



Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

**Statement of
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**Before the
Senate Committee on Commerce, Science, and Transportation Subcommittee on
Surface Transportation and Merchant Marine Infrastructure, Safety, and Security**

“Oversight of Motor Carrier Safety Efforts”

April 28, 2010

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Mr. Chairman, Members of the Subcommittee, thank you for holding this important hearing and for inviting CVSA to testify.

I am Francis (Buzzy) France, President of CVSA, and Administrative Officer with the Maryland State Police.

CVSA is an organization of state, provincial and federal officials responsible for the administration and enforcement of commercial motor carrier safety laws in the United States, Canada and Mexico. We work to improve commercial vehicle safety and security on the highways by bringing federal, state, provincial and local truck and bus regulatory, safety and enforcement agencies together with industry representatives to solve problems and save lives. Every state in the United States, all Canadian provinces, the country of Mexico, and all U.S. Territories and Possessions are CVSA members.

Long Term Transportation Bill Is Needed to Continue the Downward Trend in Crashes and Deaths

First, there is some good news to report. The large truck fatality rate dropped by 12.3% in 2008, and is down 20.8% since 2005. There were more than 1,000 fewer deaths in 2008 from large truck crashes than there were in 2005. I believe significant credit for this goes to the more than 12,000 commercial vehicle inspectors in North America who are working hard each and every day. Credit for this success also goes to the many responsible members of the truck and bus industries who are mindful every day of the need to keep our highways safe.

However, there still were 4,229 deaths in trucks and 307 in buses in 2008, so we still have plenty of work to do in our march towards zero deaths on our roadways.

The downturn in the economy certainly has played a role in this, and my fear is that as it begins to recover, as thankfully it looks to be the case, we will not have adequate resources to maintain these numbers, much less improve upon them.

A critical step for ensuring there are adequate resources in place today and in the future is for the Congress to pass a long term Transportation bill as soon as possible. Solutions to many of the issues I will discuss this morning can only happen through enactment of a long term transportation bill. We look forward to working with this committee on highway and commercial motor vehicle safety policies to be included in the bill, and we are pleased that you are signaling the beginning of this process by holding this hearing today.

Before I do that, I want to comment on issues that you identified in your letter inviting us to testify.

CSA 2010

We support CSA 2010 and give credit to FMCSA for moving it forward. It offers significant promise to transform compliance and enforcement activities to be more “surgical” in nature and to allow for more proactive safety interventions with motor carriers, which will ultimately save more lives. It also is consistent with one of CVSA’s major reauthorization priorities — to streamline the compliance review process to make it more effective, as well as to establish a better safety rating process for motor carriers. The CSA 2010 experience thus far through the 9 pilot states shows that it is having a positive impact and is being received well by both enforcement and industry. We fully understand why FMCSA recently announced that they are modifying their timelines for implementing this program and fully support their doing so. A program of this size and scope needs careful planning, as well as input from all affected parties. Throughout his process FMCSA has been listening to us and others, and we appreciate them doing so.

However, CSA 2010 will require the states to expend more resources to implement it, just as it has required the FMCSA to expend additional resources. We fully understand why FMCSA requested an additional \$20 million beyond SAFETEA-LU authorized limits for its Fiscal Year 2011 budget for the purpose of rolling out CSA 2010. We do not understand why FMCSA is not seeking additional funding for the states as well. States will need to add additional personnel, upgrade their information systems, upgrade their processes and resources for data challenges, and conduct more training to make CSA 2010 a success. We would recommend that FMCSA direct at least a part of the \$20 million they are seeking to the states, or find other sources of funding, such as the High Priority grant program, to help the states. We realize this is an issue for the Appropriations Committee but, nevertheless we wanted to bring this issue to your attention.

Electronic On-Board Recorders and Hours of Service

Mr. Chairman, in our view, the policy decisions made with respect to EOBR technology and Hours-of-Service regulations are closely linked. We are cognizant of the Secretary of Transportation’s directive to the FMCSA to re-open the existing hours-of-service rules to try and make improvements. We have been and will continue to be committed to participating in that process and ultimately to enforce whatever the final outcome may be.

