections because there isn't enough money from the feds to go around. So, many people who should be stopped are not.
- ❖ More people should be audited. It costs money but if we are talking about an ideal world then we need to rethink safety. Is it the absence of accidents or is it a comprehensive safety plan or committing to no vehicles out of service?
- ❖ Maybe the FMCSA should start fining drivers for speeding violations, etc.
- ❖ The process should be designed so that carriers consistently and systematically feed data into the system. Then inspectors would already have some data information before arriving on location to begin the CR.
- ❖ There should be sufficient technology out there to allow carriers to click on answers and use sophisticated survey tools.
- ❖ We have found that complaints have gone to the bottom of the list. FMCSA needs to bring complaints back by bringing them up to the same threshold as the Safestat scoring list.

Question 3:

What should be the focus of FMCSA's safety analysis process? Motor carriers? Drivers? Owners? Other people or entities associated with safety?

Carrier

- ❖ The trouble is determining who is responsible for the operation of the vehicle (the owner, the leaser) because the name written on the door may not be related to the operation at all.
- ❖ FMCSA should start with the evaluation of a motor carrier safety program.
- ❖ The carrier should have a solid safety record coming from good training and well maintained carriers.
- ❖ We must focus on commercial drivers and the carriers that employ them.
- ❖ The Agency needs to choose between making an impact on the crashes they can prevent and making an impact on all crashes in general.
- ❖ The focus should definitely be the drivers and the carriers.
- ❖ Focus = carriers.
- ❖ The carrier companies should be the focus, more specifically how they conform to the FMCSA regulations such as hours-of-service and truck safety. The carrier company is most important because they are responsible for drivers. The bottom line is that if you enforce the rules after the CR the bad guys cannot get away with undercutting. The shipper can ask for something illegal but if no companies take it, then he'll go away.
- ❖ There are good reasons to continue focusing on motor carriers. They make their livelihood from their business so there is incentive to follow the law and not have the business shut down.
- ❖ The FMCSA should not focus on owners but on the motor carrier. The motor carrier provides and says what goes from this point to that point. With accidents a lot has to do with the qualifications of the driver 1) does the driver have proper tools and training? 2) Is his eye site alright? Airline pilots have physicals every year. 3) There is a lot of training and retesting that could be done to be proactive. Companies can use technology, hold safety classes and require driving tests. The FMCSA can mandate an agenda.
- ❖ In terms of the safety analysis process it should be a combination of the motor carrier and the driver.
- ❖ Depending on how the owner operator is set up to lease, he can be picked up within another carrier. The insurance company approach looks at provided coverage for a motor carrier, so specifically a) the operation, b) the safety history, b) financial condition, d) safety regulations in place for the drivers experience and e) motor vehicle records. Based on that, the insurance underwriter does a safety analysis to determine the appropriate rate and coverage for the carrier.

Driver

- ❖ The vehicle and the individual directly responsible for the operation of the vehicle should be the primary focus.
- ❖ They can do heavy enforcement on drivers and vehicles.

- ❖ The drivers are where you will make the most impact.
- ❖ We need to make sure the drivers that are granted a license are qualified to get the license and that the states are sharing all the negative information about the drivers to make sure that the bad drivers are taken off the road.
- ❖ More attention to drivers. Equipment certainly has to meet safety standards and requirements, but the focus should begin with the driver.

Owner

- ❖ The FMCSA can cut a corner by dealing directly with owners.
- ❖ Dealing with owner operators is an important aspect since their interest in money drives them.
- ❖ Different challenges require specific focus to both the owners and drivers. 1) The corporate side sets policy, expectations, and hires people so we need to continue looking at their point of view. 2) Drivers go through a Commercial Drivers License process. Recently Senator McCain introduced legislation to create national uniform standards for drivers (to make sure that anyone behind the wheel is who they say they are).

Shippers

- ❖ So then the shipper should take some responsibility. In my industry we don't have rush orders since there is so much loading. We already have a driver shortage if you hold things against drivers then they will go to another carrier
- ❖ It has been discussed for years but basically FMCSA needs to make the shippers responsible for the program. Currently RSPA has the authority to regulate and hold hazmat shippers accountable for the safety. But when it comes to general freight there are no regulations regarding shippers. Typically a shipper wants to get a delivery from a to b, so they don't care how it gets there. Regulating shippers would make a better safety program.
- ❖ Perhaps shippers and receivers should be part of this equation especially since they put unreal expectations on the motor carriers, which cause them to speed or violate hours-of-service. Be prepared because it's outside the motor carrier box.

Question 4:

Should FMCSA present safety evaluations to the public? How?

- ❖ The information should be open and available to the public to the extent that they are able to understand. Those who are directly involved in serving the industry should be specifically notified so they can react to what needs to be done.
- ❖ People engaged in the business are the ones that can do something about curing the problems.
- ❖ Members of the insurance and trucking industry have many concerns about this. If a manufacturer hires a motor carrier to transport his goods the liability rests on him so a mechanism to access the safety evaluations would be helpful.
- ❖ There is a need for public information but the data needs to be carefully explained.
- ❖ If the FMCSA tells the public that an operator is bad—the agency better have some good guidelines for what that means.
- ❖ Do you mean the results of a CR? Then I would say yes, I don't know why not.

- ❖ Interpretation is a problem but nothing can be gained by not presenting the evaluations. What would be an example of the wrong conclusion? A carrier may not have had enough information collected in order to present a base rating?
- ❖ The bottom line is that regardless of context this is the way the agency is rating carriers. The more detail, description, and context provided by the FMCSA the better the agency can protect its self from those interpretation issues. The information for hazmat carriers can be presented separately to emphasize their different issues.
- ❖ I have no objection with Safestat or something like it, but the program must recognize specific context. You can take raw data and make it look like anything you want—it's like putting lipstick on a pig. The context must be taken into account (operating environment of the carrier—urban, congested settings, does the carrier handle hazardous material).
- ❖ Another problem with the current Safestat is that there is a huge imbalance among state reporting and errors in the data (some States list every fender bender and others only list big accidents).
- ❖ The FMCSA should make the information available using a web based system so that user companies can easily check the status and safety performance of carriers.
- ❖ We have a hotlink to the Safestat database on our website for anyone planning to reserve a charter; hoping that the information is timely and accurate.
- ❖ We don't mind that at all, it's the best way to do it. A lot of the public don't take the CRs seriously enough, they buy on price alone.
- ❖ I encourage the FMCSA to make the information available to the public, but it should be accurate and reliable. There is a lack of confidence in that right now and people badmouth states about data transmission.
- ❖ There needs to be a better way for carriers to a) get further information b) be notified and c) much more easily challenge, fix and update their records.
- ❖ Yes. I have the right to know
- ❖ Yes, however, it is my experience with Safestat scoring that the general public and shippers, insurance companies and law enforcement do not fully understand the current Safestat scoring algorithm and ISS.
- ❖ No. The safety evaluation area is confusing to individuals who are not familiar with the FMCSA format. And therefore sometimes leads them to inaccurate conclusions about motor carrier status. The information should be released only to motor carriers and enforcement officers until we can educate the general public.

Question 5:

What should be the key attributes of a program to assess motor carrier safety?

- ❖ The FMCSA needs to make sure they are addressing issues that have the biggest impact on safety, not trivial things.
- ❖ The agency should determine the 3-5 biggest causes of serious motor carrier accidents and assess whether those issues are being addressed.
- ❖ The FMCSA has been doing the same thing for the last 30-40 years, they can't quit now, but change is needed. They can work in standard setting and assess whether the time spent conducting CRs actually finds quality results.
- ❖ Visibility and randomness.
- ❖ Hours-of-service rules

- ❖ I have to argue with the attributes mentioned in the federal register. Flexible? Equitable? I'm not sure how useful these phrases will be.
- ❖ A uniform compliance mechanism so that carriers feel they have an equal possibility of enforcement
- ❖ Fairness should be performance based so that the worst guys get the most attention.
- ❖ A set of regulations that are scientifically proven to reduce accidents and/or fatalities
- ❖ R&D and communicating R&D analysis results
- ❖ Accident/incident experience
- ❖ Violation of roadside inspection. However there needs to be a punishment scale for varying degrees of infractions.
- ❖ Target the harder to find companies.
- ❖ The basics are the most important: data, fairness and context for the evaluation program.
- ❖ Good data collections and analysis
- ❖ A database that clearly and uniquely identifies active carriers
- ❖ Conformance with regulations
- ❖ Collect accurate data
- ❖ Make judgments about the data by including insurance information
- ❖ Can the FMCSA add a medical component and make sure medical technicians are qualified (certified) and understand their impact on applying a satisfactory rating to driver fitness.
- ❖ The key attributes should be performance based and make sure the FMCSA gets new entrants.
- ❖ There needs to be an education process with the CR. Educate the public and educate the carriers.
- ❖ Accidents should apply to the safety program but not like a meat cleaver. The public wants to know the accident rate but it's currently not sensitive enough to address animal hits. There is a difference between "I killed 12 people" and "I knocked down a tree."
- ❖ An effective safety program where each company has a designated safety person. Smaller companies may not be sophisticated enough to afford the program. But each company needs a basic safety program with ongoing, internal compliance so that the carrier actually does what it says it will.
- ❖ Reactive is wrong, proactive is right. The government should not decide if action should be taken. When information is under your nose you don't see what is happening.
- ❖ Reporting accidents needs to happen in a prescribed way. 1) was the company negligent in maintenance - yes / no 2) was the accident on a particular state or roadway - yes/no 3) was the driver at fault - yes / no
- ❖ Refocus on out of service rates for vehicle drivers and hazmat violations.
- ❖ Demote emphasis on accidents.

