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BEFORE THE HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

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Good afternoon, Chairman DeFazio, Ranking Member Duncan, and Members of the Subcommittee. Thank you for inviting me to testify before you. I am pleased to describe how the Federal Motor Carrier Safety Administration (FMCSA) is working to make the nation's highways safer through better commercial vehicle operations. 2005 enjoyed one of the lowest large-truck fatality rates in 30 years. This means that despite more trucks traveling more miles, the proportion of fatalities was down. In addition, preliminary numbers for 2006 indicate that the number of people killed in commercial motor vehicle (CMV) crashes decreased for the second consecutive year. There are estimated to be 3.7 percent fewer deaths attributed to crashes involving commercial vehicles in 2006 than in 2005. However, we know that despite these gains, the drop in overall highway fatalities has not been consistent.

To meet this challenge we are expanding the use of proven strategies while simultaneously developing and implementing new and improved approaches. We are increasing our effectiveness and efficiency as we continue to coordinate safety strategies with our State partners. We are working closely with stakeholders from the trucking and motorcoach industries and the committed safety organizations through our newly chartered Motor Carrier Safety Advisory Committee.

TARGETING HIGH RISK CARRIERS

The FMCSA is committed to saving additional lives on our nation's highways. Our approach is risk-based – targeting carriers with poor performance and placing special emphasis on motorcoach companies and carriers registered as hauling hazardous materials.

Identifying motor carriers that pose the greatest risk to the motoring public and applying a vigorous compliance review (CR) and enforcement program are integral parts of the strategy FMCSA and its State partners use to reduce crashes involving CMVs. Through the use of available highway performance and compliance data, FMCSA's Motor Carrier Safety Status Measurement System (SafeStat) continues to serve as a valuable tool to identify high-risk motor carriers for prioritization of CR resources.

SafeStat is a reliable tool for identifying high-risk carriers. FMCSA's research has shown this conclusively and it has been confirmed by the Department of Transportation (DOT) Office of Inspector General (OIG) and the Government Accountability Office (GAO). The 2004 OIG report noted that CR results support the ability of SafeStat to

identify high risk carriers and in a June 19, 2007, letter to Congressman Thomas Petri (WI), the OIG noted that FMCSA has made improvements in the underlying data quality that supports SafeStat. In addition, in a June 2007 report on SafeStat, the GAO indicated that SafeStat works approximately twice as well as selecting carriers randomly and, therefore, has value for improving safety.

The GAO has also suggested methods of improving SafeStat. The Agency appreciates the constructive nature of the GAO recommendations and is examining how to best implement the findings of that review into our targeting system. FMCSA has been involved in a continuous process of examining the results of SafeStat and studying and implementing improvements to the system since it was originally developed in the mid-1990s. In 2002, the agency lowered the threshold for identifying high-risk hazardous materials carriers to address the additional risk posed by the materials being transported in these trucks. We are implementing a change to the targeting system to better identify unsafe passenger carrier operations.

While SafeStat is FMCSA's primary method of identifying high-risk carriers, it is not the Agency's only method of identifying unsafe carriers. FMCSA also conducts CRs in response to complaints received by the Agency, serious crashes, or to support other initiatives such as our current national initiative to conduct CRs of approximately 1,700 unrated and high priority motorcoach companies by the end of 2007.

ENFORCEMENT PROGRAMS

The FMCSA partners with the States to enforce commercial truck and motorcoach safety laws through roadside inspections, CRs, and new entrant safety audits.

The FMCSA's oversight programs are producing results. In Fiscal Year (FY) 2006, FMCSA and our State partners conducted 15,177 CRs – a 33 percent increase over the number conducted in 2004. As a result of these CRs, FMCSA initiated 4,195 enforcement actions. FMCSA found 1,035 companies so deficient that we placed their operations out-of-service. We know from past analysis that carriers improve their safety operations after a CR. We estimate that the CRs conducted in 2004 resulted in over 2,700 fewer crashes, approximately 1,900 fewer injuries, and over 100 fewer fatalities.

In addition to conducting reviews of carrier operations, the FMCSA and our State partners conducted almost 3.3 million roadside inspections on vehicles of high risk carriers during FY 2006, a 9 percent increase over 2004. As a result of these inspections, we placed approximately 220,000 drivers out-of-service until serious violations could be remedied. We also removed approximately 547,000 unsafe vehicles from our highways. Again, we know from previous analysis that roadside inspections prevent crashes and save lives. We estimate that roadside inspections conducted in 2005 resulted in over 18,000 fewer crashes, approximately 13,000 fewer injuries, and approximately 700 fewer fatalities.

