



# Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

**STATEMENT OF  
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PRESIDENT  
COMMERCIAL VEHICLE SAFETY ALLIANCE**

**BEFORE THE  
HIGHWAYS AND TRANSIT SUBCOMMITTEE  
OF THE  
HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**

**ON  
“Improving the Effectiveness of the  
Federal Surface Transportation Safety Grant Programs”**

**JANUARY 28, 2014**

Chairman Petri, Ranking Member Norton, Members of the Subcommittee, thank you for holding this important hearing and for inviting the Commercial Vehicle Safety Alliance (CVSA) to share our thoughts on how to improve Federal Highway Safety Grant Programs.

My name is Sergeant Thomas Fuller, with the New York State Police, and I am testifying here today in my role as the President of CVSA. CVSA is an international organization representing State, Provincial, and Federal officials responsible for the administration and enforcement of commercial motor carrier safety laws in the United States (U.S.), 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. Every State in the U.S., all Canadian Provinces and Territories, the country of Mexico, and all U.S. Territories and possessions are CVSA members. The ultimate objective of what CVSA strives for is to save lives.

As a Sergeant with the New York State Police, I oversee the Commercial Vehicle Enforcement Unit, and, in that capacity, I am responsible for administering the State's grant funds under the Federal Motor Carrier Safety Assistance Program (MCSAP). The subject of this hearing, improving the effectiveness of the nation's Federal Highway Safety Grant Programs, is critical and I appreciate the opportunity to share some of CVSA's concerns and recommended solutions.

The Federal government entrusts the States with the responsibility of enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). To meet that responsibility, Congress provides funding to the States, through the MCSAP and a number of other focused grant programs. The States use these funds to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to commercial motor vehicle (CMV) safety issues. The funds are used, in part, to pay the salaries of more than 12,000 full and part time CMV safety professionals. These people conduct more than 3.4 million CMV roadside inspections, 34,000 new entrant safety audits, and 6,000 compliance reviews each year.<sup>1</sup> The goal of these programs, which are administered by the Federal Motor Carrier Safety Administration (FMCSA), is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The programs seek to identify safety defects, driver deficiencies, and unsafe motor carrier practices and remove them from the nation's roadways.

The good news is that the program works. The benefits of the MCSAP are well documented, and every dollar invested in the State programs yields a big return for taxpayers. According to research and

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<sup>1</sup> *Federal Motor Carrier Safety Administration 2012-2016 Strategic Plan*. Federal Motor Carrier Safety Administration. May 2012. [http://www.fmcsa.dot.gov/documents/STRATEGIC-PLAN/FMCSA\\_StrategicPlan\\_2012-2016.pdf](http://www.fmcsa.dot.gov/documents/STRATEGIC-PLAN/FMCSA_StrategicPlan_2012-2016.pdf)

figures from FMCSA, CVSA estimates that the MCSAP has an estimated benefit to cost ratio of 18:1. Every roadside inspection conducted yields an estimated \$2,400 in safety benefits. And, of course, effective enforcement of the FMCSRs helps save lives every day, keeping dangerous vehicles and unqualified drivers off the nation's roads. In 2001, the number of registered large trucks and buses was just over 8.6 million. Since then, that number has grown 35 percent, to 11.6 million in 2010. Despite this increase, the number of fatalities due to crashes involving large trucks and buses has gone down 27 percent. The number of CMV crash-related injuries also decreased over that time frame by 30 percent.<sup>2</sup> These improvements in CMV safety were achieved, in part, through investments in the MCSAP.

While the program is effective in reducing crashes and saving lives, there are a number of improvements that could be made to streamline the program, improve efficiency, and make better use of limited resources. Outdated programs and rigid eligibility requirements hinder the States' ability to implement creative solutions and leverage scarce resources to meet their individual needs. Redundancies and inconsistencies in the grant administrative process delay funding disbursements and syphon away valuable resources, which could otherwise be spent on enforcement activities.

To address these challenges, CVSA has developed a series of recommendations that will improve the efficiency of the MCSAP.