However, we believe universal mandate of electronic logging technology is critical so we can ensure a more reliable method of assessing compliance and enforcing hours-of-service, whatever the ultimate outcome of the rules might be. We advocated this position at the May 2007 hearing you chaired on the subject of EOBR’s. Adoption of such a rule must also contain critically important technical considerations such as interoperability, data security, driver identification, tampering, uniformity, standard

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interface for law enforcement, and proper certification of EOBR devices. In our judgment, the EOBR rule recently issued by FMCSA does not go far enough. It falls short of a universal mandate and does not do enough in the areas identified above. While we are aware that FMCSA has publicly stated that another EOBR rule is forthcoming, we would suggest that legislation will be needed to ensure a future rule will meet the ultimate goal of being able to accurately reflect a driver's records of duty status through the use of electronic logging devices — and one that is enforceable — on all commercial motor vehicles.

As for the hours-of-service regulations, we would suggest that taking measures such as mandating electronic logging devices and a supporting documents rule should be in place for several years, as well as the collection and evaluation of more performance data on compliance rates and crashes, before revisiting the regulations. Every time there is a change in the hours-of-service rules it significantly impacts enforcement. The first challenge is for all of the states to adopt the new rule. Most states can do so administratively or through automatic adoption, but a number of them have to do it through an abbreviated legislative process and in a few cases during their normal legislative process. In some cases it can take up to three years. This coupled with education and outreach efforts, changes to software and training necessary with any rule of such significance, make this a challenge to the enforcement community. I am not saying that enforcement is not up to the task, because we are. But it is important to get it right with respect to what the best hours-of-service regime should be. The last several years we have seen several changes with respect to the rules and going through such changes is not an easy task. The last item I will note is as we go through this process we should consider harmonizing the rules with respect to those in Canada.

Regulatory and Policy Issues With Respect to FMCSA That Need Resolution before Reauthorization

Before I discuss these issues, let me say that the new FMCSA Administrator, Anne Ferro, has been on the job for barely six months. The matters I am about to discuss in most cases precede Administrator Ferro's arrival on the job. Let me also say that in this short period Administrator Ferro has been reaching out to CVSA as I know she has done with other safety partners. When she makes important safety decisions, whether we all agree with them or not, I think we can be certain that she has listened to as many people as possible and has studied the issues carefully. The enforcement community knows that in Administrator Ferro we have a strong safety voice in this Administration and in the Department of Transportation. We appreciate that. I will tell you from our experience with her thus far that she has been doing an outstanding job.

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Regulatory Responsiveness and Timeliness

We all know that regulatory responsiveness and timeliness has been a problem at FMCSA. While there has been significant improvement in some areas, more improvement is needed. Since 2007, CVSA has filed 13 petitions for rulemaking with FMCSA that are still pending.

Regulatory Guidance and Policy Memos Issued by FMCSA

We appreciate that FMCSA may have the best of intentions in issuing a Regulatory Guidance and Enforcement Policy Memorandums in its attempts to clarify existing rules, be responsive and assist with their enforcement. However, there is no substitute for rule changes. A recent example of this was the Regulatory Guidance prohibiting texting for commercial vehicle drivers. We support the goal of banning texting while driving for everyone, but I must point out that such guidance is not a substitute for a rule and states have no authority to enforce guidance as opposed to a rule. Generally speaking, if guidance is issued with respect to a rule, there likely is a problem with the rule that needs to be fixed. In the case with the texting ban, there was no existing rule. We do appreciate the Agency recently issuing a Notice of Proposed Rulemaking on this subject, but we still do not have a rule. Another recent example was the Regulatory Guidance issued on March 1 allowing states to send out UCR registration notices reflecting the old 2007-2009 fee structure. Again, we appreciate the intent behind this, but it did not provide the regulatory authority to actually collect the old fees and opens the door for a potential legal challenge.

The same holds true for Policy Memos issued by FMCSA that direct state enforcement agencies to make changes in their enforcement practices. Such policy memos need to be consistent with regulations and if they are not, the rules need to be changed.

This is not just important for enforcement, but for industry as well. They need to be sure to know what the rules are so they are able to comply with them.

I will now discuss our Reauthorization issues.