In addition to these proven enforcement tools, in 2003 the FMCSA implemented a program to address the safety of new motor carriers entering the industry. In 2006, FMCSA and our State partners conducted almost 40,000 new entrant safety audits. This program ensures that all new motor carriers become aware of the safety regulations. FMCSA has also proposed revisions to strengthen this program; we are analyzing comments to the Notice of Proposed Rulemaking (NPRM) with our goal that a final rule will be issued in 2008, and ensure that new entrant audits – like CRs and roadside inspections – result in unsafe carriers being removed from service.

The FMCSA relies on enforcement tools provided by Congress. In FY 2006, we placed 531 carriers out of service for receiving an Unsatisfactory Safety Rating, 943 carriers out of service for failing to pay fines, and one carrier out of service for imminent hazard for a total of 1,475 carriers. We have also implemented the maximum penalty provisions contained in Section 222 of the Motor Carrier Safety Improvement Act of 1999. This section allows FMCSA to assess maximum penalties for carriers that demonstrate a pattern of non-compliance. In 2006, FMCSA used this authority to assess maximum penalties against 21 carriers and 7 drivers with demonstrated patterns of safety violations. In addition, we are working to strengthen this program to address recommendations by the Office of the Inspector General and anticipated recommendations from an almost completed audit of our enforcement programs by GAO.

The FMCSA is actively evaluating our enforcement tools and corresponding limitations with an eye toward developing a reauthorization proposal that will continue to strengthen our enforcement posture and ensure that, when appropriate, the agency can take focused action to change unsafe carrier or driver behavior.

DATA QUALITY

The enforcement programs discussed previously generate and rely on safety performance data to target carriers that pose a high crash risk. Therefore, it is appropriate to discuss what FMCSA has done and will do to ensure that the data we rely upon to direct our resources is as complete, timely, and as accurate as possible.

The FMCSA has been working with States on complete, accurate, and timely reporting of large truck crash and inspection data for several years and has implemented a variety of data quality programs and efforts to improve reporting. Since the beginning of these efforts, there has been significant improvement in State-reported large truck and bus crash and inspection data. Specifically, between calendar years 2001 and 2006, large truck crashes reported to FMCSA's Motor Carrier Management Information System (MCMIS) database have increased from 109,248 to more than 144,000 annually, an increase of 32 percent. During this same period, the total number of large truck fatal and injury crashes has actually decreased according to the National Highway Traffic Safety Administration (NHTSA), demonstrating that the increase in crashes shown in the MCMIS database represents more complete and accurate reporting by the States to FMCSA than in the past.

One of the most important aspects of our State Data Quality Program has been the State Safety Data Quality Map, or SSDQ, which displays the performance of individual State crash and inspection reporting efforts according to measures of accuracy, timeliness and completeness of reporting. Ratings are updated each quarter and individual State performance is portrayed through a color-coded map, with ratings of Green (good progress), Yellow (marginal progress), and Red (improvement needed) based on overall performance. Between 2004 (the date of inception) and 2007, the number of States achieving "green" on the map has increased from 25 to 40, while the number of States rated as red has been reduced from 12 to 3[1]. Specifically, between 2004 and 2006:

- The percentage of crashes matched to a motor carrier increased from 87% to 93%;
- The percentage of crashes reported within 90 days increased from 69% to 89%; and
- The percentage of inspections reported within 21 days increased from 80% to 87%.

States have made significant progress in recent years to improve the accuracy, timeliness and completeness of large truck crash and inspection data reported to the Agency.

However, we recognize that the reporting of large truck crash data in particular States is still incomplete, particularly regarding **non-fatal** large truck and bus crashes. Working with the University of Michigan Transportation Research Institute (UMTRI), FMCSA will be adding a new performance measure to the SSDQ map that focuses on the reporting of non-fatal large truck crashes by States, something not previously captured. The new measure represents a ratio of non-fatal to fatal crashes reported by States to FMCSA. States will be rated via the standard green, yellow, red scale based on the number of non-fatal large truck crashes, measured as a percent of fatal crashes, reported to FMCSA.

The FMCSA has developed two new performance measures, both of which address the completeness of data within individual crash and inspection records. Focusing on driver-specific and vehicle-specific information, respectively, States will be rated on the completeness of the data contained in crash and inspection records reported to FMCSA. The new measures will be implemented in FY 2008, incrementally weighting the new values in order to allow States time to make improvements. Beginning in FY 2009, the relative weight of the new non-fatal crash completeness measure will increased.

