

Remarks for Jack Van Steenburg
FMCSA Assistant Administrator and Chief Safety Officer
National Private Truck Council
NPTC Education Management Conference and Exhibition
Cincinnati, OH
April 27, 2015

Introduction

It is an honor and a pleasure to be here. Thank you for the kind introduction.

Recognize NPTC

First I would like to recognize NPTC for the good work you do. Many private carriers are the gold standard in the interstate trucking industry.

As we just witnessed during the Hall of Fame induction, your industry has some of the best drivers on the planet.

Congratulate Drivers

I am also here to pay tribute to the very best commercial drivers in the industry from the private fleet community. This year's Hall of Fame inductees are truly extraordinary.

Let's put this into historic perspective.

- In 1975, the Vietnam War ended; Bill Gates and Paul Allen founded Microsoft, and Steven Edwards began his streak of 40 years as a truck driver without a preventable crash or a moving violation.

- Two years later, snow fell in Miami, Florida, the one and only time in its history. And Mark Hannon and Leon Turner began their streaks of 38 years without a preventable crash or moving violation. I bet snow will fall again in Miami before their safe driving streaks are broken.
- And finally, in 1978, Pete Rose got his 3,000th hit and Buddy Brawley began his streak of 3.2 million miles of crash-free driving.

What these gentlemen accomplished behind the wheel is truly outstanding. They also show the rest of us mortals what is possible when we work hard, serve the community, and take responsibility for safety.

Driver Recognition

One of my personal goals at FMCSA is to look for ways to give safe commercial motor vehicle (CMV) drivers the recognition they deserve. We at FMCSA want to give credit to drivers who are doing the right things and not just penalize those who doing things wrong.

- We have held a number of meetings with industry representatives to discuss ways to do this. A prototype poster is almost ready to be put on display at DOT headquarters.
- We hope the final product will be something we can all be proud of.

The Crash Statistics

The numbers tell us, unfortunately, that not are as safe of drivers as Steven, Leon, Buddy, and Mark.

- In 2013, there were 4,251 deaths in crashes involving large trucks and buses on our nation’s roadways. This is an unacceptably high number.
- FMCSA’s mission is to reduce that fatality number to as close to zero as possible by preventing crashes involving large trucks and buses.

Breakdown of Private Carriers

FMCSA regulates all motor carriers that operate in interstate commerce or that carry hazardous materials (HM). As of December 2014, there were 532,024 interstate motor carriers and intrastate HM motor carriers actively operating in the United States:

- 254,884 were for-hire carriers
- 223,911 were private carriers
- 43,591 were both for-hire and private carriers
- 9,638 were neither for-hire nor private carriers (e.g., government).

Private vs For Hire Carriers

Private carriers are involved in far *fewer* crashes than their for-hire counterparts. The comparison between OOS rates for vehicle and drivers are very similar.

Carrier Class	Crash Rate/100 PU	Driver OOS rate	Veh OOS rate
Private only	1.09	.052	.189
For Hire Only	3.35	.047	.190

Pre-Employment Screening and Safety

A big part of our safety mission involves providing you the tools you need to be as safe as you can be. One such tool is our pre-employment screening program to assist you in making informed decisions about new hires.

- There are currently 11,900 carriers and 364 third party industry service providers enrolled in PSP.

The numbers show it is an effective tool to improving safety.

The impact of PSP usage on safety is pretty dramatic:

- All driver class sizes experienced decreases in crash and OOS rates.
- On average, carriers who used PSP reduced crashes by 8% and driver OOS rates fell by 17.2%!

Driver Class Size	Crash Reduction Rate	Driver OOS Reduction Rate
1-5	12.4%	18.3%
6-20	20.6%	12.0%
21-100	12.1%	10.1%
> 100	3.7%	12.8%
All Sizes	8.0%	17.2%

Today, I would like to cover several topics I hope will be of interest to you: the 34-Hour Restart study; our Beyond Compliance project, the benefits of CSA; and current rulemakings (ELDs, National Registry, Drug and Alcohol Clearinghouse, Entry Level Driver training and a couple others.)