CVSA Major Reauthorization Issues

More Flexibility in State Grant Programs Is Needed Along With Increased Funding

With commercial motor vehicle traffic projected to increase significantly over the next five to ten years, increases in education, compliance and enforcement efforts are needed to reduce crashes and fatalities from their existing levels and, overall funding levels and programmatic flexibility must be increased significantly for states to make the necessary level of effort to achieve reductions. Many states believe that as funding levels of takedowns and state grant programs are increased, they are done so at the expense of the basic Motor Carrier Safety Assistance Program (MCSAP) and take away

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the flexibility of states to meet changing safety priorities. This also greatly increases the administrative and accounting burdens on states, which in turn takes away from their ability to use the funding for efforts that will directly impact safety.

Several recommendations are offered:

- There are currently seven existing categorical state grant programs including the Motor Carrier Safety Assistance Program (MCSAP). There are differing schedules and application processes and the timeframe for the use of the grant money is too short.
- There should be one uniform application date and the clock should not start running on the time for use of the grant money until the day the state receives the grant, and the grant period should be changed to three years.
- The existing six state grant programs outside of MCSAP should be reconfigured into five new programs: Enforcement, Education, Incentive, Technology, and Driver.
- The total funding for the entire grant programs should be increased from the current \$300 million annually to a minimum of \$340 million in the first year and indexed over the life of the bill.
- The current match levels of 80/20 should be changed to 90/10. As the overall funding levels for the grant programs increase, the required amount for the match goes up as well, and that becomes problematic for many states particularly under current economic conditions.
- Costs to conduct the New Entrant program (now a \$29 million takedown from the core MCSAP program) should be pulled out of MCSAP and the funding to the states for this program should be covered by the establishment of a new carrier registration fee. Funding to the states for this program should be maintained at 100 percent and eligible expenses should include not just the safety audits but also education and awareness activities, materials and training. Since the New Entrant program is resource intensive, we recommend that states be allowed the flexibility to contract with and use certified 3rd party auditors to conduct new entrant safety audits should they choose to do so. We understand that FMCSA has received a request on behalf of one of the states to conduct a pilot program for the use of 3rd party auditors. We endorse this idea and hope that FMCSA will act favorably on the request.

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Maintenance of Effort Requirements Must Be Revised

The Maintenance of Effort (MOE) requirements as they currently exist are a significant problem for the states and must be revised. The way it exists now presents in many cases a disincentive for many states to develop new and innovative approaches to their commercial vehicle safety and enforcement programs. While the basic concept of MOE is simple and fair, its implementation has flaws:

It preserves the “relative” CMV safety efforts among the states and the “ratcheting up” effect serves as a disincentive for states to invest more in CMV safety. It does not incent innovative and efficient strategies;

It preserves uneven and non-uniform programs from state to state rather than promoting uniformity and equality from state to state; and

As MOE currently is structured it is not based on risk and performance nor is it outcome-based. It is input and funding based.

With the passage of SAFETEA-LU in 2005, the MOE base period was changed to a sliding three-year period beginning with 2001-2003, and its scope was amended to include enforcement on CMVs without an inspection as well as traffic enforcement on passenger vehicles when they affected safe CMV operations.

There are two primary problems this system created. First, states have no incentive to do anymore than what is necessary to meet their federal obligation since any expenditures above and beyond their MOE only serves to further increase that obligation in future years. Therefore, a state is better off investing only what it must to meet its MOE requirements and nothing more. However, this issue is complicated by the fact that in many states the amount of federal funding has not kept pace with the needs of states. When this occurs states have two choices. They can make up the difference and continue to run the program at the same level causing their MOE to increase, or they can reduce the scope of the program. A state that chooses to cut its program will not see its MOE rise but will not be able to sustain its current enforcement program.

The formula specified in the House Reauthorization bill already considered by the Highways and Transit Subcommittee is a step in the right direction, but needs to go further. That bill provides a standard MOE formula for all of the safety grant programs including MCSAP. The formula is based on a three year average prior to the date of enactment the bill and is fixed. The MOE would then be in effect for the life of the bill.

In an ideal world MOE would be eliminated. While the MOE concept makes sense, many states contribute much more state dollars to their commercial vehicle safety programs than the 20 percent MCSAP match requires. MOE is a good approach to

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newer federal-state funding programs as it is there to help ensure federal dollars are not used to replace state dollars. The MCSAP is now a mature program and all of the states have had and will continue to have robust programs.