Question 6:

How should safety be measured? This measurement may be used to focus FMCSA resources and to assess safety under 49 U.S.C. 31144, Safety fitness of owners and operators.

- ❖ Smaller companies try to cut corners to save trucks and find tricks to keep their trucks running. These are the companies lacking safety methods, the FMCSA should create up to date information on carriers and focus on these violators.
- ❖ When law enforcement officers come in contact with vehicle operators they must fill out a form to retest an operation. Troopers are not trained to do inspections and if a vehicle is caught in the middle of the night it can be difficult to get an inspector right away. It would be helpful to have a form that identifies violations and requires the vehicle to be inspected the next day before traveling to the new location.
- ❖ Safety should be measured on a rolling history so that bad things can be dropped off after a while.
- ❖ Effectively reducing the number of crashes, fatalities, injuries, and property damage is the true measure of whether it is effective.

A. Which data elements (crashes, inspection results, violations, financial condition) are the best indicators of safe (or unsafe) operations? Are there other important safety indicators we currently overlook?

- ❖ The FMCSA needs to keep in mind the number of drivers and miles traveled each year. The data should be in terms of ratio not just raw data. Once again data needs to be explained, in this case, by showing proportionality.
- ❖ Traffic and regulation violations, mandatory compliance and inspections are more legitimate ways to evaluate a carrier.
- ❖ The agency should be able to do analysis to answer some of these questions: which data elements should be used? What are the best measures with the right data and research?
- ❖ The FMCSA should calculate a loss to premium ratio, an insurance industry term and a very tell tale number. The FMCSA should make a similar number. The number could help factor in the different risks associated with different carrier industries, such as traveling with hazardous materials.
- ❖ Crashes and driver measurements are the keys here. If we are focusing on the commercial side we have to look at crash rates, driver experience and driver measurements.
- ❖ Financial condition linked to safety.
- ❖ Best indicators include a) incidents and accident reports
- ❖ Conformance to rules and.
- ❖ Out of service violations—but factoring in the severity of the violation.
- ❖ It all comes down to performance, accidents, and fatalities; when the rubber hits the road. Paperwork is an indicator but it boils down to what happens on the road. (Out of service rates and more).
- ❖ A sophisticated carrier can track hard braking (near misses) with an electronic module that can differentiate between a hard brake in a parking spot and a hard

brake at 70mph. Those data parameters are available to carriers for safety programs and to weed out bad drivers.

- ❖ How a company treats its employees is also important. If a company has a lot of sprained ankle claims because drivers can't get out of their trucks—then maybe the carrier is not doing a good job at work place safety. How drivers are treated translates to how they treat others on the road
- ❖ Each element (crashes, inspection results, violations financial condition) is important but they need context to be effective.
- ❖ Violations are indicative of future accident likelihood- that's proven. There is a critical problem with violations for interstate drivers.
- ❖ Financial condition is crucial with motor carriers since it's a capital intensive industry with a low profit margin and large dollar amounts are at risk everyday.
- ❖ FMCSA needs to take a serious look at adding carriers' mileage into the algorithm. A factor should consider accidents per x amount of miles. (Perhaps not per million miles, but come up with a mile number that works to create a level playing field.)

B. How should FMCSA consider historical data when measuring safety?

- ❖ The FMCSA can collect data by different means and look at single vehicle crashes to determine the cause (i.e. driver error, equipment- brakes and steering). Then the agency can focus on those things that directly impact safety.
- ❖ All information measured by the FMCSA measures should relate back to improving safety on highways.
- ❖ Many drivers work for a few different truck companies. They use the same equipment—but with a different name on the door. This makes it hard to develop an effective safety history and rely on historical data.
- ❖ Historical data can be misleading. If a company messed up five years ago but has new management who is serious about safety, then it's not good to hit them up again.
- ❖ Historical data could be used only for benchmarking. There will always be subjectivity but the data could help set standards.
- ❖ Historical data often compares apples and oranges. Problems: a) State police are not timely with reporting and b) state to state reporting procedures are different.
- ❖ The FMCSA should look at the safety histories of insurance companies since they track carriers for a while and show patterns.
- ❖ Absolutely historical data should be part of it, but in context.

C. How should FMCSA consider unique characteristics of the operations (hazardous materials, passengers, others) when measuring safety?

- ❖ Recently Homeland Security is doing away with placards on railcars, since it's an open invitation for a terrorist to hone in on the car that says "dangerous, chlorine." We are sensitive to that but there needs to be some way to find out what is in the car especially if it's involved in derailment. In this age of high technology there ought to be a way to label the chemical without an obvious sign, perhaps through a number code system.
- ❖ People dealing with unique characteristics (hazmat, explosives, and passengers) need to be held to higher standards, greater accountability and weighed separately.

A point system would be a good way to assign violations worth a specific amount of points and use a cut off mark.

- ❖ We should focus on the areas that have the higher rate of crashes and not carriers with sensitive cargo like hazmat.
- ❖ Freight carriers, passenger carriers, and hazardous material carriers are different and should be treated as such. It's appropriate to hold a higher bar and for the agency to look at the different factors and risks that involve hazardous materials.
- ❖ Hazmat should have increased insurance and additional safety requirements.
- ❖ The last component is the quality of management and the business. Check and see what kind of authority they give their drivers to handle a repair that's needed while driving. Top down management has to be committed to safety and show it all the time.

Uniformity in Data

- ❖ One problem is the lack of uniformity among various states when trying to gather data on what is working and not working. The questions are asked differently in different states which corrupts the data. There ought to be federally determined standard questions because the validity of the data is just as important as getting the data.

Question 7:

What compliance and enforcement tools are most effective? Currently FMCSA's interventions include issuing warning letters, issuing civil penalties, and placing motor carriers out-of-service.

- ❖ Civil penalties and fines are definitely effective. Carriers clearly hate them, since it's yet another expense they want to avoid which is certainly an incentive.
- ❖ Law enforcement is effective, whether it's inspection or more law enforcement officers.
- ❖ Dealing with the commercial enterprise, the economics of a business is effective. If it costs a company to be bad, then they won't be bad
- ❖ Financial penalties and escalating penalties. I tend to be tough on people.
- ❖ Civil Penalties are probably fairly effective.
- ❖ The compliance review itself. It gets the attention of the trucking companies. It's similar to IRS conducting an audit. People start complying better as a result of a compliance review.
- ❖ The agency needs to target companies that are violating the hours-of-service rule knowingly only in an effort to make more money.
- ❖ Out of service penalties are difficult, extreme and the severity of the violation is critical to determine penalties. The process and response time needs to be defined, according to the severity of the incident.
- ❖ It may be beneficial to mandate electronic logs but that may also be adding another layer to current enforcement. Unfortunately stronger enforcement is tied to resources.
- ❖ The number one effective tool is placing carriers out of service; it costs them more than a fine.

- ❖ In the explosives industry pulling a license is the only tool to use. There is no ability to fine.
- ❖ Money talks. Fines were increased over the past few years. A real financial incentive to do something correctly is more effective than a warning letter.
- ❖ Effective enforcement is shooting a bullet through the tires to stop a driver. That's effective—he is out of service, he's not going anywhere.
- ❖ Civil penalties are effective because it gets the carriers attention immediately. Follow up CRS are be effective too.

A. What types of interventions are most effective?

- ❖ With warning letters, if you've warned a carrier who continues to violate the law, then action must be taken.
- ❖ Perhaps States, as opposed to the Federal government, are better equipped to escalate the violations from a civil issue to a more critical issue.
- ❖ But it's the companies that don't comply unless you MAKE them that need to be taken off the road.
- ❖ The agency needs to look at the civil state in taking away vehicles and to expand the horizon creatively with some of these issues.
- ❖ The out-of-service issue (as it relates to vehicles) is not that effective.
- ❖ Are we looking at too many trucks and not enough drivers?
- ❖ Some companies operate in the margins and consider safety management to be discretionary. These carriers are more likely to be involved in bad accidents. I welcome FMCSA bringing criminal prosecutions against those types of carriers and managers
- ❖ We do not need more rules; we need stronger enforcement of the rules that already exist.
- ❖ Other effective interventions are civil penalties, out of service violations, and warning letters, depending on the severity of the infraction. But make sure that with the warning letters comes some information to help and educate the carriers.
- ❖ Roadside interventions for passengers are dangerous, we support destination inspections.
- ❖ We need more safety ratings! A company is either great, OK or dead. There needs to be an in between.
- ❖ The rule structure cannot be made with a bias towards one group of carriers. But if the industry is going to have the black boxes, then have them for everyone.
- ❖ Safety classes on the surface are difficult to mandate unless it's a record keeping class. At the same time it's very appropriate when well used.
- ❖ Civil penalties, when properly enforced, are very very effective. That means money out from the bottom line

B. How should FMCSA use history and characteristics of the motor carrier's operations in determining which intervention is appropriate?

- ❖ History is valuable to a point, but history keeps changing.
- ❖ Relying heavily on historical data may mean that you are overlooking other aspects that need to be addressed.
- ❖ Statistics aren't everything, particularly those that are ancient history.
- ❖ It is critical that the FMCSA base reviews on hard statistically information.
- ❖ Yes, the history should be used but not sure how.
- ❖ The 3 strikes program generally is a good idea.

