

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type “None” or “Not Applicable” if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., “A”, “B”, etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Thomas Frederick Scott Darling, III
Other: T.F. Scott Darling, III
Nickname: Scott

2. Position to which nominated:

Administrator, Federal Motor Carrier Safety Administration (FMCSA)
U.S. Department of Transportation (USDOT)

3. Date of Nomination:

August 5, 2015

4. Address (List current place of residence and office addresses):

Residence:
Silver Spring, MD 20906

Office:
1200 New Jersey Avenue, SE
West Building, 6th Floor
Washington, DC 20590

5. Date and Place of Birth:

October 7, 1962
Chelsea, Massachusetts

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Alyson T. Cooke, retired

7. List all college and graduate degrees. Provide year and school attended.
 - Master of Public Policy, Tufts University (2008 – 2010)
 - Juris Doctorate, Suffolk University Law School (1989 – 1991)
 - Bachelor of Arts, Clark University (1980 – 1984)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Management/Related Positions Bolded Below:

- Federal Motor Carrier Safety Administration
Washington, DC
 - **Chief Counsel** (09/2012 – Present)
 - **Acting Administrator** (08/2014 – 03/2015)
- Massachusetts Bay Transportation Authority (MBTA)
Boston, MA
 - **Deputy Chief of Staff/Assistant General Counsel**
(12/2008 – 09/2012)
 - **Environmental and Land Use Counsel/Privacy Administrator** (05/2005 – 12/2008)
- Conservation Law Foundation/CLF Ventures (6/1999 – 5/2005)
Boston, MA
 - **Director of Greater Boston Institute** (06/2003 – 05/2005)
 - **Staff Attorney/Community Organizer** (06/1999 – 09/2001 full time and 9/2001-6/2003 part-time)
- Freedom House
Roxbury, MA
 - **Executive Director** (09/2001 – 06/2003 part-time)

9. Attach a copy of your resume.

Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

- I was appointed by the Mayor of Somerville, Massachusetts, to the Zoning Board of Appeals for the City of Somerville and served from 2005 to 2012.
- I was appointed by the Mayor of Boston, Massachusetts, to the Board of Examiners for the City of Boston and served from 1994 to 2012.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- Treasurer, Board of Trustees, Smith Academy for Leadership Public Charter School (2002 – 2011)
- Co-Founder , Benjamin Banneker Public Charter School (1994 - 2011)
- Chairperson and Treasurer, Benjamin Banneker Public Charter School (2003 – 2009)
- Chair, Executive Committee, WGBH Community Advisory Board (2007 – 2008)
- Member, Board of Directors, W. M. Trotter Institute/University of Massachusetts-Boston (2006 – 2008)
- Member, Board of Directors, Charles River Watershed Association (2005 – 2011)
- Member, Board of Directors, St. James Educational Center (2004 – 2007)
- Member, Board of Directors, Freedom House, Inc. (2002 – 2005)
- Chair, Quincy-Geneva Housing Corporation/New Visions Community Development Corporation (2002 – 2004)
- Member, Board of Trustees, Greeley Foundation (2001 – 2004)

- Vice-Chair, Quincy-Geneva Housing Corporation/New Visions Community Development Corporation (2001 – 2002)
- Member, Board of Directors, Grove Hall Main Street Program (2001 - 2002)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

- Member, The Potomac Coalition, Washington, D.C. (2000 – 2012)
- Member, American Institute of Certified Planners (2005-2009)
- Member, Massachusetts Bar (1991 - Present)
- Member, District of Columbia Bar (1993 - Present)
- Member, United States Supreme Court Bar (2013 - Present)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

- In November 2008 and 2010, I was elected to the Ward 6 Democratic Committee in Somerville, Massachusetts. I neither have any outstanding campaign debt, nor have I been personally liable for any campaign debt.
- I was appointed by the Mayor of Somerville, Massachusetts, to the Zoning Board of Appeals for the City of Somerville and served from 2005 to 2012.
- I was appointed by the Mayor of Boston, Massachusetts, to the Board of Examiners for the City of Boston and served from 1994 to 2012.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held

with, and services rendered to, a state or national political party or election committee during the same period.