Flexibility also should be authorized for FMCSA on this issue to give them the means to waive MOE under certain circumstances. Currently, many of the states are in very difficult budget situations and giving FMCSA this authority will help relieve pressure on the states to meet their MOE requirements. Consideration also should be given to an activity-based approach to MOE rather than a financial-based approach. We urge the committee to take a hard look at addressing this issue and to work with FMCSA, CVSA and the states to come up with an appropriate solution in the next Bill.

Existing Safety Exemptions Must Be Reviewed And the Process for Granting and Reviewing Them As Specified in Statute Must be Adhered To

The proliferation of motor carrier safety exemptions is out of control and the process for granting them must be reformed. They are eroding safety and weakening enforcement efforts at the roadside.

The most blatant examples can be found in SAFETEA-LU which provided a total hours-of-service exemption for all utility service vehicle drivers beyond those periods covered by a declaration of state or national emergency and greatly expanded the agricultural hours-of-service exemption well beyond its original intent of providing relief to farmers during very defined periods of time in the planting and harvesting seasons.

These statutory exemptions must be repealed in the next Transportation bill and both the agricultural and utility industries must re-apply for these exemptions under the federal regulatory process outlined in Section 31315 of Title 49, U.S. Code. This process requires proof that the exemption would provide a level of safety equivalent to, or greater than, the level achieved without such an exemption. It also requires that such exemptions be monitored to ensure that safety performance is maintained. If it is not, then the exemption can be revoked. Statutory exemptions do not afford the appropriate regulatory agency the ability to exercise proper oversight.

These, and all other safety exemptions, whether granted by statute or by regulation, according to Section 31315, must be reviewed by FMCSA every two years and either re-issued or withdrawn based on the safety data available. This process would be no different than that which the Pipeline and Hazardous Materials Safety Administration (PHMSA) exercises with respect to hazardous materials special permits and approvals.

Mr. Chairman, as a way to get started, we recommend that the Inspector General (IG) of the Department of Transportation conduct a study of the exemption process within FMCSA just as the IG has recently conducted with respect to PHMSA's administration of the hazardous materials safety permit program. We understand the House T & I

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Committee has requested from FMCSA a list of all safety exemptions going back to the 1950's and that most certainly this information should be included in the IG study.

Why spend time developing an hours-of-service rule yet continue to allow significant segments of the trucking industry to be exempted from the rule? Why spend time developing a comprehensive rule on EOBR's if there is no need to track the record of duty status of a significant number of drivers in various segments of the industry? Fatigue is not caused by the product hauled or service provided but is caused by the time spent by drivers behind the wheel and their time on task.

I will offer a brief example of how this is impacting on "real world" operations. Recently CVSA's Executive Director took a call from a driver, and I have included below the text of the e-mail he sent to me summarizing the discussion:

"I just took a call from a Utility Service Driver pleading for help in rolling back the HOS exemption. He told me in some cases him and other drivers in his company have worked 16-18 hours per day and up to 120 hours in 7 days during emergencies. After these emergencies they are given 8 hours off and asked to return to work. In these 8 hours he has to drive home (he lives 1 hour from his work location), as well as take care of any other personal items, allowing him about 4 hours of sleep. He said often times when he hears stories of drivers being tired and getting in crashes their company covers up for the problems. He told me the story of the "mystery deer" that always seems to run in front of their drivers when they are out working. He also indicated that they have asked for their union to support them and they have been unwilling to do so, and the company he works for has no policy on fatigue. He said at least under the old rules they could get a 24 hour reprieve after an emergency. Now they get no break either after an emergency or at any other time."

We understand FMCSA has recently taken positive action in this regard with one of the states where the exemption issue was a concern. This particular state had a regulatory incompatibility that was not acted upon within the 3 year time frame afforded under the MCSAP. A letter was sent to the State encouraging them to act upon the incompatibility or else they were at risk of losing MCSAP funds. The state acted and the end result was they came into compliance. This is an example of where the regulatory agency exercised their authority on this issue and it worked – when statutory exemptions are in place there is no recourse for FMCSA. It handcuffs FMCSA and they have no means to exercise their authority or monitor these motor carriers for compliance and as a result safety is compromised. This is in our view not just unacceptable, it is irresponsible.

