

Remarks of Deputy Administrator Bill Bronrott
Federal Motor Carrier Safety Administration
SMC3 Connections 2012 Conference
An Overview of FMCSA Safety Initiatives
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SLIDES 1 and 2: *Who We Are*

Good morning and thank you for this opportunity to talk about some of the Federal Motor Carrier Safety Administration's safety initiatives.

12 years ago, in an act of strong bipartisanship, Congress created FMCSA for the explicit purpose of reducing large truck and bus crashes, deaths and injuries.

We oversee the safety operations of a half-million interstate trucking companies; 12,000 passenger carriers; and 7 million Commercial Driver License holders.

We do this with 1,100 employees, most of whom work in the field in every state. One of our shining stars is here today. Let me acknowledge Davina Farmer. Davina is the extraordinarily talented Service Center Director for our Midwest Service Center.

As Davina can tell you, it is mainly through our partnerships with over 12,000 state transportation and public safety agencies out on the front lines across the country that we can begin to get our collective arms around this enormous safety challenge.

It is also accomplished through our partnerships with industry and many others around the commercial vehicle safety table.

I've dedicated virtually my entire career to advancing transportation and safety, and building large tables around which to give a wide range of stakeholders a seat, a voice, and a role in reducing the unacceptable daily death toll on our roadways. Have we always agreed on every issue? No. But I've always found the most common ground around the vision of a world-class,

second-to-none, balanced transportation network that moves people and products efficiently and safely. Not a bad place to start a conversation.

At FMCSA, we know that the interstate commercial vehicle industry is highly competitive and is small business dominated. The fact is, 8 out of 10 carriers have fewer than 10 trucks or buses.

SLIDE 3: Who We Are ... Compare this to:

And of course, people and products move by all of these modes. That is why we at the Department of Transportation are working across the modes as One DOT to find effective and innovative ways to reduce crashes, fatalities and injuries.

SLIDE 4: The Problem We Must Solve

While we are encouraged to see a 30 percent drop in truck-related deaths over the past 5 years, it's not nearly good enough. In 2010 alone, nearly 4,000 people were killed and another 100,000 were injured in large truck and bus crashes. Many were CMV drivers themselves.

These serious CMV crashes resulted in \$58 billion in societal costs, including medical, insurance, lost wages and productivity, clogged roadways, infrastructure damage. As you know, these enormous economic losses impact both business and consumers alike.

Some may say that's the cost of doing business; others may say that safety is important but in practice it takes a back seat to being competitive. I hope we can agree that safety drives competitiveness, and safety IS good business.

SLIDE 5: FMCSA Safety Framework

- Which begs the question: Who among us thinks every trip should not be a safe one? It's an easy bet that we all want our commercial vehicle drivers to get to their destinations safely. And I know that we all want our family and friends who share the road with them to arrive alive every time as well.

- That vision speaks to our mission and to our 3 core principles that guide us in everything we do to enhance CMV safety at the critical points where important decisions are made – from in industry executive board rooms to the warehouses and along our roadways.
 - One is to raise the bar to enter the industry
 - Two is to require carriers and drivers to maintain high safety standards to *remain* in the industry; and our
 - Third core principle is to remove high-risk drivers and carriers from the road.
- EVERYTHING we do is linked to one or more of these principles.

SLIDE 6: FMCSA Key Safety Process Areas

By way of background, here's a quick glimpse of our process areas that help us identify and weed out unsafe and non-compliant commercial vehicles and drivers. It begins with registration and continues to roadside inspections, and to new entrant audits and compliance reviews, and to legal action when necessary. You can see on this slide our accomplishments in these areas in FY 2011.

SLIDE 7: FMCSA Strategic Approach

Now... What I'd like to share with you is:

- a status report on our Compliance Safety Accountability – CSA,
- an overview of some recent and upcoming safety rulemakings,
- a look at how we are leveraging technology, and
- an update on the federal transportation reauthorization bill.

SLIDE 8: CSA – Current and Future

No better place to start than with CSA.

Simply put, since it was unveiled in December 2010, CSA is providing a sharper focus on unsafe or non-compliant carriers. CSA is proving that that what gets measured gets done. Both large and small carriers alike are using the Safety Measurement System or SMS to monitor and

improve their scores. Last year alone, our SMS web site recorded nearly 30 million users compared to only 4 million the year before.

CSA enables us to have more interaction with carriers, even with something as simple as a warning letter pointing out the carrier's safety deficiencies. We've seen many carriers bring their scores down below the established thresholds by using the system to identify and correct problems in any of our Behavior Analysis and Safety Improvement Categories, better known as BASICS.

In CSA's first year and one-half – which is through May 31 --FMCSA sent out over 55,000 warning letters, and 8 out of 10 of these carriers improved their BASIC scores. This is the most dramatic improvement in violation rates in the last 10 years.

Our Safety Measurement System collects data on a sizable population of carriers, particularly those involved in crashes. We have sufficient data on the 200,000 most active carriers that account for 80 percent of CMV operations and 92 percent of crashes. CSA has been a great tool to help us identify carriers truly needing interventions.