Offices Held:

In November 2008 and 2010, I was elected to the Ward 6 Democratic Committee in Somerville, Massachusetts.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements. –

- Recipient, Commonwealth of Massachusetts' Citation for Outstanding Performance (2008)
- Recipient, American Jurisprudence Award, Suffolk University Law School (1991)
- Recipient, Paul A. Gargano Scholarship, Suffolk University Law School (1990 - 1991)
- Recipient, Community Fellows Grant, Tufts University (2008 - 2010)

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Publications:

- *"We've Got an App for That! Putting a Powerful Tool in Hands of Truck and Bus Inspectors"*; U.S. DOT Fast Lane Blog; March 17, 2015.
- *"Truck Driving and Inspectors Championships Shine Spotlight on Safety Skills"*; U.S. DOT Fast Lane Blog; August 28, 2015.

Speeches:

- Morning Session Address – Regulatory Update. 2015 Commercial Vehicle Safety Alliance (CVSA) Annual Conference & Exhibition in Boise, Idaho; September 14, 2015.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

- March 25, 2015: I testified orally and in writing before the United House of Representatives Committee on Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies for the “*Budget Hearing - Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration and Federal Motor Carrier Safety Administration.*”
- March 4, 2015: I testified orally and in writing before the United States Senate Commerce Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security hearing on “*Surface Transportation Reauthorization - Oversight and Reform of the Federal Motor Carrier Safety Administration.*”

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have spent most of my career in public service. I have been a State and Federal government official, a staff attorney, an advocate, and the executive director of a community service/civil rights organization. These experiences have all involved complex and multifaceted issues, diverse stakeholders, and extensive public engagement. Currently, I am the Chief Counsel of the Federal Motor Carrier Safety Administration (FMCSA). I served as Acting Administrator of FMCSA from August 2014 until March 2015. Since September 2012, I have held leadership positions within FMCSA, including Chief Counsel and Acting Associate Administrator for Administration.

Prior to my almost three years at FMCSA, I was the Deputy Chief of Staff/Assistant General Counsel of the Massachusetts Bay Transportation Authority (MBTA). I assisted the General Manager in the safe and efficient operations of the fourth largest rapid transit system in the country. Primary responsibilities included overseeing MBTA transit safety, operations, engineering and maintenance, and design and construction departments. The MBTA has extensive land holdings at and around transit stations, and I was responsible for oversight of the real

estate, environmental affairs, and planning departments. Concurrently, as Assistant General Counsel, I provided legal advice to the General Manager, General Counsel, and MBTA operating departments on legal (contracts/environmental/labor relations) matters. I coordinated compliance with Federal grants and managed several American Recovery and Reinvestment Act (ARRA) projects.

As the MBTA Environmental and Land Use Counsel/Privacy Administrator, I developed and implemented the Authority's environmental management system, initiated and managed litigation, and represented the MBTA on litigation matters with the U.S. Department of Justice and Massachusetts Attorney General's Office. Successful actions included \$6 million in environmental cost recoveries from railroad companies and litigation against a group that hacked into the "Charlie Ticket" portion of the MBTA's automated fare collection system.

As the Conservation Law Foundation/CLF Ventures' Director of the Greater Boston Institute, I formulated and shaped community planning and outreach strategies with multiple stakeholders on transportation, housing, and public space issues. I managed several projects, including the Community Preservation Act Campaign for Housing and Historic Preservation, the Campaign against an MBTA Fare Hike, and served as the initial chairman of the Transit Rider Oversight Committee. I united diverse communities and interests strengthening our advocacy with local, State, and Federal agencies, boards, and departments.

My past community involvements include being the part-time Executive Director of Freedom House (one of Boston's oldest human services/civil rights organizations) and a co-founder of the Benjamin Banneker Charter Public School in Cambridge, Massachusetts, and the Smith Leadership Charter Public School (renamed - Helen Y. Davis Leadership Academy Charter Public School.)

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The overarching responsibility for anyone entrusted to lead FMCSA is improving motor carrier safety. I have been managing FMCSA for a

year, including as the Acting Administrator from August 2014 until March 2015, and I am the agency's chief lawyer.

We at FMCSA must ensure that those entering the motor carrier industry (i.e., carriers and drivers) are fit to provide a sufficient level of safety and are not a danger to the travelling public or themselves. This takes many forms, from effective management of the leadership of FMCSA Program offices in DOT headquarters, to ensuring all personnel have the tools and support to perform their jobs. Everyone must understand and uniformly apply the Agency's policies and guidance emanating from Washington.