### ***Administrative Changes to Improve MCSAP***

#### **1. Improving Program Flexibility**

One way to improve the MCSAP is to provide States with additional flexibility in how they spend their Basic MCSAP grant funds. CVSA believes that explicit language limiting how a State can spend grant funds in statute, regulation, or FMCSA policy should be minimized. Instead, the statutory and regulatory construction, as well as policy from FMCSA, should focus on setting broad parameters, program elements, goals, and expected outcomes for a program and, by using the annual Commercial Vehicle Safety Plan (CVSP) as the mechanism for monitoring and evaluation, allow the States to determine how best to meet those expectations. For example, CVSA supports increasing the funding cap on traffic enforcement activities not associated with an inspection from five percent to ten percent. This will allow States to allocate their resources as they see fit, giving them additional flexibility to address State-wide or regional issues, such as speeding or aggressive driving, more effectively.

As another example, in 2010, FMCSA issued a policy memorandum to State Program Managers. In the memo, FMCSA advised the States that the recently completed Large Truck Crash Causation

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<sup>2</sup> *Large Truck and Bus Crash Facts 2010: Final Version, FMCSA-RRA-12-023*. Federal Motor Carrier Safety Administration. August 2012. <http://www.fmcsa.dot.gov/facts-research/LTBCF2010/LargeTruckandBusCrashFacts2010.aspx#chap1>

Study, completed in 2006, indicated that driver behavior is more likely to be the cause of a CMV crash than any other factor. As such, the agency instructed States to focus their inspection efforts on drivers. They instructed States to increase the number of Level III (driver-only) inspections to “meet or exceed the national average of 30 percent of all inspections performed.”<sup>3</sup> In this instance, instead of prescribing rigid and prescriptive parameters across the board that may not make sense for every State, CVSA believes it would have been more productive and efficient for FMCSA to identify the issue – the need for increased focus on drivers – and instructed the States to account for how they plan to address this challenge in their CVSP. As part of this issue identification, the agency should supply data and research to the States substantiating the problem area. At the end of the CVSP year, FMCSA and the States could then evaluate how effective the States’ strategy or strategies were with respect to reducing crashes relating to driver behavior and performance.

Another program that could be improved with increased flexibility is the Commercial Vehicle Information Systems and Networks (CVISN) program. CVISN is a collection of information systems and communications networks intended to support State CMV safety operations. The CVISN network provides a series of mechanisms through which parties engaged in motor carrier safety and regulatory enforcement (States, Federal agencies, industry, etc.) can exchange and use information electronically.<sup>4</sup> In order for this network to function effectively, States must achieve a level of parity and integration in the systems they are using to gather and transmit safety data. To meet this need, the CVISN grant program was established, in part, to provide funds for States to update their information technology capabilities. There are two levels of CVISN deployment—Core CVISN and Expanded CVISN. The States are at varying levels of achieving full Expanded CVISN deployment.

CVSA supports expanding and updating the items that are eligible for reimbursement under the CVISN grant program, as well as the overall direction of the program. Currently, eligibility within the CVISN program is too narrow in its scope and needs to be expanded. States are often denied CVISN grants for projects that they believe will be valuable to motor carrier safety simply because the activity or initiative did not fit within the existing CVISN model. However, technology moves quickly and many of the technologies and ideas that were identified as priorities when the CVISN program was created are now considered standard or obsolete. For instance, use of laptops, communications to and from the field, and even uploading files to Federal systems from SAFETYNET are all fairly standard. Simply put, the CVISN program has not kept pace with technological advancements, and therefore, needs to be modernized in order to keep pace with

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<sup>3</sup> *Memorandum: Fiscal Year 2011 Commercial Vehicle Safety Plan*. Federal Motor Carrier Safety Administration. April 8, 2010. <http://www.fmcsa.dot.gov/documents/safetyprograms/MCSAP-Planning-Memo-508.pdf>

<sup>4</sup> *Frequently Asked Questions*, Federal Motor Carrier Safety Administration. <http://www.fmcsa.dot.gov/facts-research/cvisn/faq.htm>. Accessed 7/31/13

current and future technological trends. Rather than focusing on specific technology and narrow scopes of use, the goal should be a performance-based approach to enhancing the use of technology, in order to obtain a greater level of safety. Expanding reimbursement eligibility provides States with the flexibility they need to fully leverage State and Federal dollars to implement and enhance effective CMV safety programs.