- ❖ Accident history should be linked with the insurance file to create a more complete history of a company's safety package. FMCSA can use the information as an indicator of the companies that ought to be looked at more closely.
- ❖ More history and statistics should be escalated to higher degree fines.

Other comments?

- ❖ National priorities are great, but the agency must also recognize that individual states need to deal with problems right now, not just the national focus.
- ❖ Is there a way that the federal government could leverage their standards at the state level to get beyond CR for only 2% of the industry?
- ❖ Hazmat should be a focus since there is legitimate history of being more risky than carrying bathtubs. Terrorists will find the weaklings. If safety is the concern and there is an accident and certain materials cause damages, then different standards are appropriate. You need the best drivers, have a country that works. Then everyone should be held to the same
- ❖ Driver fatigue is a major issue, in terms of electronic reporters and within hours-of-service as an umbrella.
- ❖ Another issue is cars in the vicinity of large trucks. It's not the FMCSA's place to regulate cars. But its part of safety issue.

Communications

- ❖ Word of advice: communicate clearly with those engaged in the business. Two-way, face to face communication is valuable for the truck operators and the FMCSA.
- ❖ Outreach programs – there has to be some element of national program outreach.
- ❖ I think the sessions are a good exercise, but I'm curious about this process being used to say "look we gave you the opportunity for input and this is all we got from you, we didn't get comments on any new ways to do things." And I am also concerned about the timing. It's very quick.
- ❖ That's fine to get things going, but you have to let the people who are providing input have some time to make it a thoughtful process and put the ideas through serious consideration.

Suggestions for Solutions

- ❖ Log problem could be addressed through the GPS system or Qualcomm to stop the feeling of "if I can get away with this—what else can I get away with."
- ❖ The FMCSA actions should be aimed at prevention.
- ❖ The need for tracking systems is more paramount today than it was before 9/11. Perhaps the FMCSA could develop a way to disable trucks remotely. This would protect a truck from being started if it were hijacked or stop a truck carrying hazardous material with a bad purpose. Onstar is a system for automobiles but it's expensive.
- ❖ The FMCSA needs to not only monitor companies and drivers but to research and conduct analysis that backs up these questions.
- ❖ FMCSA may fill some gaps by tying the information together with other safety measures like crashes.

- ❖ The FMCSA needs to a) uniquely identify the current operating carriers in the U.S. and b) validate the Safestat methodology – including regulating the timeliness of accidents and violation reports.
- ❖ We'd like cooperation and partnerships with other agencies (the police department, the attorney general, etc.). Then the FMCSA can engage if there is a problem
- ❖ We feel it is vital to an overall safety program to include intrastate accidents through roadside inspections.
- ❖ There are 3 – 5 things that need to be looked at in the methodology/model. Things that should change:
 - How accidents are looked at in system
 - How to determine the accident rate in the system (currently, we use the number of trucks to come up with accident SEA – Safety Evaluation Area
 - More rigorously use the mileage that the trucking company has each year as the denominator instead of using the number of trucks
 - We need to figure out how to get the data to the Agency more regularly – now the Agency is getting it [compliance data] every 2 years. Filings for fuel packs reporting is one important element and the agency's use of this information is the other important piece. The MCS 150 form is required every 2 years, but perhaps that's not often enough. Connecting the dots is the challenge here.

Appendix E: List of FMCSA Pre-Session Interviewees

Organization
American Bus Association
American Moving and Storage Association
American Trucking Association
Commercial Vehicle Safety Alliance
Institute of Makers of Explosives
Insurance Institute for Highway Safety
International Association of Chiefs of Police
Motor Freight Carriers Association
National Association of Chemical Distributors
National Industrial Transportation League
National Private Truck Council
National Tank Truck Carriers, Inc.
Nebraska State Patrol
Owens Corning
Owner-Operator Independent Drivers Association
Property Casualty Insurers Association of America
United Motorcoach Association

Appendix F: Transcription of Additional Comments by Listening Session Participants

Shipper Impacts

- ❖ Receiver and shippers bear much of the responsibility. Shippers and receivers are making the driver wait around too much. Often, he will be relieved of duty by the shipper while they are loading, but he has to count it as on-duty. at
- ❖ Why penalize the driver with fines to such an extent when the shipper releases the driver late, compromising the on-time commitment. Driver is still expected to make time, but that wait time is considered on-duty.

Equipment

- ❖ No critical violation associated with the failure to repair safety related defects listed on the DVIR prior to the vehicle's next use. Need to increase accountability.
- ❖ Another complaint is the road lights (halogen fog-lights) on SUVs and 4x4. They create a visual strain on truck drivers because they are improperly positioned. It causes a safety issue.

Hours of Service

- ❖ A major problem is how non-duty off-hours are counted. Activities such as eating, taking a break, walking around are counted as on-duty. They should not be because, like sleep, those activities help drivers remain alert. The current rule is for 10 hours off, which is ridiculous. Nobody really sleeps for 10 hours.
- ❖ The new rules also decrease the amount of time he spends with his family. With the 8 hour rule, would drive out during day and still be able to get the 8 hours off-duty. Now needs to leave earlier to get the full 10 hours.
- ❖ Protection of drivers: who is protecting drivers in this process? Only OSHA and only if driver is fired.
 - Agree that hours of service should not have mandatory breaks but should have voluntary breaks to ensure driver has opportunity to self-assess own safety situation for breaks and not be penalized (i.e. if do 9 hours of driving and have a mechanical breakdown that requires a 1 hour break, then I may need an additional 1 hour break later).
 - Relieve of Duty
 - Law is unclear. Some interpret as any wait time, but will not release the driver. Others state that this means all drivers to be released from the property.

Carriers

- ❖ A lot of large companies try to bend rules more so than small companies.

Operations

- ❖ Terminals make a difference.

Communication to Drivers

- ❖ FMCSA should show up at truck shows.
- ❖ Someone should be going out to truck stops to talk to drivers. They can't make the public sessions so they are not represented.

Unions

- ❖ Unions protect the drivers from unfair practices.

Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)

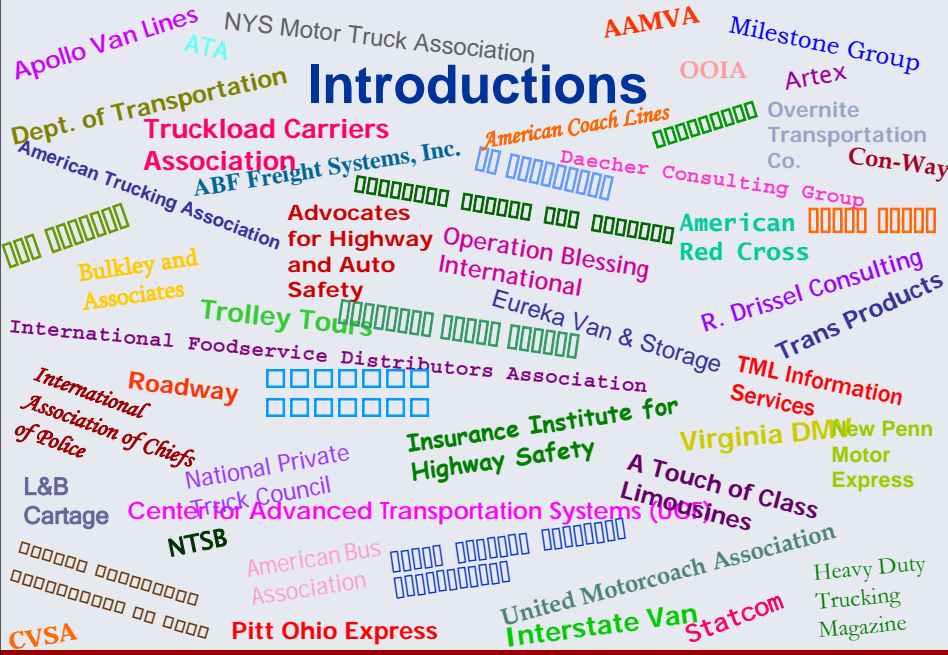
Comprehensive Safety Analysis 2010

Listening Sessions




CSA 2010 Listening Sessions

Introductions



A word cloud of transportation industry organizations and associations. The text is arranged in a circular pattern around the central word 'Introductions'. The organizations listed include:

- Apollo Van Lines
- NYS Motor Truck Association
- AAMVA
- Milestone Group
- ATA
- OOIA
- Artex
- Dept. of Transportation
- Truckload Carriers Association
- American Coach Lines
- Overnite Transportation Co.
- American Trucking Association
- ABF Freight Systems, Inc.
- Daecher Consulting Group
- Con-Way
- Bulkley and Associates
- Advocates for Highway and Auto Safety
- Operation Blessing International
- American Red Cross
- Trolley Tours
- Eureka Van & Storage
- R. Drissel Consulting
- International Foodservice Distributors Association
- Roadway
- Insurance Institute for Highway Safety
- Trans Products
- International Association of Police
- National Private Truck Council
- Virginia DMV
- L&B Cartage
- Center for Advanced Transportation Systems
- A Touch of Class Limousines
- NTSB
- American Bus Association
- New Penn Motor Express
- CVSA
- Pitt Ohio Express
- United Motorcoach Association
- Interstate Van Lines
- Statcom
- Heavy Duty Trucking Magazine



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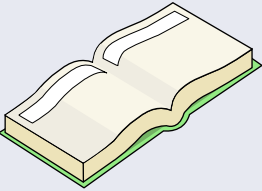
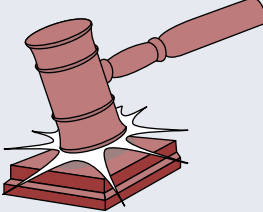
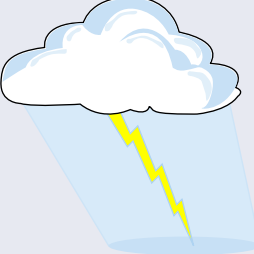
Agenda

- **Introductions**
- **Background**
- **Purpose and Outcomes**
- **Plenary Session**
 - Current State: FMCSA's thoughts, Participants' thoughts
 - Case for Change: FMCSA's thoughts, Participants' thoughts
 - Future State: FMCSA's thoughts
- **Break-out Groups**
 - Future State: Participants' thoughts
 - Next Steps and Close-out



CSA 2010 Listening Sessions

What Kind of Meeting Is This?