We've also found that it is improving driver safety. Carriers are telling us that drivers are paying more attention than ever to driving safely. And last year, the rates of all safety violations dropped by 9 percent and driver violation rates decreased by 12 percent – which is great news.

SLIDE 9: CSA: *Preview of SMS Improvements*

That said, we are committed to continually improving our SMS as new data and additional analysis become available. We are listening and responding to feedback from industry, our state partners, and our other key stakeholders to ensure this compliance and enforcement program is as strong, fair, and accurate as possible.

And we are committed to following a transparent process that gives law enforcement, industry and all stakeholders a preview and comment period before finalizing and rolling out improvements.

We recently published a Federal Register notice explaining our most recent changes to improve the SMS by:

- Changing the Cargo-related BASIC to Hazardous Materials BASIC to better identify safety problems related to Hazardous Materials;
- Strengthening the Vehicle Maintenance BASIC by incorporating cargo or load securement violations from the previous Cargo-Related BASIC;
- Better aligning SMS with Intermodal Equipment Provider regulations;
- Aligning violations included in the SMS with CVSA inspection levels by eliminating vehicle violations derived from driver-only inspections and driver violations from vehicle-only inspections; and,
- Changing the definitions of categories across SMS to better identify passenger carriers.

A preview period began in late March, starting with a notice in the Federal Register. So far, nearly 11,000 carriers have logged into the SMS preview. We extended by 60 days the comment period, which will now end July 30th. We will review feedback we receive with the intent of making this package of improvements fully operational by the end of this year. I encourage you to regularly check the FMCSA web site and our CSA webpage for all updates.

Crash Weighting System

I know many are interested in crash weighting as a means to determine crash accountability. Several areas require further study before deciding how to best approach this issue.

These include:

- the uniformity and consistency of police accident reports across the nation;
- the process for accepting public input; and,
- the actual effect of changing weightings in SMS to better identify carriers that have a high crash risk.

We will conduct additional research and analysis in the coming months to look at the cause of crashes and possible weighting of those crashes in the SMS.

Once we have completed our work, we will publish a notice in the Federal Register. I encourage all of you to provide your input when it comes out.

SLIDE 10: Regulatory Status

Besides CSA, FMCSA also has devoted enormous energy to other policies and programs that address driver fatigue, distracted driving, and driver health and wellness.

Hours of Service

Last year, for instance, we published a carefully formulated hours-of-service rule based on years of well-grounded research on the relationship between work hours, health and safety.

The rule helps truck drivers get more rest to be more alert behind the wheel. It reduces the effects of fatigue on drivers by:

- Cutting maximum allowable work hours from 82 hours to 70 hours per week.
- Requiring drivers to take at least one 30-minute break at a time of their choosing if they intend to drive later than the 8th hour after coming on duty.

And, during any 7-day period, drivers are allowed to restart the clock on their work week once by taking at least 34 consecutive hours off duty. During this restart period, drivers must have at least 2 nights' rest when their 24-hour clock demands sleep the most – from 1:00 am to 5:00 am. These rest breaks and the limitations on minimum 34-hour restarts go into effect on July 1, 2013.

Trucking companies that allow drivers to exceed the 11-hour driving limit by 3 or more hours may be fined **\$11,000 per offense**. Drivers can face civil penalties of up to **\$2,750 for each offense**.

There is no magic wand or silver bullet to prevent fatigue-related crashes, but the new HOS rule goes a long way to giving drivers enough time off to obtain adequate daily and weekly rest.

Electronic On Board Recorders

[Slide 10]

Electronic On-Board Records – or EOBRs -- continue to be an integral part of FMCSA’s safety strategy to monitor, substantiate and enforce compliance with a driver’s hours of service. A remedial rule was vacated by a U.S. Federal District Court because the rule did not adequately address how these devices could be used to harass a driver.

FMCSA is considering a proposed rulemaking to mandate the use of EOBRs for carriers currently using handwritten Records of Duty – or RODS, or logbooks. The rulemaking would advance safety by requiring the use of a proven technology for accurately capturing driving time and increasing the level of compliance with the hours of service rules.

As you know, EOBRs would enable roadside inspectors to quickly identify drivers in violation of the HOS rules, which would decrease the risk of fatigue-related crashes, thereby improving resulting in safety benefits.

In 2011, Federal and State CMV safety inspectors conducted 3.5 million driver inspections at the roadside, resulting in 1.2 million citations for driver violations of motor carrier safety regulations. Of these violations, nearly one-half were related to compliance with HOS or maintenance of logbooks, including exceeding daily and weekly driving time limits, false logs, “no log” violations, and non-current logs.

Our plan for a new EOBR rulemaking involves three information gathering efforts:

- First, we have tasked our Motor Carrier Safety Advisory Committee to develop materials that include technical specifications for EOBRs, and to address the potential of these devices to harass drivers.

- Second, we held two public listening sessions this year on the issue of driver harassment. These sessions are part of effort to hear from as many drivers, carriers, law enforcement personnel, and interested stakeholders as possible to help us gather information on whether EOBRs have been used to harass truck and bus drivers, and if so, how.
- And, third, we plan to conduct research by surveying drivers, carriers and vendors on harassment issues. The challenge is where to draw the line between what encourages productivity and what amounts to harassment.