Other FMCSA Data Quality Efforts to Assist States

The FMCSA is engaged in many efforts to improve the quality of State reported crash and inspection data. The following are a few examples:

[1]In FY 2007, the FMCSA has provided over half a million dollars in MCSAP High Priority Grants to the 3 remaining "red" States to assist in data improvements.

- DataQs is an online system developed by FMCSA to facilitate data correction and to track corrective actions. DataQs, available since 2004, provides a single web-based location that allows the public and industry to file and monitor challenges concerning Federal and State data released to the public by FMCSA. Since its inception, 24,393 challenges have been entered into the system and 98% have been resolved.

- FMCSA conducts on-site visits to individual States to review process information system flows in order to assist States in identifying key problem areas involving collection and reporting.

- FMCSA offers on-going technical assistance to the States, at no cost, to help them identify, address, and monitor possible errors in the transfer of data from the State files to MCMIS.

- FMCSA conducts analyses of the Police Accident Report (PAR) forms and makes recommendations on how to improve data collection.

- FMCSA offers State-specific training on what crash data to collect and how it is coded

- Regional Operations Managers are being assigned to States to act as points of contact and to work with, and if necessary assist, the States in monitoring data and performance.

- State Safety Data Improvement Program (SaDIP) grant funding is available to help States improve traffic safety records systems, with an emphasis on improving data reported to FMCSA. FMCSA will award the SAFETEA-LU authorized $3 million in FY 2007 to improve crash and inspection data, but had requests from States for six million dollars.

SAFETY PARTNERSHIPS WITH STATES

As mentioned previously, FMCSA's efforts to improve commercial vehicle safety are conducted in coordination and partnership with the States. The States represent a "force multiplier" and maximize the impact of FMCSA programs. In addition, States have roles in regulating commercial vehicle transportation that make them uniquely able to implement key safety programs.

TACT Programs

SAFETEA-LU authorized Motor Carrier Safety Assistance Program (MCSAP) grants to be used for traffic enforcement on CMVs without an accompanying safety inspection. The authority also allows reimbursement of State traffic enforcement activities against non-CMVs when such actions are necessary to improve CMV safety (i.e., cars driving unsafely around trucks).

This new option is consistent with the findings of the FMCSA's Large Truck Crash Causation Study (LTCCS), and related research that have identified driver behavior as the leading factor in crashes. These studies have also revealed that the non-CMV driver is a causal factor in a majority of CMV/non-CMV crashes. By expanding MCSAP traffic enforcement authority, FMCSA and its State-partners are able to reach out to a broader population of law enforcement organizations in an effort to improve program delivery and reduce CMV-related fatal crashes.

In cooperation with the NHTSA, we recently piloted the Ticketing Aggressive Cars and Trucks or "TACT" program in the State of Washington. Working with the State trucking association, troopers conducted a high visibility enforcement campaign to reduce unsafe driving behavior in and around large trucks. The program included a high profile media campaign to build awareness and educate drivers about the hazards of driving around CMVs. Combining education and enforcement has been proven successful at increasing seat belt usage and reducing drunk driving. FMCSA is now applying it to the commercial vehicle safety problem in this country.

The first TACT pilot program was successful in large part due to the cooperative efforts of DOT, State, and local law enforcement agencies that were involved. The evaluation showed a considerable reduction in unsafe driving behaviors on the designated enforcement corridors. Based upon TACT's initial success, FMCSA is expanding the program to States with the highest fatality and crash rates. TACT is currently underway in Georgia, Pennsylvania, North Carolina, and Kentucky. Kansas, Ohio, Missouri, and Ohio are also implementing traffic enforcement programs with many features of the TACT program and 13 other States[2] are conducting traffic enforcement aimed at unsafe behaviors by non-CMVs around trucks and buses.

To assist the States, the FMCSA is printing and disseminating a TACT "How To" guide to State Agencies nationwide. We are encouraging all MCSAP States to adopt this successful program or some form of non-CMV enforcement allowed by SAFETEA-LU. FMCSA is also moving forward with development of the TACT State Peer Exchange Network (SPEN). The purpose of the group is to share best practices and strategies to reduce crashes between passenger vehicles and CMVs. SPEN will be comprised of States conducting TACT programs currently as well as States with low to moderate crash rates.

Performance and Registration Information Systems Management (PRISM)

PRISM began as a pilot project mandated by Congress under ISTEA in 1991. The goal was to explore the benefits of using State commercial vehicle registration sanctions as an incentive to improve motor carrier safety. Congress authorized funding through the TEA-21 and SAFETEA-LU to expand PRISM nationally on a voluntary basis.

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[2] See attached map for complete list of States conducting traffic enforcement aimed at unsafe behaviors by non-commercial vehicles around trucks or buses.