Informational	Decisional	Creative/Brain Storming
		



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What Kind of Meeting Is This?

Informational

Decisional

Creative/Brain Storming



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Ground Rules

- You are invited to express your thoughts openly and respectfully.
- Suspend judgment - respect others' perspectives.
- Avoid bogging down in "war stories."
- Express your ideas clearly and once. No need to be repetitive.
- No side bars, please.
- Please turn cell phones off and take calls outside the room.



CSA 2010 Listening Sessions

Comprehensive Safety Analysis 2010

Listening Sessions



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Background: The DOT Safety Goal

U.S. Department of Transportation Goal

No more than 1.0 fatality per 100 million
vehicle miles traveled by the end of 2008.

Federal Motor Carrier Safety Administration's share of the Department's Goal

41% reduction in large truck fatality rate
by the end of 2008, which equates to no more than
1.65 fatalities per 100 million truck miles traveled.



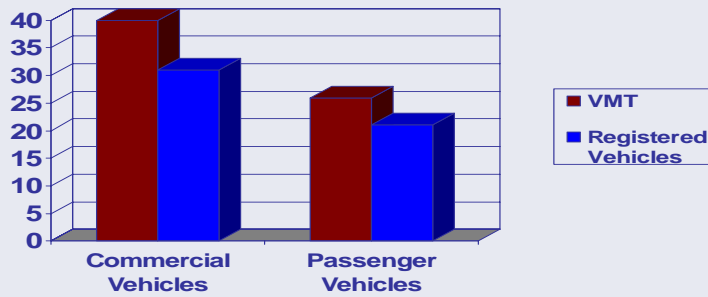
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Background: Exposure

From 1992 - 2002

Percent Increase



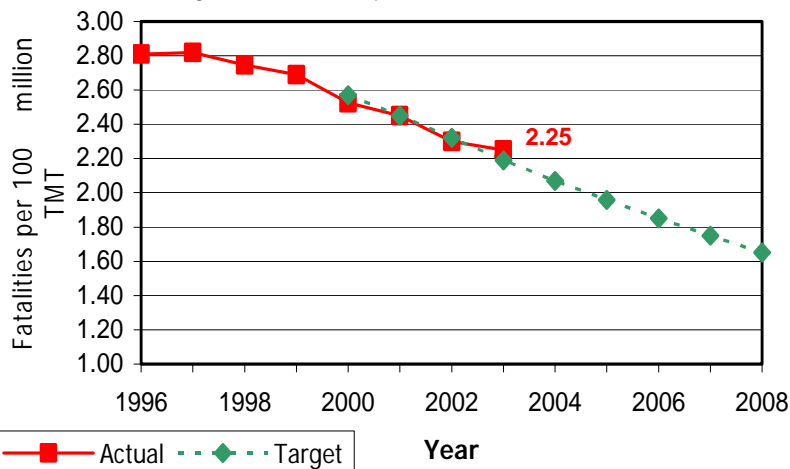
Commercial vehicle crash exposure is increasing at a higher rate than passenger vehicles



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Background: The Goal in Graphs

Large Truck Fatality Rates, 1996 to 2008.

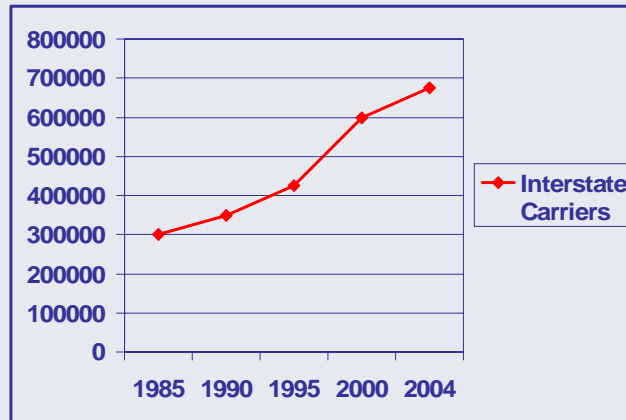


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Background: The Case for Change

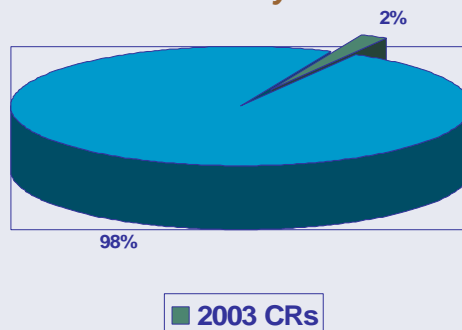
Increasing Carrier Population



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Background: The Case for Change

*FMCSA could increase scope of influence.
CRs currently cover less than 2% of the carrier population
annually.*

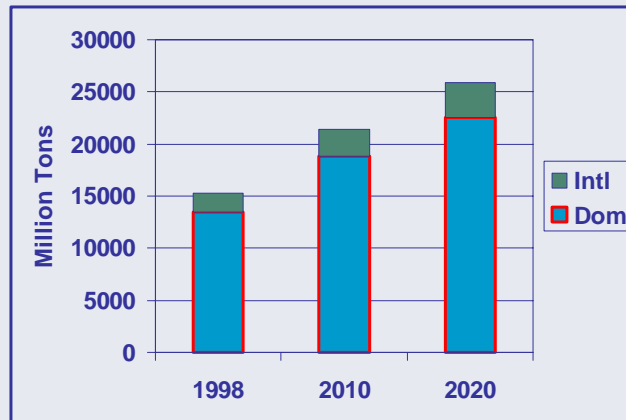


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Background: The Case for Change

Increasing Freight Growth



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Background: FMCSA Tools

- Research and Data Analysis
 - Regulation
- Outreach/Education
 - Training
- **Safety Monitoring**
- **Compliance Oversight**
- **Enforcement Actions**



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Background: Continuous Improvement

- FMCSA seeks **continuous improvement**
- Comprehensive Safety Analysis for 2010, or “CSA 2010”.
- **Preliminary** thinking will be discussed today.
- **CSA 2010 needs your best thinking!**



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Purpose

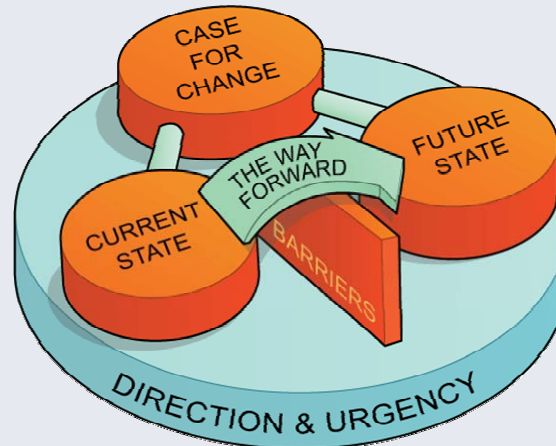
- Share FMCSA’s preliminary thinking
- Get feedback from You!
- Develop sharper, clearer thinking about the best way to move forward



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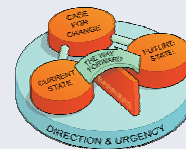
The Gameboard