Exemptions are a privilege, not a right.

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Increased Truck Size And Weight Should Not Be Allowed Until More Safety Data Is Available And More Funding is Needed for Size And Weight Enforcement

The truck size and weight issue is very much in the forefront as preparation begins for the next Transportation bill.

CVSA does not support enacting any significant legislative or regulatory changes to truck size and weight until such time as we have a more uniform, methodical and science-based approach to evaluate the safety, infrastructure and environmental costs and benefits through carefully constructed pilot programs. This has not been done and as a result we have a patchwork system of regulations, exemptions, and permit programs that present a challenge for enforcement as well as for industry to maintain compliance.

CVSA advocates a stronger federal role in facilitating a framework for research, policy and performance based regulations and enforcement for truck size and weight operations. We did not support Section 194 of the 2010 DOT Appropriations bill that provided for truck size and weight exemptions (above the national limit of 80,000 lbs.) on sections of the Interstate Highway System in Maine and in Vermont as it was written. These were described as one year "pilot" programs but neither the statutory or report language provided meaningful criteria on how the pilots should be carried out except to direct the two states to work with the Secretary of Transportation to determine the impact on safety, road durability, commerce, and energy use. We understand the economic reason for these state pilots, but safety should be an equal priority.

Four months after the pilots began, the Federal Highway Administration has begun to work with our state enforcement representatives in those two states to set up meaningful criteria for these pilot programs. What hopefully will now be included in the criteria, and what we told Secretary LaHood in a letter, are 20 separate recommendations that are necessary for any pilot program. Among them are that motor carriers must be selected to participate in the pilot based on a proven track record of superior safety performance and that states participating in the pilot must be fully compliant with Federal Motor Carrier Safety Regulations (FMCSR). It happens that Maine receives only 50% of its annual MCSAP federal funding from FMCSA because it provides exemptions from driver hours-of-service regulations for all motor carriers operating within 100 air miles from their place of business. We believe as a condition for participating in the pilot, Maine should revoke this exemption and become fully compliant.

Until there is meaningful data from these pilots, we oppose any more similar pilot programs in other states. We have expressed these concerns to the House and Senate Transportation Appropriations Subcommittees because we understand they are already being pressed to extend the pilots to other areas of the country in the 2011 Fiscal Year.

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A string of pilots would in all reality be a “backdoor” process to changing the national truck size and weight laws.

Another important component of the size and weight issue is enforcement. The state safety enforcement agency is charged with the responsibility of enforcing the nation’s size and weight laws, but may only use MCSAP funds for such enforcement activity when it is tied to an inspection. More comprehensive size and weight enforcement must extend beyond that limitation and depends upon funding from the Federal Highway Administration (FHWA). While a number of state enforcement agencies do receive the FHWA funding and support through their state DOTs for overall size and weight enforcement, others have difficulty in making the necessary agency linkages for such funding support. CVSA’s Size and Weight Committee is working with FHWA on this issue and we will come back to this Committee with more detailed recommendations to assist in resolving this problem. One recommendation to consider is allowing labor for size and weight enforcement to be an eligible expense under the federal-aid highway program in Title 23. Currently this funding eligibility does not exist.

More Efforts Needed to Ensure Safety for Passenger Carrying Motor Carriers

While historically the transportation of passengers by motorcoach has been a very safe form of transportation, recent events have caused this to become a more front and center safety issue. On the whole, the industry takes great pride in their safety commitment and performance as they should. However, there is tremendous competition in the industry and there are a number of rogue operators that do not respect safety and are cutting corners in order to generate business. We believe there are some steps that can and should be taken to ensure that this form of transportation remains as safe as it can be and more resources are made available to the appropriate federal and state agencies for effective oversight, monitoring and enforcement.

CVSA supports many of the provisions offered in Senate Bill 554 that was reported out of the Commerce Committee on December 17, 2009. We do have a few concerns with the Bill, particularly with respect to unfunded mandates and timetables on research/rules, as well as the state preemption issue. The following information offers more specifics on our policy positions on this issue.