## 2. Streamlining the Grant Management Process

In addition to expanding program flexibility, CVSA has a series of recommendations for improving the grant management process, which will remove inefficiencies, reduce administrative burdens, and free up much needed resources for enforcement activities.

As part of the application process for Basic MCSAP grant funds, States are required to complete an annual CVSP. These plans document how the State has met their safety goals for the past year and how Basic MCSAP grant funds for the coming fiscal year will be spent. FMCSA reviews these plans and uses them to evaluate a State's progress and adherence to FMCSA policy. CVSPs are due towards the end of the Federal fiscal year and must be approved by FMCSA prior to a State receiving Basic MCSAP grant funds for the coming year. However, there are administrative burdens and other issues that impact the effectiveness of the CVSP process and the timely disbursement of grant funds. While FMCSA has made some strides recently to improve this process and reduce the administrative burden on States, more can be done.

One major concern the States have with the administration of the MCSAP grant program is the inconsistency, year to year, region to region, and State to State. FMCSA is constantly revamping the process, perhaps in an effort to improve it. However, the end result is confusion and unclear expectations for the States. Without consistency, the States cannot properly plan for their annual CVSP and grant application submission. Formatting requirements change year to year, material that was acceptable one fiscal year is no longer acceptable the next, the timeline for the grants process changes frequently, etc. This results in constant upheaval for the States, and they end up diverting much needed resources away from other efforts, as they are constantly adapting, redoing, and adjusting their process to meet the ever changing needs of FMCSA.

CVSA supports streamlining the CVSP submission process. States are spending a significant amount of time administering the grants rather than doing the work the grants are supposed to be paying for. Such activities include resubmitting information, such as standard text about the agency requesting the funds, contact information, miscellaneous numbers and figures concerning the number of inspectors, inspections, etc., and the amount being requested. To address this issue, CVSA recommends that FMCSA model the CVSP submission process on the electronic submission process used by the Federal Highway Administration (FHWA) for collecting the States' annual Size

and Weight Enforcement Plans. FHWA's program is designed so that States can access previous years' plans as a template, updating only the items that have changed. Further, the system is done entirely online, through a secure online portal. Replicating this approach within FMCSA's grant process would provide FMCSA with more up-to-date information, while reducing the workload on the States. In addition, the States are asked to provide FMCSA with data and statistics that FMCSA already has access to in other reports and databases. States should not be asked to spend time compiling information to which the agency already has access.

Another significant concern States have with the MCSAP is the constant delay and lack of consistency in the timing of funding disbursement. There are a number of factors that contribute to these delays and result in complications for the States. The annual delays in the Federal budget and appropriations processes are one contributing factor. The Federal fiscal year begins October 1, and many grant programs are set to that date. However, Congress rarely completes their funding bills by this date, delaying the disbursement of funds to the States. Even more frequently now, Congress relies on temporary continuing resolutions, which results in States receiving their funds late, and in installments. This unpredictable, piecemeal approach to funding makes planning and management of State programs difficult.

This issue is further complicated by the fact that many States do not follow the Federal fiscal calendar (most start July 1), complicating the reporting and tracking process. States also believe that once funds are available, the grant review and approval process takes far too long, further delaying receipt of funds for safety programs. For the most part, States have two years to spend their MCSAP funds. However, the two year timeline begins at the beginning of the Federal fiscal year, regardless of when funds are actually made available. As a result, States often receive their funds well into the timeframe of the grant and run the risk of not being able to spend the appropriated funds responsibly before the grant expires, possibly forcing the States to return funding that was dedicated for enforcement and inspection activities as identified in their CVSP. To address this, CVSA recommends adjusting the period of performance for all grants so that the 'clock' on a grant only begins once the funds have been allocated to the State.