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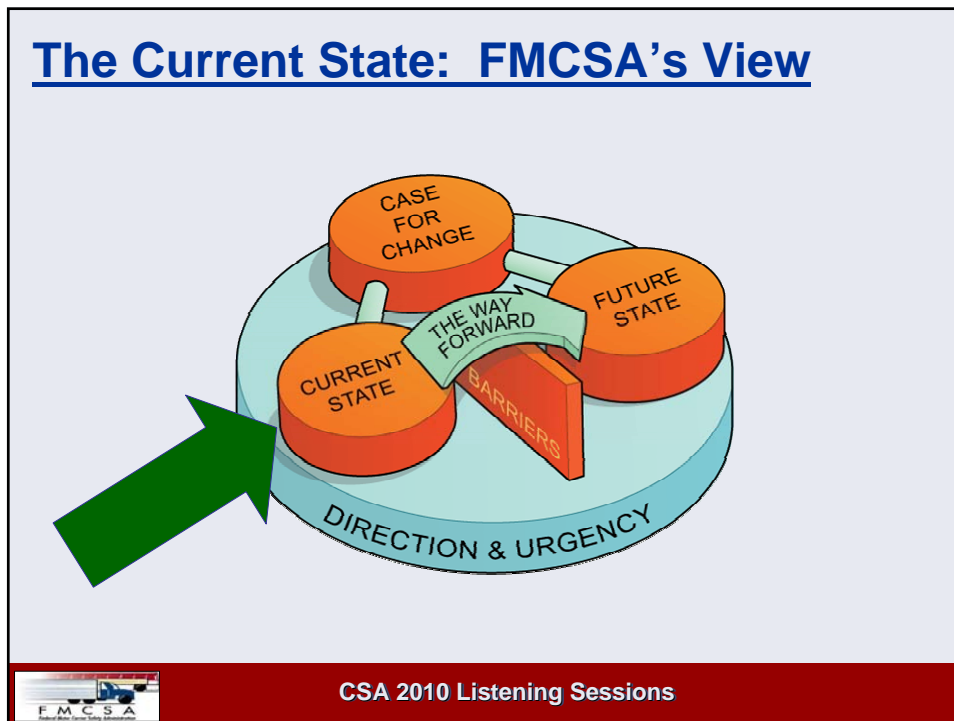
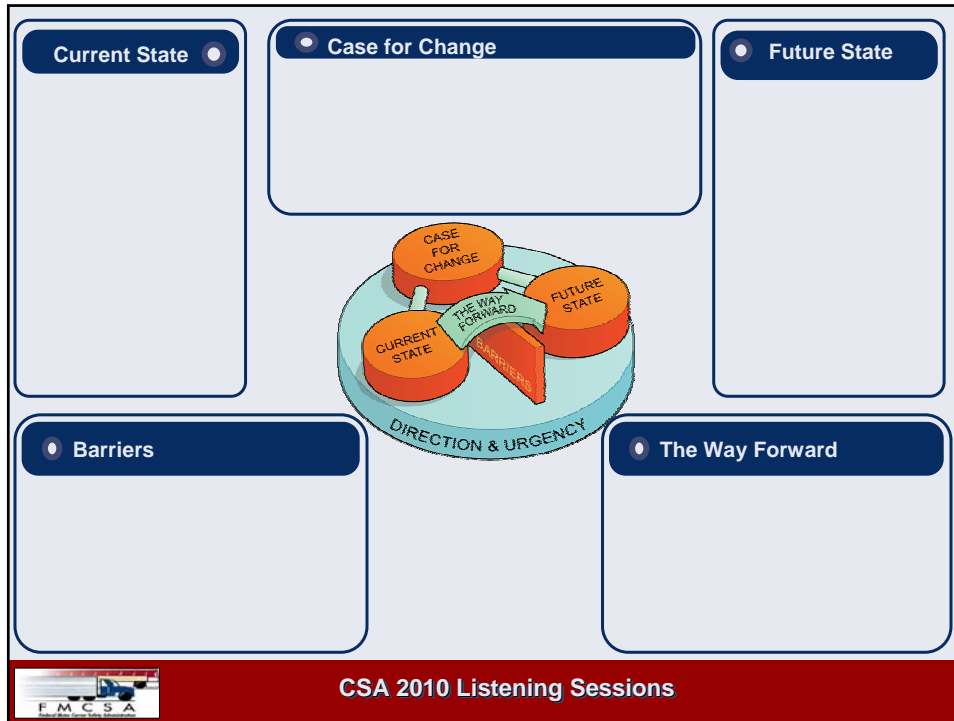
Outcomes

- *Current state* comments
- Thoughts on the *case for change*
- *Future state* ideas
- Insights into *barriers to change*
- *Suggestions for reaching the future state*



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**Appendix G:
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**Appendix G:
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The Current State: Compliance Reviews

- The Compliance Review (CR) is based on adherence to laws and regulations
- The CR is the primary tool for assessing safety compliance.
- The CR is FMCSA's only tool for assigning safety fitness ratings .



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The Current State: SafeStat

- Proven methodology
- Automated monitoring system
- Based on safety performance factors
- Always room for improvement

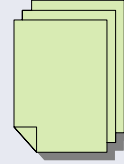


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**Appendix G:
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The Current State: The CR Process

- Takes 2-3 days
- Involves extensive review of paper
- Requires on site personal interaction
- Impacts motor carriers' daily operations
- Consists of six rating factors
- Focuses primarily on motor carriers



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The Current State: Outcomes of CR Process

Safety Ratings

- CR yields one of three ratings
- Based on safety performance
- Provides a snapshot in time –static result
- Unintended use - “Seal of Approval”

Potentially Enforcement

- Civil penalties
- Operations out-of-service orders



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The Current State: Results

CRs are effective in:

- Educating Carriers about Compliance
- Reducing crashes – 6,500
- Avoiding injuries – 4,350
- Saving Lives - 273



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The Current State: Other FMCSA Oversight Programs

- New Entrant Audits
- Roadside Inspections
- HM Permit Reviews
- Security Contact Reviews
- (Future) Mexican Carrier Safety Audits



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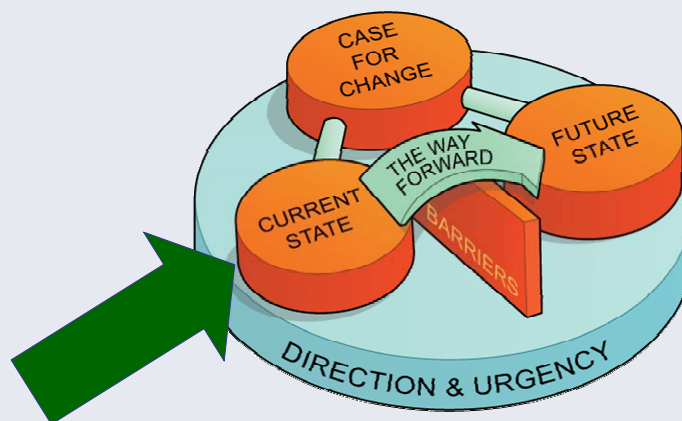
The Current State:
Challenges Going Forward

- Only one method for issuing safety ratings
- Resource intensive
- Narrow focus limits effectiveness
- Limited intervention options
- Targeting needs data improvements



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The Current State: Participants' Views



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The Current State: Participants' Views

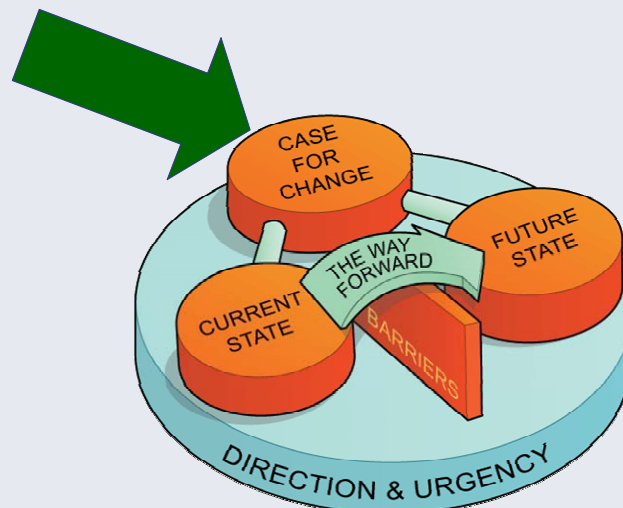
Current State

How do you experience FMCSA's oversight process?
How effective is FMCSA's oversight process?
What is working?
Not working?



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The Case for Change: FMCSA's View

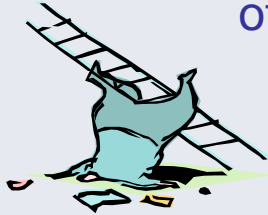


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The Case for Change: *Why Change?*

What are the **consequences**
of not changing?



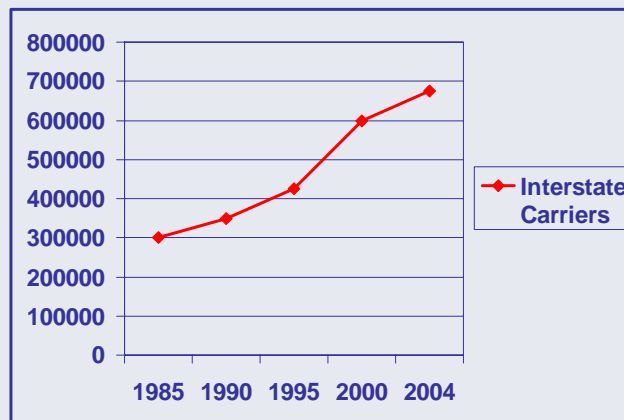
What are the **advantages**
if we do change?



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The Case for Change: Point #1

To keep up with increasing volume



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The Case for Change: Point #2

To meet increasing program demands

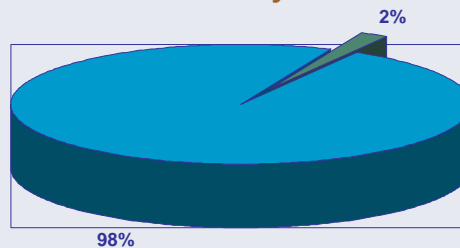
<p>New Entrants</p> 	<p>Mexican Carrier Registration</p> 
<p>Security Programs</p> 	<p>Hazardous Materials Permits</p>



CSA 2010 Listening Sessions

The Case for Change: Point #3

FMCSA could increase scope of influence. CRs currently cover less than 2% of the carrier population annually.



■ 2003 CRs



CSA 2010 Listening Sessions

Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)

The Case for Change: Point #4

FMCSA could focus on entities beyond those with USDOT numbers

- Commercial motor vehicle drivers
- Individuals responsible for safety
- Other ... ?