The FMCSA provides PRISM grant funding to the States primarily to enable each State to establish information system connections among vehicle registration agencies, roadside law enforcement, and FMCSA. This allows States to check the safety status of motor carriers prior to issuing or renewing International Registration Plan (IRP) license plates and during roadside inspections. PRISM grant funds are also used to deploy roadside technologies such as bar-code readers that automate the population of data requirements in roadside inspection software and wireless access to our Query Central system for more efficient roadside inspections.

PRISM creates a new Federal-State partnership that improves safety and strengthens Congressionally-mandated enforcement policies such as those related to the consequences of unsatisfactory safety ratings (Section 4009 of TEA-21), failure to meet new entrant requirements, and failure to pay civil penalties (Section 206 of MCSIA). One of the fundamental tenets of the PRISM program is that State vehicle registration agencies will suspend a motor carrier's IRP license plates in conjunction with an FMCSA order to cease interstate operation and/or deny renewal of IRP license plates to any motor carrier that is prohibited from operating in interstate commerce by FMCSA.

The Federal-State PRISM partnership provides an automated enforcement mechanism to ensure that motor carriers meet the requirements for biennial data updating under Section 217 of MCSIA (Form MCS-150). Put simply, participating State systems automatically check the carriers "MCS-150 date of last update" and deny renewal of IRP license plates if the MCS-150 data of the carrier responsible for the safety of a vehicle will expire (i.e., exceed 24 months) before the new license plate expires.

To date, 45 States plus the District of Columbia have signed grant agreements with the FMCSA to implement the PRISM program and twenty-seven States are presently PRISM capable, with four states in the process of implementation, with fourteen states and DC committed to implementing the program in the near future. Of critical importance, 23 States now actively exercise their authority to deny, revoke, and or suspend a carrier's registration, and four states await enabling legislation to impose registration sanctions.

FUTURE FOCUS

As we move forward, the FMCSA will be addressing key priorities to increase safety including: 1) testing our Comprehensive Safety Analysis 2010 (CSA 2010) initiative, which will provide a new approach to the safety fitness rating – and allowing a broader enforcement exposure to the motor carrier industry; 2) modernizing our IT systems and transforming our business processes through COMPASS, an FMCSA initiative that will increase the productivity of FMCSA and state partner resources conducting mission-critical services such as driver and vehicle inspections, CRs, and safety audits; 3) continuing our focus on driver safety in all programs, by conducting even more driver roadside enforcement and inspections in cooperation with our State and local partners; and 4) intensifying our focus on motorcoach safety by prioritizing our MCSAP and Federal activities in this area, while also focusing enforcement efforts on high-risk curbside bus operators.

CSA 2010

The FMCSA strives to improve how it does business. While our enforcement programs have been successful in improving safety, we recognize that we need to do more if the Department is to meet its safety goals. With that in mind, FMCSA is nearly midway through development of its CSA 2010 effort, which generates a more comprehensive, effective and efficient approach to carrying out compliance and enforcement programs. CSA 2010's goal is to contact more regulated entities through a broader array of enforcement and educational interventions while optimizing FMCSA resources.

The CSA 2010 Operational model that has been developed and will be pilot tested in 4 States during 2008 will measure carrier performance in seven Behavioral Analysis and Safety Improvement Categories (known as BASICs). They are unsafe driving, fatigued driving, driver fitness (training/experience/physical qualifications), drugs/alcohol, vehicle maintenance, improper loading/cargo issues (including hazardous materials violations), and crashes. FMCSA will use all safety violations to assess carrier safety in these areas, not just a limited list of violations that have been determined to be "critical" or "acute." By including all violations in a motor carrier's safety fitness determination, we will be addressing one of the National Transportation Safety Board's (NTSB's) Most Wanted items for FMCSA.

The use of these BASICs will also allow FMCSA to identify and focus its efforts on addressing specific safety problems, and will result in the Agency's employment of a systematic, progressive set of interventions designed to change unsafe behavior. Additionally, their use could result ultimately in a carrier being declared "unfit" and placed out-of-service if there is no demonstrated improvement in performance.

Another important feature of this new model is that safety assessments and fitness determinations will be updated monthly based on performance data. FMCSA will no longer rely solely on the results of an on-site CR to make a safety fitness determination. This will allow the carrier's safety fitness status to reflect on-going activity, not a "snapshot" of the operational safety at the time of an on-site review.