CVSA also supports increasing the transparency and accountability within the MCSAP grant process. When applying for Federal funds, States are given strict deadlines and parameters they must meet in order to qualify and receive funds. However, there are no established deadlines for FMCSA, in terms of their grant review process. CVSA recommends setting grant application review deadlines for FMCSA. One approach would be to model the program timing requirements after the State and Community Highway Safety Formula Grant Program, commonly referred to as the 402 grants, administered by the National Highway Traffic Safety Administration (NHTSA). The 402 grant program has a clear timeline in place. State applications are due to NHTSA by July 1 of each year,

and the agency has 60 days to review and respond. Using this model would, at least for the Basic MCSAP grants, ensure that once funding is authorized by Congress, the agency is prepared to disburse the funds immediately, helping to reduce delays in funding disbursement. In addition to the review deadline, more consistency is needed in the grant review process. Grant applications are not all reviewed by the same panel(s), resulting in inconsistencies from one grant request to another, complicating the process for States.

In addition, CVSA recommends adjusting the period of performance for grants and CVSPs, moving to a more long-term, three or five year, cycle. Under this model, CVSPs would be due at the beginning of each cycle, with annual updates in between. These changes would benefit both the States and FMCSA, reducing the workload by requiring comprehensive CVSPs less frequently. This approach would also provide more accurate data on the effectiveness of the program, as larger data sets help to normalize any anomalies that might occur within a single year. In order to accommodate the unpredictability of funding disbursement due to delays that can occur in the appropriations process, the period of performance on grant funds should begin once the funds have been awarded to the State, rather than setting the cycle on Federal fiscal years.

Finally, as mentioned above, FMCSA uses the CVSPs to evaluate a State's performance over the past year. This includes reviewing changes in crash, fatality, and injury rates within the State. FMCSA uses this information to help determine grant award amounts to the States. However, the method by which the data is currently compiled does not take into account that certain portions of the CMV population are outside government oversight and the enforcement community's authority, such as statutorily exempted vehicles like agricultural carriers operating under the Covered Farm Vehicle exemption created in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). Simply put, States should not be penalized for crashes, fatalities, and incidents that occur in segments of the industry that they have no authority over. If a State does not have authority and, as a result, cannot exercise proper due diligence to improve safety within a sector of industry that is exempted, it is unreasonable to include that sector in any evaluation of the State's performance. CVSA supports removing non-regulated crash, fatality, and injury rates from the criteria used to determine grant award amounts for Incentive and other funds. This relatively small adjustment to how data is collected would have a tremendous value to the States.

### ***Improving MCSAP Through Policy Changes***

In addition to the administrative changes outlined above, a series of policy changes are necessary to improve the effectiveness and efficiency of the MCSAP. Uniformity and consistency are essential cornerstones of an effective program. Despite this fact, however, there are a number of policies and practices that complicate the program, undermining uniformity and consistency, and detracting from the efficiency of the MCSAP. Confusion and inconsistencies create more work for the enforcement

community, as well as industry. Inconsistencies and exceptions within the regulations require more training and create more opportunities for mistakes to be made, which in turn require additional resources to address.

#### 1. Improving the Regulatory Framework

The foundation of an effective regulatory enforcement program is quality, uniform and consistent enforcement activities. It is imperative that those subject to the FMCSRs understand their responsibilities and that those tasked with enforcing those safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated, and redundant regulatory language. With each year come additional requirements from Congress, aimed at advancing CMV safety. In addition, FMCSA receives and responds to petitions for changes to the FMCSRs from the CMV community. As Congress and FMCSA work to improve CMV safety, unintentional inconsistencies can slowly work their way into the regulatory framework. These inconsistencies can lead to confusion among both the regulated and enforcement communities.