In my experience running large and complex organizations, whether FMCSA or the MBTA, you ensure everything being done within the agency furthers the safety mission; this includes fiscal responsibility with taxpayers' money. We need to efficiently and effectively manage our budget. We must tirelessly pursue our safety mission, by using data that allows the agency to take appropriate action against high-risk carriers and conducting studies and initiatives to support rulemaking efforts. If confirmed as Administrator, I will ensure congressional mandates are fulfilled in a transparent way that allow Congress, the motor carrier industry, safety advocates, law enforcement personnel, and the general public to know what we are doing.

If confirmed, I will continue outreach efforts that allow industry, advocacy groups, and the public to contribute meaningfully to our safety mission and enforcement efforts. I will do my utmost to ensure that FMCSA proposes and implements rulemaking and other initiatives that are comprehensive, based on provable data, and are cost effective and minimally intrusive. I will continue to work collaboratively with the highly competent and motivated FMCSA career executives to find savings and efficiency within the agency. We will continue to offer regular and casual users of motor carriers the best information and guidance possible.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The size and complexity of the motor carrier industry means FMCSA focuses on core initiatives while concurrently working with industry, safety advocates, and our state partners. All of our work based on data

collection, sound research principles, and practical application will contribute to greater overall motor carrier safety.

I see the first of FMCSA's "top three" initiatives as increasing truck and bus safety, period. As the economy improves, more goods are being produced and people are again planning or taking trips. More goods are moved by truck than any other mode. Travel by bus is also up as a cost effective option, whether intercity travel on an array of carriers or rentals by organizations, schools, and religious and affinity groups. The downside is an increase in crashes and fatalities. While lower than 15 years ago, that increase is still unacceptable.

We are leveraging technology to bring crashes and fatalities down. The Electronic Logging Device (ELD) final rule will require ELD use for more accurate, real-time, driver information. This rule is generally supported by industry and will allow a driver, a company, and law enforcement to see standardized data based on actual vehicle activity and duty status. We are working with our state safety partners, for example, through the Motor Carrier Safety Assistance Program (MSCAP). MSCAP provides States with financial assistance to support safety programs and encourage adoption and uniform enforcement of commercial motor vehicle (CMV) safety rules. The New Entrant Safety Assurance Program requires that before a Canadian or American company begins CMV operations they register with FMCSA, meet a number of pre-operational requirements, and are subject to a safety audit within 12 months and a monitoring of its operations for 18 months. Mexican CMVs are also subject to rigorous inspection including safety audits and border inspections.

The second key initiative is improving FMCSA's Compliance, Safety, and Accountability (CSA) program. CSA is the cornerstone of FMCSA's oversight program to improve truck and bus safety, and helps target limited resources towards identifying and stopping the highest risk carriers operating on our Nation's roads.

For example, to determine if a motor carrier is fit to operate its commercial motor vehicles, FMCSA currently conducts a safety fitness determination (SFD) visit at the company's principal place of business. Then, via notice-and-comment rulemaking, the Agency will propose updating its SFD methodology to change the Federal Motor Carrier

Safety Regulations (FMCSRs) by adding decision criteria based on a carrier's on-road performance in relation to the five Behavioral Analysis and Safety Improvement Categories (BASICS), using either an investigation or a combination of on-road safety data and investigation information. Given the size of our Federal workforce and the limited resources of our State enforcement partners, it is imperative that we maximize the effectiveness of our enforcement program through an improved SFD process.

The third key initiative is to improve the accuracy and collection of data critical to informing rulemakings, programs, and enforcement actions. Agency actions must connect to what's happening in the motor carrier industry and on roads and highways. Our actions must be based on data and accepted analytical practices. Robust data collection enables greater attention to high risk carriers and helps to reduce large truck and bus crashes, injuries, and fatalities. Collected data on motor carriers is not only of interest to FMCSA – agency websites received 70 million hits last year – but also truck and bus operators and the general public. The general public wants to know if a bus is safe or if a moving company has been fined or suspended as demonstrated by the positive response to our “Look Before You Book” and “Protect Your Move” campaigns. As an agency we see data and its uses quantitatively and qualitatively.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

None.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's

Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

During my time at the Department of Transportation, I have testified before Congress on federal budget and public policy matters concerning the debate over surface reauthorization and the need for a long-term transportation bill, such as the GROW AMERICA Act.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.


4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

F. Affidavit

Thomas Frederick Scott Darling, III being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.


Signature of Nominee

Subscribed and sworn before me this 16th day of September 2015.

Jerry H. Abdul-Wali
Notary Public

DISTRICT OF COLUMBIA: 58
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 16th DAY OF September 2015.
Jerry H. Abdul-Wali
NOTARY PUBLIC
My Commission Expires 02/14/2019