CSA 2010 Listening Sessions

The Case for Change: Point #5

FMCSA could leverage its dependency on partners (States, medical community, etc.) to find new and mutually beneficial strategies.



CSA 2010 Listening Sessions

**Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)**

The Case for Change: Summary

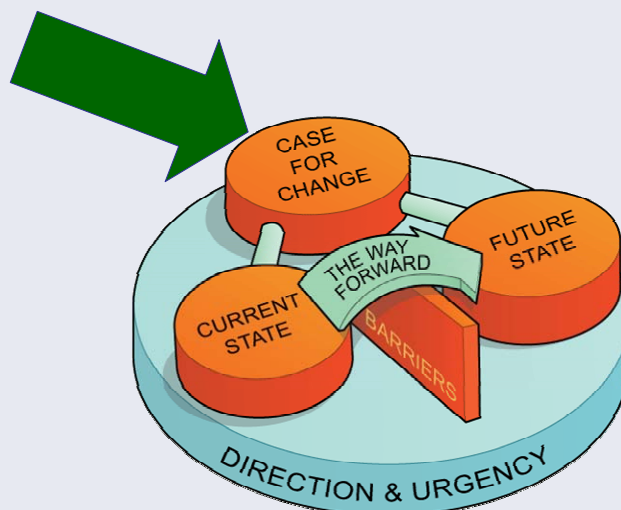
Reasons why FMCSA needs a new approach in order:

- #1: To keep up with increasing volume
- #2: To meet increasing program demands
- #3: To expand scope of influence
- #4: To expand focus of safety assessments
- #5: To leverage dependency on partners



CSA 2010 Listening Sessions

The Case for Change: Participants' View



CSA 2010 Listening Sessions

**Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)**

Case for Change: Participants' Thoughts

Case for Change

- Point #1:*** To keep up with increasing volume
- Point #2:*** To meet increasing program demands
- Point #3:*** To expand scope of influence
- Point #4:*** To expand focus of safety assessments
- Point #5:*** To leverage dependency on partners
- Other?***



CSA 2010 Listening Sessions

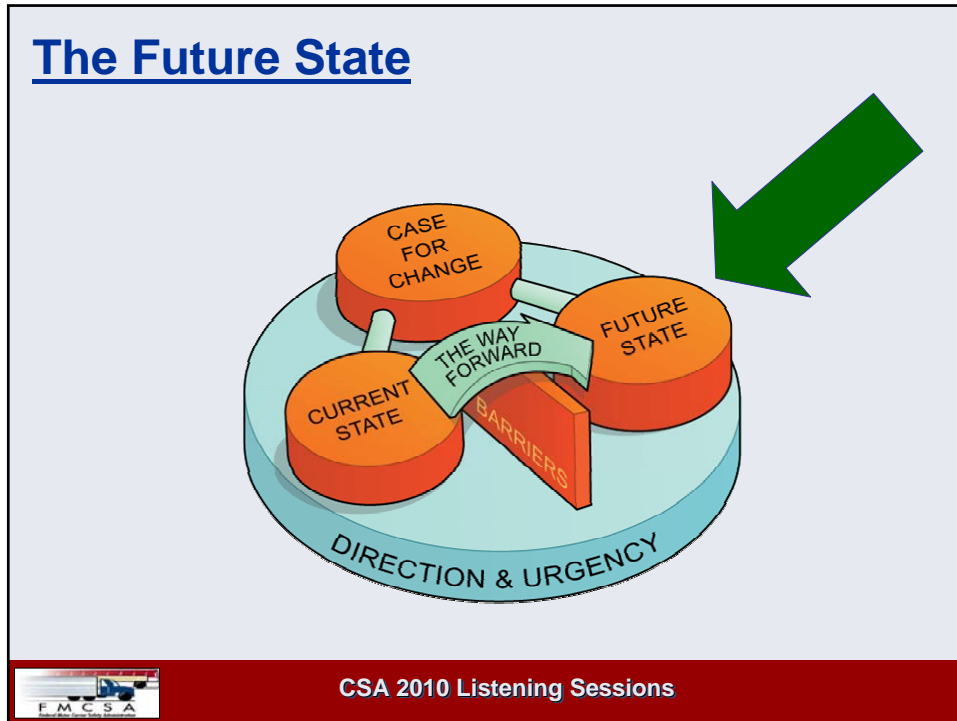
LUNCH BREAK

- Enjoy your lunch!
- Get ready to hear FMCSA's thoughts and share your thoughts about the Future State in your Break-out Groups



CSA 2010 Listening Sessions

**Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)**



Moving to Future State

- We have visited the Current State
- We have made a Case for Change
- The Federal Register posed some specific questions about the Future State...which are posted
- Today, we will take a broad approach and invite your creative ideas

CSA 2010 Listening Sessions

In the Future...

How could it be different?



- Attributes of a model program?
- Who?
- What?
- How?
- When?



CSA 2010 Listening Sessions

In the Future...

- What are the Attributes of a model program?
 - Flexible: Adaptable to changing environment
 - Efficient: Maximize use of resources
 - Effective: Improve safety performance
 - Innovative: Leverage data and technology
 - Equitable: Fair and unbiased
 - Other ... ?



CSA 2010 Listening Sessions

Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)

In the Future...

- Who should be monitored?

- Motor carriers
- Drivers
- Key carrier officials (owners, safety directors, etc.)
- Other ...?



CSA 2010 Listening Sessions

In the Future...

- What should be assessed?

- Safety performance
- Crash indicators
- History
- Risk
- Operational characteristics
- Other ...?



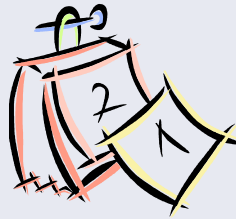
CSA 2010 Listening Sessions

**Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)**

In the Future...

- **How** should FMCSA assess safety?
 - Real time data
 - Appropriate data sources
 - Data driven algorithms
 - Other ...?

- **When** should FMCSA assess safety?
 - Daily?
 - Monthly?
 - Semi-annually?
 - Snapshot in time?
 - Other ...?



CSA 2010 Listening Sessions

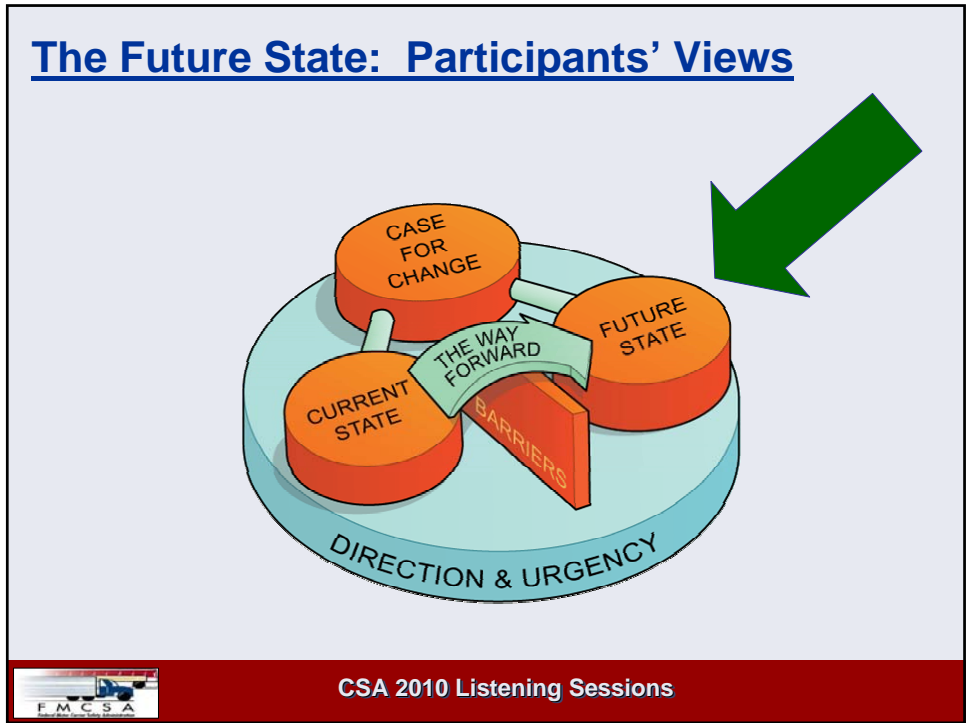
In the Future...

- **FMCSA will use safety assessments to improve safety through....**
 - Outreach, education
 - Notifications of safety problems
 - Focused CRs when appropriate
 - Interventions
 - Other? Who? What? How? When?



CSA 2010 Listening Sessions

Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)



Future State: Participants' Views

- Future State

CSA 2010 Listening Sessions

**Appendix G:
PowerPoint Presentation
(Version from the Springfield, Massachusetts Listening Session)**

Next Steps

1. A report summarizing the results of these sessions will be posted to the docket:

[Docket No. FMCSA-2004-18898]

2. FMCSA will use the input from these sessions during the development of a new operational model.

3. FMCSA will post milestone status of CSA 2010 on the FMCSA internet home page (www.fmcsa.dot.gov).

4. This is a continuous improvement process.

Thank you for your participation!



CSA 2010 Listening Sessions

Appendix H: FMCSA Federal Register Notice

Federal Motor Carrier Safety Administration



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Notice

[Federal Register: August 20, 2004 (Volume 69, Number 161)]
[Notices]
[Page 51748-51750]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr20au04-165]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2004-18898 and FMCSA-1998-3639]

Comprehensive Safety Analysis 2010 Initiative

AGENCY: Federal Motor Carrier Safety Administration.