Driver Focus

Recent studies, including the LTCCS, continue to emphasize the part that drivers play in crash causation and avoidance. In the LTCCS, CMV driver action or inaction was determined to be the "critical reason" for the crash in 87% of the crashes where the responsibility for the crash was attributed to the CMV. In FY 2008, FMCSA will address driver safety knowledge "gaps" found by the National Agenda for Safe Driving, a technical working group of government and private partners. The working group will hold public listening sessions and a major public conference to define actions that will address these knowledge gaps and obtain stakeholder commitments to partner with FMCSA to act quickly and efficiently on yet to be identified items. FMCSA will also

work with our State partners to ensure that they conduct driver inspections at the roadside as specified in their respective Commercial Vehicle Safety Plans.

Medical Oversight Program

The FMCSA's focus on drivers also includes initiatives to improve oversight of medical conditions that affect CMV safety. These initiatives will increase safety by helping to reduce the number of drivers with medical conditions which adversely impact their ability drive safely. Additionally, NTSB's Most Wanted List contains several recommendations which will be addressed by these activities. We currently have three major initiatives under way:

Medical Review Board (MRB)

FMCSA is evaluating all of its medical regulations to ensure that they reflect the most up to date scientific information. The MRB is a five-member panel of experts, authorized by SAFETEA-LU, who advise FMCSA on medical standards and emerging medical issues. We announced the selection of the MRB members last year and the Board will be holding its fourth public meeting later this month. Presently, the Board's agenda includes review of diabetes, cardiovascular issues, and Schedule II controlled substance medications.

National Registry of Certified Medical Examiners

Our second initiative, also supported by SAFETEA-LU, is the rulemaking establishing a National Registry of Certified Medical Examiners. The Registry will provide a list of medical examiners who are authorized to perform the physical qualification examinations for the more than 6 million truck and motorcoach drivers operating in interstate commerce. Our goal is to require ongoing competency of medical examiners through training, testing, certification and recertification. This will ensure that medical examiners fully understand, and remain competent to perform medical examinations for commercial vehicle drivers.

Merger of the CDL and Medical Certificate

The Notice of Proposed Rulemaking (NPRM) published by the Agency will merge drivers' medical information with the CDL data system. Under the new system, a driver's medical certification would be sent to the State's division of motor vehicles, which would then be required to include on the CDL record that the driver continues to be medically certified. If a driver's medical certificate expired, the State would be required to downgrade the CDL until the driver provided proof of his or her medical qualification to operate commercial vehicles in interstate commerce. Presently, we are analyzing comments made to the NPRM as we finalize the Final Rule.

Commercial Driver's License Information System (CDLIS) Modernization

The modernization of CDLIS required by SAFETEA-LU will enable FMCSA and the States to take advantage of new technological advances and expand CDLIS storage capacity while increasing system performance, responsiveness and adaptability to meet current and future requirements. Related to this effort is the development of the CDL learner's permit rule to establish uniform procedures for State issuance of learner's permits and CDLs, including Social Security Number verification requirements and fraud prevention initiatives. Publication of the CDL learner's permit rule will also address the trucking requirements of the SAFE Ports Act of 2006. Finally, a CDL Task force has been established to take advantage of the knowledge, experiences, and energies of various interest groups to identify ways to improve the effectiveness of the CDL program.

Motorcoach Safety

Several highly visible and tragic incidents underscored for all of us the importance of motorcoach passenger safety. Even so, we should keep in mind that mile for mile, motorcoaches are the safest form of commercial passenger transportation. Motorcoaches account for more passenger traffic in the United States than all other commercial modes of transportation combined. In response to recent motorcoach incidents, FMCSA has increased its motorcoach safety enforcement activities by increasing MCSAP and Federal activities in this area; by improving the method for selecting passenger carriers to inspect; by performing more CRs of motorcoach companies; and by improving training for motorcoach drivers.

In FY 2006 the FMCSA and our State partners conducted over 125,000 bus inspections. By the end of 2007, we expect to conduct a CR on every motorcoach operator that has not been rated. In addition, the FMCSA has taken important steps to focus on enforcing regulations that apply to curbside bus operators providing fixed-route service among major cities in the northeast such as New York, Boston, Philadelphia, and Washington, DC. FMCSA and a coalition of State and local police agencies have formed a strike force performing both roadside inspections and CRs and, where necessary, taking enforcement actions against these companies. This initiative will continue into 2008.

CONCLUSION

Mr. Chairman, I wish to express my appreciation for all that the Committee has done in supporting the FMCSA. In our seven years as an independent modal Agency within DOT, the dedicated women and men of FMCSA and our partners in State and local law enforcement agencies have made substantial progress in reducing fatalities and injuries on our nation's highways. Your continued investment in the Agency will enhance these efforts, further increasing safety. I look forward to working with you to achieve our mutual goals and would be happy to respond to any questions you may have.