Our timing is to have a supplemental notice of proposed rulemaking published early next year.

Cell Phone Use & Texting

[Slide 10]

Distracted Driving – If you follow Secretary LaHood in the news, you know that his number one passion is combating **distracted driving**.

At FMCSA, we adopted texting and hand-held cell phone bans –safety regulations that drive home the fact that no text or call is so important that drivers should risk their own lives and the lives of innocent people around them.

More than 1,300 CMV drivers and over 1,000 carriers have been cited for using or allowing a driver to use cell phones while driving since the new hand-held cell phone ban became law. Last year, in the first year for the texting ban, we recorded 630 driver violations. So far this year, 774 drivers have been issued texting violations.

On behalf of Secretary LaHood, we are asking for your help in spreading the message to drivers everywhere: One Text or Call Could Wreck it All. The Department has a **distracteddriving.gov** website where you can find all kinds of helpful information and resources.

National Registry of Certified Medical Examiners

[Slide 10]

Additionally, driver fitness, health and wellness are core focus areas for us at FMCSA. In April, we issued a final rule establishing a **National Registry of Certified Medical Examiners** that sets baseline training and testing standards for medical professionals who perform commercial

driver physicals. This rule, which we were required by law to adopt, will help ensure that the examiners understand our medical standards and that only medically qualified drivers are issued a medical card.

SLIDE 11: *Regulatory Look Ahead: Drug and Alcohol Database*

Looking ahead to later this year, we plan to issue a notice of proposed rulemaking that will establish a clearinghouse to track commercial drivers' positive drug and alcohol tests and refusals.

The rule will require employers, with the drivers' consent, to check the database before hiring and will ensure that employers meet their drug and alcohol testing requirements. The proposed rule will require CDL holders who have tested positive or have refused to submit to testing to complete their return-to-duty process before driving.

Sleep Apnea

[Slide 11]

On the issue of Obstructive Sleep Apnea, our Advisory Committee and Medical Review Board met earlier this year to finalize their recommendations on how medical examiners should handle the medical certification process for drivers with sleep apnea.

Presently, the Agency is carefully reviewing their recommendations. Before issuing our final guidance on this, we anticipate publishing the recommendations in the Federal Register later this year to give drivers, carriers, medical professionals, and all stakeholders the opportunity for public comment.

SLIDE 12: *Leveraging Technology*

I want to touch on the area of technology because it is essential to realizing the vision of a 21st century intelligent transportation system that moves people and products safely and efficiently.

Connected Vehicle Research Program**[Slide 12]**

Several intelligent transportation system safety initiatives are underway at FMCSA where we are working in partnership with other USDOT modes. One is the Connected Vehicle Research Program, which includes large trucks and buses.

Known as Vehicle-2-Vehicle, the high-speed exchange of data among vehicles allows vehicles to “see” and “talk” to each other, enabling drivers of all vehicle types to be aware of hazards around them.

In fact, 3 out of 4 fatal truck crashes involve a truck colliding with another vehicle while both are in motion on the roadway. We know that connected vehicle technology can dramatically reduce crashes involving trucks and buses.

Smart Roadside**[Slide 12]**

Hand-in-hand with Vehicle-2-Vehicle is Vehicle-to-Infrastructure technology. Both utilize intelligent transportation applications for commercial vehicles under our Smart Roadside Program where we have partnered with the Federal Highway Administration’s Freight Office and the Research and Information Technology Administration’s ITS Joint Program Office.

This program makes safety-related information about trucks, buses and drivers more accessible to roadside inspectors. The net effect is enhanced safety and efficiency involving the flow of freight by safe and legal motor carriers.

We are eager to see this Connected Vehicle and Smart Roadside technology move out into real world applications. Public-private partnerships are important, but from our end, we depend on the Congress to provide the funding resources to further develop the systems to make this work across our national highway network.

SLIDE 13: *Reauthorization – Surface Transportation Bill*

On that note, the long shadow over anything related to our roadways and safety has been the status of the federal surface transportation reauthorization bill. We have been living off the fumes of short term extensions. The time is long overdue for long-term stability. I am pleased to report that the House and Senate conferees are expected to file their report today and bring the bill to the House floor this morning. It appears to be a strong safety bill, maintaining most of the Senate's safety provisions and with additional funding above what the Senate bill provided. It is a two-year bill that will run through FY14. It includes a mandate for EOBRs and increases FMCSA's enforcement authorities and sets new registration requirements for new carriers. We expect it to be enacted into law before the current extension expires on Saturday.

SLIDE 14: *Conclusion*

As Congress now hones in on a multi-year bill, FMCSA too has a new 5-year strategic plan that will focus our outreach, oversight and enforcement resources on the entire CMV transportation life-cycle.

A key component is strengthening our partnerships with our stakeholders across the spectrum. Through openness and transparency, and by working together around that big table I spoke of, we can have a positive business climate and save the most lives!

Thank you very much.

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