ACTION: Notice of Public Listening Sessions.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces a series of Public Listening Sessions to solicit input on ways the FMCSA can improve its process of monitoring and assessing the safety of the motor carrier industry and how that information should be presented to the public. FMCSA is calling this effort the Comprehensive Safety Analysis 2010 Initiative. Through its current compliance review process, FMCSA is able to conduct compliance reviews on only a small percentage of the 675,000 active interstate motor carriers. The FMCSA is looking for ways to improve monitoring of motor carriers, to make agency processes more efficient, and to expand its enforcement and compliance reach in the regulated community in order to improve FMCSA's ability to meet its goal of significantly reducing crashes, fatalities, and injuries involving large trucks and buses.

Appendix H: FMCSA Federal Register Notice

Dates and Locations: The Public Listening Sessions will be held from 9 a.m. until 4 p.m. on the following dates at the following locations:

Session 1: September 21, 2004--Doubletree Hotel, Mission Valley, 7450 Hazard Center Drive, San Diego, California.

Session 2: September 28, 2004--Sheraton Atlanta, 165 Courtland Street at International Blvd, Atlanta, Georgia.

Session 3: October 5, 2004--Hampton Inn & Suites Dallas/Mesquite, 1700 Rodeo Drive, Mesquite, Texas.

Session 4: October 12, 2004--Wyndham Chicago, 633 North St. Clair, Chicago, IL.

Session 5: October 19, 2004--Fairview Park Marriot, 3111 Fairview Park Drive, Falls Church, VA.

Session 6: October 26, 2004--Sheraton Springfield, One Monarch Place, Springfield, MA.

Registration for each session will be limited. For more information or to register to attend or speak at the Public Listening Sessions, see FOR FURTHER INFORMATION CONTACT below.

ADDRESSES: You may also submit written comments identified by DOT DMS Docket Number FMCSA-2004-18898 and FMCSA-1998-3639 by any of the following methods:

<http://dms.dot.gov/>. Follow the instructions for submitting comments on the DOT electronic docket site.

Fax: 1-(202)-493-2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this proceeding. Note that all comments received will be posted without change to <http://dms.dot.gov/>, including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov/> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register [[Page 51749]]

Appendix H: FMCSA Federal Register Notice

published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov/>

FOR FURTHER INFORMATION CONTACT: To register to attend a Public Listening Session, please follow one of two methods:

(a) Go online to:

<http://www.fmcsa.dot.gov/redirect.cfm?page=http://www.Acteva.com/go/FMCSA> and fill in the necessary information. You will be asked for information such as your name, title, organization, mailing address and which session you wish to attend; or

(b) Telephone Touchstone Consulting, Inc. in Washington, DC at (202) 449-7354 and a person will register you over the phone.

Please note that registration for the Public Listening Sessions will open at 9 a.m. EDT on August 30, 2004 and will end at 5 p.m. EDT on the Tuesday preceding each session. For example, registration for the October 26, 2004 Public Listening Session will close 5 p.m. EDT Tuesday October 19, 2004.

Registration at each Public Listening Session will be limited to the first people to sign up. You will be asked for identification at the welcome table at the event. Lunch will be served.

All attendees will be encouraged to participate during the Public Listening Session discussion periods.

For general information about this initiative, contact Mr. William Quade, (202) 366-2172, FMCSA, Office of Enforcement and Compliance, 400 Seventh Street, SW., Room 8310, Washington, DC 20590 or at <mailto:William.quade@fmcsa.dot.gov>.

SUPPLEMENTARY INFORMATION: FMCSA is reviewing its process for monitoring and assessing the safety of the motor carrier industry. FMCSA would like its safety oversight process to reflect a proactive, research-based, legally supportable, comprehensive approach to improving commercial motor vehicle safety--one that maximizes use of FMCSA resources including information systems and technology, reduces high-risk behavior in the motor carrier industry, and enhances FMCSA's ability to meet its goal of significantly reducing crashes, fatalities, and injuries involving large trucks and buses. Although the current process reflects these attributes, the agency recognizes the limitations of the process and wants to address them.

To that end, FMCSA is holding six Public Listening Sessions to solicit ideas and feedback from its stakeholders and all interested parties, including the industry, drivers, insurance groups, safety advocacy groups, and FMCSA's governmental partners, especially States, concerning how FMCSA might improve its process of monitoring and assessing the safety of the motor carrier industry. The Public Listening Sessions will be arranged and facilitated by a FMCSA contractor.

Background

The compliance review (CR) is the centerpiece of FMCSA's current oversight program and is an effective tool for saving lives and assessing a carrier's safety condition. FMCSA's current CR program uses adherence to Federal laws and regulations as the primary indicator of the safety posture of a motor carrier. This tool focuses on motor carriers and renders safety fitness determinations in accordance

Appendix H: FMCSA Federal Register Notice

with Congressional mandates expressed in 49 U.S.C. 31144, Safety fitness of owners and operators (requirement for safety fitness determination of owners and operators of commercial motor vehicles). While FMCSA determines, to a limited extent, the compliance and safety of commercial motor vehicle (CMV) drivers and pursues enforcement against them, if warranted, the safety fitness of individual CMV drivers is not evaluated by current FMCSA systems. Also, because the CR relies on the USDOT number as a unique identifier, safety fitness assessments do not track the individuals within a motor carrier responsible for safety such as CMV drivers, corporate officers, partners, or safety directors.

Impetus for Change

Since the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106-159, 13 Stat. 1748) created FMCSA as an independent DOT modal agency, the motor carrier population has increased steadily. At the same time, FMCSA's programmatic responsibilities have also increased with:

Implementation of Congressional mandates such as the New Entrant Program (Section 210 of MCSIA);

Preparing for the opening of the border with Mexico; and
Taking an increased role in ensuring transportation security.

FMCSA's existing compliance and safety programs improve and promote safety performance. However, despite increases in regulated population and programmatic responsibilities, resources for these efforts remain relatively constant. This flattening of resources renders it difficult for existing programs, and the information systems that support these programs, to maintain prolonged and sustained improvements to motor carrier safety.

In its present structure, FMCSA's CR program is resource intensive and reaches only a small percentage of motor carriers. On-site CRs take one safety investigator an average of 3 to 4 days to complete so, at present staffing levels, FMCSA can perform CRs on only a small portion of the 675,000 active interstate motor carriers. In addition, the current CR program does not easily reflect the impact that people involved in the carrier's operation, such as managers, owners, and drivers operators, have on safety. Delayed, incomplete, and inaccurate data impede efforts to establish a performance-based, automated, data-driven process for improving safety performance. These limitations have caused FMCSA to explore ways to improve its safety oversight process.

The Public Listening Sessions Seek Stakeholder Input

FMCSA has developed a preliminary list of ideal attributes and basic components that FMCSA believes should be part of any model for FMCSA's oversight of the industry:

Flexible--Adaptable to Changing Environment.
Efficient--Maximize Use of Resources.
Effective--Improve Safety Performance.
Innovative--Leverage Data and Technology.
Equitable--Fair and Unbiased.

During the Public Listening Sessions FMCSA will explain its processes and research to date, and describe the attributes and components the Agency believes are appropriate underpinnings to evaluate safety fitness. FMCSA will accept comments on the desired state of safety compliance in the industry, the suitability of the

Appendix H: FMCSA Federal Register Notice

preliminary list of attributes and components, and the information, processes, and strategies FMCSA should consider for a new approach to safety analyses.

The Public Listening Sessions will include a morning plenary session and up to four facilitated afternoon breakout sessions. The participants will be invited to discuss, among other things, the following:

1. How effective is FMCSA's current compliance review process? What is working now? Not working?
2. What alternative methods should FMCSA consider for determining carrier safety fitness and for addressing unsafe behaviors?
3. What should be the focus of FMCSA's safety analysis process? Motor carriers? Drivers? Owners? Other people or entities associated with safety?
4. Should FMCSA present its safety evaluations to the public? How?

[[Page 51750]]

5. What should be the key attributes of a program to assess motor carrier safety?
6. How should safety be measured? This measurement may be used to focus FMCSA resources and to assess safety under 49 U.S.C. 31144, Safety fitness of owners and operators.
 - A. Which data elements (crashes, inspection results, violations, financial condition) are the best indicators of safe (or unsafe) operations? Are there other important safety indicators we currently overlook?
 - B. How should FMCSA consider historical data when measuring safety?
 - C. How should FMCSA consider unique characteristics of the operations (hazardous materials, passengers, others) when measuring safety?
7. What compliance and enforcement tools are most effective? Currently FMCSA's interventions include issuing warning letters, issuing civil penalties, and placing motor carriers out-of-service.
 - A. What types of interventions are most effective?
 - B. How should FMCSA use history and characteristics of the motor carrier's operations in determining which intervention is appropriate?

Effect on Other Regulations

FMCSA is conducting a related rulemaking proceeding (RIN AA37; Docket No. FMCSA-1998-3639) to examine the Safety Fitness Procedures the agency uses to rate motor carriers. An Advance Notice of Proposed Rulemaking was published for this docket in 1998 (63 FR 38788; July 20, 1998). These listening sessions are broader in scope than the Safety Fitness Procedures, because they relate to FMCSA's entire compliance review and safety analysis process. FMCSA does anticipate that some of the comments at the listening session or comments to the docket may contain information relevant to the Safety Fitness Procedures proceeding. Therefore, FMCSA will be adding all comments made during the listening

Appendix H: FMCSA Federal Register Notice

sessions and comments made to this docket to Docket No. FMCSA-1998-3639 for RIN 2126-AA37. FMCSA anticipates publishing a subsequent rulemaking notice under RIN 2126-AA37 following analysis of the listening sessions and decisions on FMCSA's long-term plan for monitoring motor carrier safety.