To address this, CVSA supports requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs, every 5 years, geared towards reducing, enhancing, and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc. While this puts additional administrative burden on FMCSA, the benefits and savings that will accrue across the country for enforcement, industry, and the public justify the endeavor.

Furthermore, work is needed to bring the safety regulations in line with regulatory guidance, interpretations, and policy memos issued by the agency. At times, FMCSA issues guidance documents to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process. However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue. As a result, disconnects develop between written regulations, regulatory guidance, interpretations, and policy. Regular review and updating of the FMCSRs and HMRs would help to reduce these disconnects, providing a vehicle for identifying and resolving inconsistencies in policy, bringing the regulations in line with published guidance.

With regards to the petitions for changes to the FMCSRs from the CMV community to FMCSA, CVSA supports requiring that petitions be published in the *Federal Register* upon receipt and that the agency subsequently publish a notice of action taken on each petition. This would benefit both the agency and the regulated community, allowing for input early in the process, addressing potential



issues before they become problems. It will notify those interested in CMV safety and the FMCSRs of areas of interest to others in the regulated CMV community, which can foster conversation that could lead to solutions and consensus building. FMCSA would benefit from input it receives in response to petitions, which could help inform the agency's thinking on the requested changes. FMCSA could put a process in place similar to that found in 49 USC § 31315(b)(4), which provides for notice and comment on exemption requests received by the agency.

## 2. Exemptions

In general, exemptions from Federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. First and foremost, safety regulations exist to protect those who use our nation's roadways. The FMCSRs and HMRs exist to ensure that those operating in the transportation industry are equipped to do it safely. Furthermore, every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from other activities and undermining the program's effectiveness.

We recognize that there may be instances when exemptions could be appropriate and also not compromise safety. In those instances, 49 USC § 31315(b) already provides a mechanism for those in industry to obtain an exemption through FMCSA. This process includes providing for an equivalent level of safety, requiring that the exemption "*would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.*" In addition, exemptions obtained through this process are limited to a maximum of two years (subject to renewal), which provides oversight to ensure that safety is not compromised, as well as an opportunity to eliminate exemptions that have not maintained an equivalent level of safety. This is the proper model.

In contrast, exemptions obtained through legislation do not always include safety considerations and are difficult to remove once established. Because a process exists for industry to pursue exemptions through an administrative process, CVSA opposes the inclusion of exemptions from Federal safety regulations in legislation. At the very least, when exemptions are included in legislation, CVSA supports inclusion of a 'safety clause' as a part of any exemption statutorily enacted, similar to that in 49 USC § 31315(b), providing for an equivalent level of safety, as well as language that would allow for the elimination of the exemption if an equivalent level of safety cannot be demonstrated.

Another approach could be to require that, before any exemption from Federal safety regulations goes into effect, a pilot program be conducted to evaluate the safety impacts of such an exemption. The exemption would then go into effect automatically, unless the pilot program demonstrates that an equivalent, or enhanced, level of safety has not been achieved. Going

forward the exemption would be monitored on a routine basis, to ensure that an equivalent level of safety is maintained over time.

### ***Ensuring Adequate Funding***

While the focus of this hearing is on improving efficiencies, I believe it is necessary to say a word about the need for adequate, reliable funding. As discussed above, the MCSAP, as administered by the States, has been successful in reducing crashes, injuries, and fatalities on our nation's roadways, despite a steady increase in the number of CMVs operating on those roads. In order to maintain this downward trend in CMV crashes and fatalities, the MCSAP must be adequately funded. According to FMCSA, the agency regulates approximately 500,000 active interstate motor carriers, including 12,000 passenger carriers, and seven million active commercial driver licensees (CDL holders). The State and Local agencies that receive MCSAP funding are responsible for ensuring that those 500,000 motor carriers, vehicles, and drivers are operating safely. Furthermore, the CMV enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the FMCSRs and HMRs.

