

**Remarks by Anne S. Ferro
FMCSA Administrator
National Tank Truck Carriers
63rd Annual Conference Awards Luncheon
Baltimore, Maryland
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Good afternoon, everyone, and thank you, Greg, for that kind introduction. I also want to thank my good friend John Conley for inviting me to be here. It is always a pleasure for me to attend your events because I am able to see so many friends and colleagues in the industry.

Thank you for inviting me to speak about how the Federal Motor Carrier Safety Administration advances roadway safety across our nation and what that means to you.

Paul Bomgardner, FMCSA's Hazardous Materials Division Chief and John Hardridge, the new Team Lead are both here. They are great resources for you.

Trucking is a vibrant industry. It's a leading indicator of our nation's economic health, accounting for nearly 70 percent of the tonnage carried by all modes of domestic freight transportation and for nearly 65 percent of the value.

Your companies play a significant role in building and sustaining a strong economy. I know that tank truck carriers are as dedicated as we are to making our transportation system safest roads in the world because safer roads support a strong economy and prosperity for all.

The tank truck industry is a vital link in the distribution chain throughout North America for petroleum products, chemicals, dry bulk materials, gases, food grade products and other indispensable commodities.

These products are essential to maintaining and improving the quality of life for virtually every citizen in the United States, Canada and Mexico. That is a tremendous responsibility, to say the least!

FMCSA Oversight Background

FMCSA's oversight of the trucking industry has a long history of federal regulation, dating back to the Motor Carrier Act of 1935 and predating the creation of NTTC by only 10 years. For most of that history, the focus was on ensuring economical and efficient motor carrier services at reasonable rates.

In recent years, the focus was changed to safety. In fact, FMCSA was established by Congress nearly 11 years ago with a single mission: Safety. This includes the safety of commercial motor vehicles, the safety of those behind the wheel, and the safety of those who share the road with them: the traveling public.

As an agency, we regulate more than 500,000 trucking companies and some 4,000 interstate motorcoach companies. We oversee the physical qualification standards and the drug and alcohol testing requirements covering some 10-12 million commercial driver license holders. In short, we work to ensure the safety compliance of millions of truck and bus drivers.

Because of the nature of the products they transport, tank truck carriers are high-profile and extremely visible. They are not just occasionally—but almost always—targeted for inspections.

And this is where the priority on safety comes in for tank truck carriers. By staying in compliance with FMCSA safety rules and regulations, your trucks and their products will be able to keep rolling safely to their destinations.

FMCSA's Safety-First Mission

At FMCSA, our mission is to improve road safety by strengthening commercial vehicle and driver safety. In fact, it is our NUMBER ONE priority.

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

Compliance, Safety & Accountability

Launched last December, FMCSA's Compliance, Safety, Accountability, or CSA, initiative uses cutting edge technology and new safety data that enables us to be much more aggressive in identifying unsafe commercial truck and bus companies for quick interventions.

Under CSA, tank truck carriers are held to higher standards. Every trip matters. Every truck matters. Every driver matters.

The centerpiece of CSA is its Safety Measurement System (SMS), which is much more comprehensive than FMCSA's previous commercial carrier safety measurement system known as SafeStat.

The new SMS measures all roadside inspection and crash data in seven safety-critical areas called BASICS to examine a carrier's on-road performance, determine potential crash risk and target carriers for interventions before crashes can occur. The seven areas are unsafe driving, fatigued driving (Hours-of-Service), driver fitness, controlled substances/alcohol, vehicle maintenance, cargo-related, and crash indicator.

By looking at a carrier's safety violations in each SMS category, FMCSA and state law enforcement are better equipped to identify carriers with patterns of high-risk behaviors and apply safety interventions – from warning letters to comprehensive compliance reviews – that provide carriers the information necessary to change unsafe practices immediately.

FMCSA will be announcing a new BASIC for Hazardous Materials at the end of the year. Only hazardous materials violations will go into this BASIC and it will be split from cargo. I know you all have an interest in this so watch for an announcement on this in the next few months.

The goal of CSA is to identify the **why** of a problem instead of just the **what**. And we find that companies are using this data the same way – to get ahead of driver or equipment issues **before** a crash or violation occurs.

Current Status of Rulemakings

Rulemakings are a central component to how we achieve our safety mission. They come about for one reason only: they improve safety. The winners are everyone who travels on our highways and roads.

Safety is the top priority of the Department of Transportation. Secretary LaHood has said many times, “When it comes to safety, we will NOT take a back seat to ANYONE.”

That is why we published several high-profile rulemakings last year and are on track to publish additional significant safety regulations in 2011.

Hours of Service

I know you have a great interest in the proposed regulation for hours-of-service. This proposal would revise current hours-of-service requirements by calling for drivers to complete all driving within a 14-hour workday and to complete all on duty work-related activities within 13 hours.

Drivers would take a break of at least 30 minutes anytime before the eighth hour of on-duty time before continuing a trip.

The proposal also leaves open for comment whether or not drivers should be limited to 10 or 11 hours of daily driving time.

Earlier this month, FMCSA placed four additional research studies in the HOS rulemaking docket.

By reopening the HOS Notice of Proposed Rulemaking, FMCSA is allowing for public review and discussion of these studies by June 8. We will only consider comments on these four studies during this new comment period. Accordingly, FMCSA will extend the final rule publication date.

EOBRs

Also, earlier this year, we published a proposed rule that will require installation of electronic on-board recorders or EOBRs in a larger number of trucks that use record of duty logbooks. This would enable drivers to monitor their duty hours and manage fatigue. We anticipate that 500,000 carriers will be affected by this rule.

We appreciate that many industry groups have come out in favor of electronic logs to monitor drivers' hours of service. Many carriers see efficiency benefits by using EOBRs and that bodes well for their acceptance. Shippers should appreciate the transparency of how EOBRs track the hours drivers spend behind the wheel delivering their loads safely.