Issued on: August 18, 2004.
Warren E. Hoemann,
Deputy Administrator.
[FR Doc. 04-19239 Filed 8-18-04; 2:16 pm]



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United States Department of Transportation - Federal Motor Carrier Safety Administration
Last Modified: Tuesday, September 14, 2004

Appendix I: List of Acronyms and their Definitions

AIM	Accident Involvement Measure
AAMVAnet	American Association of Motor Vehicle Administrators (AAMVA).
A&I	Analysis & Information (online website)
ATA	American Trucking Association
C & A	Certification and Accreditation
CDL	Commercial Driver's License
CDLIS	Commercial Driver's License Information System
CMV	Commercial Motor Vehicle
CVARS	Commercial Vehicle Accident Reporting System
CVIS	Commercial Vehicle Information System
CVISN	Commercial Vehicle Information System and Networks
CVSA	Commercial Vehicle Safety Alliance
CVSP	Commercial Vehicle Safety Program
DOD	Department of Defense
DOT	Department of Transportation
DVIR	Driver Vehicle Inspection Report
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FARS	Fatal Accident Reporting System
FHWA	Federal Highway Administration
FIPS	Federal Information Process Standards
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
FOIA	Freedom of Information Act
FTA	Federal Transit Authority
GVWR	Gross Vehicle Weight Rating
HMR	Hazardous Materials Regulations
IFTA	International Fuel Tax Agreement
INS	Immigration and Naturalization Service
IRP	International Registration Plan

**Appendix I (cont'd):
List of Acronyms and their Definitions**

ISO	International Standards Organization
ISS	Inspection Selection System
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems (formerly IVHS)
ITSA	Intelligent Transportation Society of America
MC	Motor Carrier
MCSAP	Motor Carrier Safety Assistance Program
MCSIP	Motor Carrier Safety Improvement Process (rating process)
MCMIS	Motor Carrier Management Information System
MCS	Motor Carrier Safety
MVR	Motor Vehicle Record
NAFTA	North American Free Trade Agreement
NHTSA	National Highway Traffic Safety Administration
NTSB	National Transportation Safety Board
OSHA	Occupational Health and Safety Administration
OOS	Out-of-Service
POV	Personally Owned Vehicle
PRISM	Performance & Registration Information Systems Management (previously called CVIS)
SAFER	Safety and Fitness Electronic Records
SAFETYNET	Networked PC Data Collection and Deliver System
SEA	Safety Evaluation Area (ISS) or Accident Safety Evaluation Area (Accident SEA)
SEC	Securities and Exchange Commission
SR	Safety Review
USDOT	United States Department of Transportation
VMT	Vehicle Miles Traveled
VPP	Voluntary Protection Program

Appendix J: Listening Session Methodology

This appendix discusses the processes that were employed to create an environment that would invite stakeholders to share open and honest thoughts about motor carrier safety programs.

Getting Started

In the course of conducting and evaluating its programs, the Federal Motor Carrier Safety Administration (FMCSA) has developed an initial set of observations on its current state, some compelling reasons for undertaking change, and a general concept of a possible future operational model. FMCSA leadership then posed the following questions: Do stakeholders hold similar views? Are there additional ideas that would upgrade the FMCSA's thinking on these matters?

To seek answers to those questions, the FMCSA decided to organize a process to reach out to stakeholders and encourage them to share their observations and experiences in a productive fashion. As a first step, the FMCSA engaged Touchstone Consulting to be its partner in organizing, facilitating, and documenting the Listening Sessions. As a second step, on August 20, 2004, the FMCSA published a notice in the Federal Register to advise the public of the FMCSA's intent to hold Listening Sessions (Appendix H). The Federal Register notice included specific questions addressing the components of the FMCSA's oversight programs on which the agency sought stakeholder feedback.

Pre-Session Interviews

Pre-session interviews were conducted by Touchstone Consulting with seventeen organizations representing a cross-section of the stakeholder community. The purpose of these interviews was to:

1. Introduce the idea of the Listening Sessions to the safety community and spread the word of invitation;
2. Test the Federal Register questions to understand how comprehensive the answers would be and determine the most effective use of the questions in the Listening Sessions; and
3. Begin to gather and understand the breadth of opinions within the stakeholder community.

The pre-session interviews were conducted in confidence and by conference call. The results have been folded into the main report. Appendix D includes a non-attributable compilation of the points that interviewees made during these interviews. Appendix E includes a listing of the organizations interviewed.

Listening Sessions

Six Listening Sessions were held across the country in six different locations:

- ❖ San Diego, California, September 21, 2004
- ❖ Atlanta, Georgia, September 28, 2004
- ❖ Mesquite, Texas, October 5, 2004
- ❖ Chicago, Illinois, October 12, 2004
- ❖ Falls Church, Virginia, October 19, 2004
- ❖ Springfield, Massachusetts, October 26, 2004

In addition to being announced in the Federal Register, the FMCSA put information about the sessions on its website, sent email announcements of the events to over 28,000 motor carriers, and mailed invitations to approximately 350 organizations within the safety community.

Approximately 300 people participated in the Sessions. A full listing of the participants is included in Appendix C.

Design Principles

The FMCSA, in partnership with Touchstone Consulting, designed the Listening Sessions to achieve the most inviting, conversational, and inclusive tone possible.

The Listening Sessions were a success due to the following design principles:

- Create a 'safe' environment for participants to share feedback with the FMCSA.
- Demonstrate FMCSA's sincerity through visible senior management involvement.
- Use of a 'blueprint' with clear objectives to guide participants through the agenda.

Design Principle #1: Create a safe environment

Specific attention was devoted to making the Listening Sessions a time for honest and open comments. The rooms were chosen and furnished so that participants were in groups and encouraged to communicate with each other. Comments made within the small groups were recorded by the group and not tagged with an individual's name. Comments that the smaller groups decided to share with the entire group were also not tagged. FMCSA had determined, in advance, that it did not want comments attributed to a particular individual or organization and so no effort was made to tape or otherwise note the source of a comment. The FMCSA representatives who attended the Listening Sessions were instructed simply to listen to comments and answer clarifying questions as appropriate. This limited role by the FMCSA helped support the tone of openness and interest, and avoided creating the expectation that the sessions were a time to debate issues with the government.

Design Principle #2: Demonstrate FMCSA's sincerity through visible senior management involvement

The Listening Sessions included a series of short presentations by government officials so the participants could understand the approach and strategies of the FMCSA as they relate to the CSA 2010 initiative. In addition, FMCSA leadership was intentionally present so the participants knew their comments were considered valuable and taken seriously. Each session was staffed by senior people. In fact, Secretary of Transportation Norman Mineta appeared as a speaker at one of the sessions. The roster of senior staff involved with the sessions included:

- FMCSA Administrator Sandberg
- FMCSA Deputy Administrator Hoemann
- Associate Administrators McMurray and Shelton
- Field Administrators

Design Principle #3: Use of a blueprint with clear objectives that guide participants through the agenda

The agenda was structured around Touchstone's simple strategic model of the Gameboard. The Gameboard (See Figure 1) is useful in organizing the complex conversations about business dynamics while a group is making a shift to where the business dynamics should be. It lays out visually the idea of exploring the current situation (Current State), then discussing the reasons necessitating change (Case for Change), and then describing the desired future (Future State).

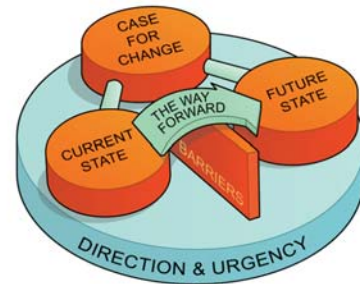


Figure 1

Listening Session Agenda

The Listening Sessions were conducted as one-day workshops, with a Plenary Session in the morning and Breakout Sessions in the afternoon. The full agenda is contained in the Listening Session Powerpoint presentations (Refer to Appendix G) used at each session.

Plenary Session

The Plenary Session opened with an overview by Touchstone Consulting and an introduction by a senior FMCSA official. Next, the FMCSA shared its preliminary thoughts about the Current State, Case for Change and Future State, and invited comments from the participants on the Current State and Case for Change. People were seated at round tables and given time after each presentation to discuss, upgrade, add, and challenge the content presented by the FMCSA. Groups captured their comments on flip charts and then reported their thoughts to the full session.

Afternoon Breakout Session

The afternoon was devoted to a thorough discussion of the desired Future State, framed by the questions from the Federal Register. To increase individual contribution, participants were divided into smaller groups of 15-25 people. The groups, which numbered anywhere from one to four depending on the roster size of the session, were then moved into separate rooms. One or two facilitators were dedicated to each group to help guide and take notes of the conversation.

Accommodation of Additional Comments

Touchstone made arrangements to handle a small number of additional comments that were made either by people who had hoped to attend a session and missed it, or by people who decided to share their thoughts during the sessions but outside the formal note capturing process. Such comments were provided in both written and verbal form. These comments are listed in Appendix F.