Part 350 of the FMCSR should provide more specifics in terms of what activities are eligible under the MCSAP for motorcoach compliance and enforcement programs, as well as what elements should be contained in a state’s Commercial vehicle Safety Plan. In this regard, FMCSA should be cognizant of the states’ needs for resources and training as new motorcoach oversight and safety requirements are instituted. As part of legislative and regulatory modifications, it should be made clear that roadside inspection and periodic inspection data on all buses and school buses (for both inter and intrastate operations) need to be submitted to FMCSA and maintained in MCMIS to be accounted

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for in establishing the motor carrier's safety fitness rating. Congress needs to authorize and appropriate the necessary resources for these efforts.

Safety belts should be required on all school buses and motorcoaches. NHTSA and FMCSA need to collaborate on standards for OEM and retrofit design and installation requirements. Congress needs to direct a study to examine the costs and benefits associated with retrofitting all in-use buses with seat belts, and take the findings and costs into consideration when (assuming the cost-benefit is to the positive for benefits) the mandate is put in place for retrofits.

Occupant protection and crashworthiness and avoidance standards need to be pursued for items like window glazing to minimize ejection through portals in the roof or sides of the vehicle, fire prevention and suppression systems, roof strength and crush resistance, collision warning systems, rollover stability systems, lane departure warning systems and brake stroke monitoring systems. While measures to improve bus design and occupant protection should be identified, the specifics of how to implement them should be left to the appropriate regulatory agency (NHTSA) for action. Incentives should be investigated as a potential option to help accelerate implementation.

Passing of the New Entrant Safety Audit should be required as a condition of the carrier being issued their DOT registration/operating authority. As a part of the New Entrant requirements, consideration should be given to enacting minimum training standards for drivers as well as critical passenger motor carrier safety personnel.

There needs to be stronger safety regulation on school buses used for charter transportation (and school transportation) as well as public transit buses used in charter transportation. Exemptions from safety regulations and oversight need to be minimized. States need to be provided with adequate resources to make sure they have the ability to conduct the proper amount of inspections and oversight.

The provision in SAFETEA-LU prohibiting motorcoach inspections to be conducted roadside is overly restrictive and needs to be revisited. While most states work with origin and destination locations to do inspections on the premises or nearby before loading or after unloading passengers, in some cases (for various reasons) this does not always work effectively. In addition, while conducting motorcoach inspections roadside or at rest stops/weigh stations is not the preferred solution due primarily to the safety of the passengers, the outright restriction should not be in the law. States must be given flexibility to implement best practices and conduct inspections where they are most needed. Every effort should be made to minimize risk to the passengers.

Brokers of passenger transportation services need to be regulated and subject to the same regulatory regime as are freight forwarders are for the trucking industry. There

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needs to be appropriate penalty provisions and enforcement oversight on brokers who fail to comply or who are negligent in their duties/responsibilities.

Windshield mounted video monitoring systems that help assist with driver/operator safety need to be able to be installed in a fashion that do not impede the driver's ability to perform. Regulatory changes need to be enacted to account for new technologies and changes to windshield designs.

Standards with respect to passenger carrying driver licensing, testing, training and certification need to be revisited and likely strengthened to make sure they are appropriate and effective.

The "Camioneta" population (9-15 passenger vehicles and motor carriers) needs to be subject to a much stronger regulatory framework.

All school buses and motorcoaches should be required to undergo periodic inspections (at least once annually) in accordance with Part 396 of the FMCSR, and each state should be required to have an inspection infrastructure/program to support, deliver and oversee these inspections. This could be accomplished through the use of 3rd parties should the state choose to do so. Congress needs to authorize and appropriate resources to the states to establish these programs, but long term they should be self-sustaining and pay for themselves. The data resulting from these inspections needs to be contained in a centralized database (MCMIS) to be used for analysis and also should be accounted for in the safety fitness determination of the motor carrier.

CVSA also supports the Secretary's recent Motorcoach Safety Action Plan. Of CVSA's 17 Reauthorization recommendations with respect to bus and motorcoach safety, 11 of them are included in the Plan. In particular, the process the Secretary used in developing the plan was commendable and CVSA appreciates being involved in the process. We do have some concerns relative to whether resources are available in DOT to meet their projected timelines and funding being made available to states to deal with the potential mandates.