Split Sleep Study

We have some important scientific research underway on issues related to hours of service and fatigue.

First, on Split Sleep, we heard from many drivers who expressed interest in flexibility on some of the Hours of Service provisions.

- In response, we will begin a pilot program soon to collect data on the impact of split sleep on alertness and sleep quantity. The program will allow participants, under certain circumstances, to split their sleep periods in the sleeper berths.
- We have begun discussions with representatives of ATA, OOIDA, the National Association of Small Trucking Companies, and potential technology providers for this pilot program.

We also are soliciting proposals and are moving forward.

McKee Foods Exemption

A month ago we granted the McKee Foods request for a split sleep exemption from certain provisions of the HOS regulations.

We are allowing McKee drivers more flexibility to take the equivalent of 10 hours off duty by splitting sleeper berth into two periods totaling 10 hours as long as neither of those two periods is less than 3 hours.

(NOTE: Jack, Link to the FRN: <http://www.gpo.gov/fdsys/pkg/FR-2015-03-27/pdf/2015-07056.pdf>)

34-Hour Restart Study

We have moved ahead on a naturalistic study comparing the operational, safety, health, and fatigue impacts of the restart provisions in effect before and after July 1, 2013, as required by FY2015 Consolidated Appropriations Act that was enacted by Congress last December.

- We are reaching out to industry stakeholders to assist us with recruiting drivers and carriers in all segments to participate.
- The study will include a statistically significant sample of 207 drivers comprised of fleets of all sizes, operations, and sectors of the industry. Data collection will cover 5 months, subject to independent peer review and OIG oversight.
- Study is being managed by a renowned, independent university transportation research institute and some of the leading experts on fatigue.
- The recruitment phase is winding down, and data collection has begun.
- We are on track to finalize the study later this year.

Beyond Compliance

We are thinking creatively about other ways to improve highway safety. One such idea is what we are calling *Beyond Compliance*.

- Exploring the use of new safety technologies or safety management practices.
- Determine incentives or benefits of voluntary adoption of safety measures.
- Last week we *published a Federal Register notice* seeking input on how best to proceed. If you have any ideas about Beyond Compliance, please submit your ideas.
- In March, we asked our Motor Carrier Safety Advisory Committee (MCSAC) to give us its thoughts about this program, which we believe will incentivize carriers to go beyond our regulations to achieve greater safety on our roadways.
- Once we receive input and data, we will determine if this program is appropriate and implementable.

Benefits of Compliance, Safety, Accountability (CSA)

We are confident in our Safety Measurement System (SMS) which is our primary prioritizing tool to help us focus our resources on carriers that pose the highest future crash risk. SMS draws its data from 3.5 million roadside inspections and over 100,000 crash reports each year.

Fact: We do consider crash preventability when issuing safety rating.

Fact: 83% of carriers who have received a warning letter have improved.

Fact: Roadside inspection (driver and vehicle) out-of-service rates have decreased

Three major benefits of CSA:

Benefit #1: SMS data keep the industry accountable, the public informed, and safety on the agenda in the board room.

- As a regulatory agency our mission is safety and we have a responsibility to the American people to be transparent in everything we do.
- There are nearly 70 million user sessions on our website each year.
- FMCSA websites and apps contain SMS data for more than 500,000 active motor carriers of all sizes. We just released QC Mobile app to help law enforcement access the data when they are not on a network.

Our approach is pro-active. We want to stop a crash from occurring in the first place. A carrier that is showing consistent problems, even after a handful of inspections, is a problem that needs to be addressed right now – and not AFTER the carrier is involved in a crash.

If FMCSA were to overlook carriers with fewer than 20 vehicles or 20 inspections, as some suggest, safety information for approximately 90 percent of the Nation's motor carriers would disappear from our safety radar.

Benefit #2: SMS effectively identifies carriers at risk for crashes.

- Carriers identified by SMS for interventions have a crash rate that is twice the national average.

- Carriers over threshold in unsafe driving – 93% increase in crash rate.
- Carriers with only one alert have a crash rate 79% higher than the national average.
- Carriers with at least one BASIC over the alert threshold are involved in over 90% of CMV crashes.