The extended comment period ended yesterday, May 23, and we anticipate that we will issue a final rule by early 2012. The increased use of EOBRs by carriers within our national transportation system will achieve an important step in raising the safety bar for commercial vehicle safety.

I am extremely pleased to note that last month NTTC announced the support of its membership of mandatory electronic logging devices for documentary compliance with the hours of service rules. They understand that if all carriers police themselves, it can only lead safer, better operations across the board.

CDL Rule

Again last week, we published a new final rule that strengthens national standards for commercial driver's license testing. This final rule requires anyone applying for a commercial driver's license to first obtain a learner's permit. The rule also requires state licensing agencies to use a testing system that meets national standards. A life lost to driver error is a preventable tragedy. That is why this rule is so important. It raises the bar to entry for drivers.

Later in the year, we anticipate issuing rules on new medical guidelines for CDL holders diagnosed with diabetes; and a new national registry of certified medical examiners who would be required to complete specialized training and obtain certifications in order to conduct physical exams of drivers.

Cell Phone Use and Distracted Driving

Another proposed rulemaking published late last year that is intended to curb national distracted driving habits is the ban hand-held cell phone use by drivers. This proposed rule would build on our existing ban on texting behind the wheel.

If it becomes final, banning hand-held cell phone use will target the leading cause of distracted driving which is a deadly epidemic. Together these rules would go a long way toward keeping a driver's full attention focused on the road.

The comment period closed last month and we expect to issue a final rule on cell phone use later this year.

Cross Border Trucking Program

FMCSA's commitment to safety is mirrored by the commitment DOT has made to ensure the safety of American roads with Mexican trucks. They are equally important.

As many of you know, earlier this year Secretary LaHood announced a plan for a long-haul cross border Mexican Trucking Program.

This program makes safety THE NUMBER ONE PRIORITY. Indeed, that is FMCSA's singular focus and responsibility in fulfilling this international treaty obligation.

In an April 13 Federal Register notice, the Department of Transportation unveiled a three-year pilot program to allow Mexican trucks to enter the United States which combines multiple safety-related steps with a new approach to determine the level of participation. The program will not, however include Mexico-domiciled motor carriers that carry placardable quantities of hazardous materials.

Details released in the notice set a target of 4,100 vehicle inspections, designed to test the safety of Mexican trucks, instead of establishing a number of carrier participants.

The program will also result in the lifting of retaliatory tariffs imposed by Mexico which have been harmful to American farmers, businesses and especially, consumers.

The new program will emphasize safety, security and efficiency. It will begin as soon as possible after the comment period is completed. Applicants will be accepted on a first-come, first-served basis with no cap on the number of participants.

The bottom line is that we are working to ensure that Mexican trucks on American roadways are held to rigorous safety standards – just as American trucks are.

There are tremendous benefits to these rulemaking proposals and CSA. Unsafe driving behavior will be closely monitored. Bad drivers, vehicles and carriers will be taken off the road. All of these initiatives are good business practices but the primary benefit is to the traveling public who must be protected from unsafe drivers and carriers.

FMCSA/NTTC Partnership on Rollover Prevention

Since its inception in 2000, FMCSA has been engaged in researching rollover crashes, particularly those involving cargo tanks. We commissioned a study in 2005 to examine the causes and found that 70 percent to 80 percent of all cargo tank rollover crashes were caused by some form of driver error.

In the fall of 2008, FMCSA's HazMat and Outreach Divisions determined that the best approach to mitigating cargo tank rollovers was to provide a training tool that would address the cargo tank driver's role in rollover prevention. That training tool was the Cargo Tank Driver Rollover Prevention video.

The Rollover video went live on the FMCSA, PHMSA and NTTC websites August 3, 2010 and it is still available these websites. To give you an idea of the viewership of the Rollover video, since its premier on August 3, 2010 through January 4, 2011, there were 30,000 viewings or downloads of it from the FMCSA and PHMSA websites which were linked. That's an average of 186 viewings per day!

In addition to the online video, a DVD was made of the Rollover video which has been distributed widely by all three organizations.

The creation and distribution of this Rollover video is a prime example of what can be achieved through government/industry partnerships to promote safety on our nation's highways. I want to give special recognition to NTTC for the vital role it played in the making and distribution of this video and for its staunch support of this effort since its inception.

The expertise of NTTC's members was invaluable. They provided input into the technical aspects of the video that no other organization could have done. It was because of this that the video is so widely accepted by the tank truck industry. Thank you all for making this important cargo tank safety campaign possible.

There are a number of on-going steps that FMCSA is taking to promote the use of the Cargo Tank Rollover video as a safety training tool. They are:

- FMCSA has made a data request for an annual update on the number of cargo tank rollovers to be used in rollover reduction determinations.

- The Cargo Tank Rollover video will be featured on the FMCSA website at the end of every fiscal year as a reminder to the cargo tank Industry about the importance of rollover prevention training.
- The Transportation Research Board (TRB) has provided funds to determine the Role of Human Factors in Preventing Cargo Tank Truck Rollovers. FMCSA will use TRB's finding to determine the next steps required in cargo tank driver rollover prevention.

Conclusion

Secretary LaHood has said, "We must decide whether to invest for the future or to continue relying on the infrastructure of the past. We must decide whether to do BIG things or to do NOTHING. If we choose wisely, our legacy, too, can be an economy on the move and a future that America is prepared to win."

Let's choose the winning course. The good news is that making choices is simple – or should be – when it comes to safety. It's about setting core priorities to make tank truck carriers and their drivers the safest they can be, so that our economy can prosper and traveling is safer for everyone.

Thank you again for the opportunity to be with you today.

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