FMCSA is making good strides in their efforts to increase their oversight of the industry and put in place programs for enhancing safety. In particular, the vetting process they have instituted is having very good success. CVSA fully supports this vetting process, and FMCSA should be afforded additional resources to help administer this process in the future and not just for motorcoach operators, but for ALL motor carriers. Proper due diligence at the front end when a motor carrier enters the business not only helps to ensure only responsible motor carriers are able to conduct business, it is important in identifying and taking appropriate action on "chameleon" carriers who are skirting the law.

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More Emphasis on Safety Technology Will Save Lives

The mission and goals of CVSA necessarily focus on better enforcement as the means to prevent crashes and save lives. At the same time, however, we also believe that greater use of safety technology will also help in reaching this goal. CVSA strongly supports Senate Bill 1582, and its companion bill in the House, HR 2024, the "Commercial Motor Vehicle Advanced Safety Technology Tax Act of 2009". It would provide tax incentives for motor carriers to purchase four basic technologies: brake stroke monitoring systems; vehicle stability systems; lane departure warning systems; and, collision warning systems. These technologies have been tested and proven to work.

As one example of the effectiveness of just one of these technologies, a DOT analysis has shown that 48% of accidents could be prevented by the use of collision warning systems.

We support this legislation because we believe it is the quickest way to encourage more widespread use of this technology by the truck and bus industries. A mandated rule can take three to five years. Support for this bill does not preclude mandates in the future, but the incentive takes effect the day the bill is signed and we will start saving lives.

A New Study of Heavy Vehicle Brake Systems Is Needed

The use of safety technology depends on continuing research of mechanical aspects of truck parts and equipment. FMCSA's Large Truck Crash Causation Study (LTCCS) indicated that deficient brakes were a factor in over 29.4% of the fatal crashes that they investigated and ranked brakes as the number one equipment-related cause factors associated with the crashes. In another recent study of the LTCCS data sponsored by FMCSA, a brake out of service condition increased the odds of the truck being assigned the critical reason in the crash by 1.8 times. In rear-end and crossing paths crashes, brake violations, especially related to adjustment, increased the odds of the truck being the striking vehicle by 1.8 times.

And the most recent compilation of statistics from CVSA's Operation Air Brake Program indicate of the more than 2.19 million brake systems inspected, 17% were placed out of service for brake-related defects.

Yet the last comprehensive study of brake system issues was conducted by the National Transportation Safety Board back in 1992. Despite the overall advancement of technology and enhanced enforcement activities since 1992, there is still evidence that poorly adjusted or defective brakes still pose a serious threat to highway safety. We recommend that the NTSB be authorized along with the provision of adequate

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resources to update this 18-year old study to accurately quantify the magnitude of the brake adjustment and deficient brake problems today relative to heavy trucks.

Additional Reauthorization Issues

While I have spent a good deal of time today in outlining our major motor carrier safety issues as we all know there is no one silver bullet to reduce truck and bus fatalities and crashes. There are multiple approaches that can be taken to improve truck and bus safety and I want to take this opportunity to briefly review other steps that can be taken to help us achieve our safety goals.

A **single point of carrier registration**, credentialing and safety data access should be established. There are at least six different credentialing and registration processes at the federal level for motor carriers, not to mention various intrastate permits and authorities. They are the UCR, US DOT #, Operating Authority, Hazmat permitting, Proof of Insurance, IFTA and IRP. The last ten years has seen tremendous growth in technology development and deployment and the government needs to keep pace by establishing a web portal with FMCSA that combines the common data elements from each of these six programs. Helping to streamline and standardize the data entry process will help FMCSA and the states to have cleaner and more accurate data at the point the carrier enters into the system, which will then serve to assist in all aspects of compliance and enforcement.

The distinction between **inter and intrastate commerce** should be eliminated. These distinctions have resulted in a complicated web of applicable regulations, exemptions and inconsistent enforcement practices.

Education and outreach efforts are a critical element in addressing safety problems and creating a safety conscious culture. CVSA recommends additional funding be provided to states for these purposes over and above the basic safety grant programs to supplement basic compliance and enforcement strategies. Funding should remain at 100% percent and states should be encouraged to undertake new and innovative outreach and awareness initiatives.

FMCSA needs to be provided legislative authority to establish and fund a **national drug and alcohol testing clearinghouse**, as well as the authority to close down fraudulent drug testing laboratories.