Benefit #3: Continual improvement increases industry and public understanding of safety performance data.

- FMCSA seeks and responds to stakeholder input regarding changes to SMS public display.
- The Agency has made numerous changes since implementation in 2010 and will continue to do so.
- I hope you have all seen the changes to the public display on the home page. If not, take a look. I think you will be pleased.

FMCSA's Priority Rulemakings

I also want to provide you with an update on our priority rulemakings for 2015 that will affect the private trucking industry.

Electronic Logging Devices

- Publish a Final Rule in 2015.
- The rule is designed to help businesses cut paperwork, increase efficiency of law enforcement personnel and safety inspectors reviewing driver hours-of-service (HOS) records, and protect drivers from harassment.
- By improving HOS compliance, ELDs are expected to prevent about 20 fatalities, over 400 injuries each year, and produce an economic savings of close to \$400 million.
- We are evaluating all 1,700 comments and will determine what changes are appropriate before publishing the final rule.

Coercion Rule

- We are working to publish a Coercion Final Rule later this year designed to prohibit carriers, shippers, receivers and transportation intermediaries from pressuring drivers into violating FMCSA regulations.
- The major provisions of this final rule includes procedures for drivers to report incidents of coercion to FMCSA and rules of practice the Agency would follow in response to allegations of coercion.

Safety Fitness Determination

We are working towards publishing the Safety Fitness Determination (SFD) Notice of Proposed Rulemaking (or NPRM) to consider expanding the use of roadside inspection data (*not relative SMS scores*) -- in addition to findings from investigations – to determine a carrier’s Safety Rating.

- This would allow FMCSA to assess the safety fitness of a larger number of motor carriers on a monthly basis.
- During FY 2015, the Agency will publish an NPRM and seek public comments from you and other interested parties.

Entry-Level Driver Training

- Working to update and expand the current requirements on Entry Level Driver Training to include behind-the-wheel instruction for drivers operating large trucks and buses.
- We held a number of listening sessions on this topic and asked our MCSAC to give us its recommendations on the topic.
- Most significant is our ongoing negotiated rulemaking on ELDT. Last week we held our 4th meeting of the plenary committee that is negotiating recommended terms for the rulemaking. We are pleased to have numerous stakeholders represented at the table and are on track to issue a Notice of Proposed Rulemaking by October 15.

- We look forward to working with all stakeholders to find common ground on a new proposal that prepares drivers for the job.

National Registry

We all care about driver health and its impact on safety. That is the reason FMCSA created the National Registry of Certified Medical Examiners.

For the past year, we have been requiring all medical examiners who perform USDOT physical examinations and issue medical certificates to be trained and tested on our medical qualification standards and listed on the Registry.

We now have reached and exceeded our goal of more than 40,000 ME's registered, adding more every day across the country.

National Registry II

We aren't quite done with the Registry.

We published the National Registry II Final Rule last week, on April 23.

The rule has two primary purposes:

- 1) The Final Rule requires medical examiners to use an updated Medical Examiner Report form and gives them a one-day deadline to report results of driver physicals to us.
- 2) FMCSA will now transmit driver identification, examination results, and restriction information electronically from the National Registry to the State

licensing agencies. FMCSA will transmit medical variance information for all CMV drivers to the State licensing agencies.

Drug & Alcohol Clearinghouse

- Last February, we published a Notice of Proposed Rulemaking to establish a Commercial Driver's License Drug & Alcohol Clearinghouse.
- The NPRM would require commercial truck and bus companies -- and other entities responsible for managing drug and alcohol testing programs -- to report verified positive drug and alcohol test results, test refusals, negative return-to-duty test results and follow-up testing into one nationwide system.
- This information would then populate a federal repository with verified positive drug and alcohol tests on CDL holders.
- The comment period for the rule closed recently, and the Agency will develop a final rule and respond to the 162 comments we received.

Conclusion

And please remember: At the end of the day, it takes all of us working together to ensure the private trucking industry serves the American people well and is the safest it can be.

I am happy to answer any questions you may have.

###