The MCSAP will only continue to be successful if it is adequately funded. New and expanded responsibilities mean improvements in safety, but only in so much as the States are able to effectively implement those policies. It is critical that Congress and FMCSA ensure that, as new programs are created and new responsibilities are assigned, funding is provided to the States, avoiding any unfunded mandates. Otherwise, funds are spread thinly across programs, reducing effectiveness across the board.

For example, FMCSA has tasked the States with implementing the process by which carriers and drivers can challenge the validity of inspection and crash report data, commonly referred to as 'DataQs'. This is a time consuming process, requiring dedicated staff, and it will only continue to grow. While FMCSA has tasked the States with reviewing and validating DataQ challenges, no additional funding has been provided. This means States must redirect funds that had been previously used for other activities to ensure that they are responding to DataQs in an effective and timely manner. Recently, FMCSA has indicated that the agency is considering setting parameters establishing how the States must process the DataQs, which will undoubtedly require more effort on the part of the States, with no indication of additional funding to offset the costs.

#### **1. Basic MCSAP**

The most recent transportation bill, MAP-21, included several promising improvements to CMV safety, such as more stringent standards to become a motor carrier, registration requirements, etc. The States, along with FMCSA, will be tasked with implementing and enforcing these changes. To help ensure that States receive the funding necessary to fully meet their responsibilities, CVSA recommends increasing the Basic MCSAP grant (including the Incentive program) match to 90

percent Federal / 10 percent State, from 80 percent Federal / 20 percent State. This will reduce the burden on States, while helping to ensure effective oversight of the motor carrier industry. At the very least, moderate increases in funding levels are necessary to keep pace with inflation, as stagnant funding levels result in decreased buying power year to year.

## 2. CVISN Program

CVSA also supports increasing the Federal match for the CVISN program. As mentioned previously, the goal of the CVISN program is to provide a series of mechanisms through which parties engaged in motor carrier safety and regulatory enforcement can exchange and use information electronically. However, funds in this grant program require a 50 percent match from the States and, with dwindling State budgets and competing priorities, the move towards full deployment is taking longer than expected. Access to and the ability to exchange safety data is necessary for effective safety programs. To help expedite full CVISN deployment in all States, CVSA supports adjusting the CVISN reimbursement ratio, currently at 50 percent Federal / 50 percent State, to be in line with the Basic MCSAP grant reimbursement level.

## 3. New Entrant Safety Assurance Program

Another program where adequate funding is imperative is the New Entrant Safety Assurance Program, which was established in 2003 and is designed to ensure that interstate motor carriers entering the industry understand the regulations and their responsibilities. Within 12 months of an interstate motor carrier obtaining operating authority (120 days for passenger carriers), a certified auditor will conduct a comprehensive Safety Audit of the motor carrier's operations, to determine if the motor carrier is complying with the relevant motor carrier safety regulations, and to identify areas where the carrier may need improvement. FMCSA provides States with funds through the New Entrant Safety Assurance Program to conduct these Safety Audits. The estimated cost for the State-administered Safety Audit, based on a report completed in 2007, is roughly \$600. This cost estimate includes labor, travel, training, and equipment costs for the inspector.<sup>5</sup> According to FMCSA, approximately 34,000 Safety Audits are conducted each year.

Changes made in MAP-21 set a more aggressive timeline for conducting Safety Audits on new motor carriers, placing additional demands on the States conducting the audits. In addition, the program has become more rigorous over the years, with additional requirements on tracking, reviewing and conducting the Safety Audits. While these changes are considered valuable, when combined with the decreasing buying power of each dollar, the end result is that it costs States more to implement the program each year. Meanwhile, the number of carriers entering the

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<sup>5</sup> *Safety Audit Cost Estimation*. Econometrica, Inc. October 10, 2007.  
<https://www.fmcsa.dot.gov/facts-research/research-technology/report/Safety-Audit-Cost-Estimation-Oct2007.pdf>

industry each year, and therefore the demand for New Entrant Safety Audits, continues to grow.<sup>6</sup> In order to meet that growing demand and ensure the success of the New Entrant Safety Assurance Program, it is critical that the States are provided with funding commensurate with program demand.

#### 4. Highway Trust Fund Insolvency

While adequate funding is imperative to an effective MCSAP, we recognize that the issue of funding for the Federal transportation program is a complicated one, with no easy solutions. Future funding for the MCSAP is directly tied to the long-term solvency of the Highway Trust Fund. CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund solvency, in order to ensure stability for the MCSAP.

In the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP grant funding is not reduced, but remains at the levels set by MAP-21. According to a report completed for FMCSA in 2007, the average ‘cost’ (including wages and benefits) of a State safety inspector was estimated at \$66,052.51.<sup>7</sup> This means that for every \$1 million invested in the MCSAP, 15 jobs are created or maintained. Conversely, every \$1 million reduction in MCSAP funding results in jobs lost or positions unfilled at the State level. When States see a reduction in their MCSAP funding, resulting in jobs lost, their programs are reduced and fewer inspections, compliance reviews, and safety audits are conducted, reducing the safety benefit of such activities discussed above and undermining years of improvement in CMV safety.

### **Conclusion**

It is important to note that CVSA and the States work very closely with FMCSA on these issues. The agency will sometimes engage the States to seek input on various aspects of the MCSAP in an attempt to understand where problems exist to help make improvements. For the last several years CVSA has provided numerous comments to the agency regarding the grant program processes and procedures. We appreciate their willingness to listen; however, the unfortunate fact is there still are significant improvements that are necessary and challenges hampering program efficiency and effectiveness.

Despite these challenges, the MCSAP continues to be extremely effective at reducing the number of crashes, injuries, and fatalities on our nation’s roadways and the States have worked diligently to best leverage funds while the size of the regulated industry and the number of responsibilities continues to grow. In 1983, about the time the MCSAP was established, there were 27,000 carriers and 2.2 million

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<sup>6</sup> Notice: New Entrant Safety Audit Assurance Program Operational Test. FMCSA-2013-0298. Federal Motor Carrier Safety Administration. September 4, 2013. <http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21442.pdf>

<sup>7</sup> Roadside Inspection Costs. Federal Motor Carrier Safety Administration. October 2007. <http://www.fmcsa.dot.gov/facts-research/research-technology/report/Roadside-Inspection-Costs-Oct2007.pdf>

drivers that hauled six billion in tonnage. That year there were 5,491 CMV-related fatalities, at a rate of 0.352 fatalities per 100 million miles. In comparison, in 2011, more than 525,000 carriers and 3.1 million drivers hauled 9.4 billion in tonnage. There were 4,206 CMV-related fatalities in 2011, or a rate of 0.136 fatalities per 100 million miles. While there have been a number of success stories contributing to this decline over the last 30 years, the MCSAP has clearly been a major factor.

We must do everything we can to continue this downward trend in fatalities. There are a number of options available for improving efficiency and reducing redundancy in the system that will allow for better leveraging of Federal funds. States need increased flexibility, more reliability and consistency at the Federal level, and less cumbersome CVSP and grant administration processes. However, as the program continues to grow, the issue of funding remains paramount. We look forward to working with the Committee and FMCSA to develop and implement creative solutions to continue to improve our nation's commercial vehicle safety program.



# Enhancing Truck and Bus Safety

The Commercial Vehicle Safety Alliance (CVSA) is an international not-for-profit organization comprising local, state, provincial, territorial, and federal motor carrier safety officials and industry representatives from the United States (U.S.), Canada, and Mexico. CVSA's mission is to promote commercial motor vehicle (CMV) safety and security by providing leadership to enforcement, industry and policy makers. In the U.S., CVSA's members are the jurisdictions tasked with enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs), funded through the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP). In addition, CVSA has several hundred associate members who are committed to helping the Alliance achieve its goals: uniformity, compatibility and reciprocity of commercial vehicle inspections, and enforcement activities throughout North America by individuals dedicated to highway safety and security. As part of the next surface transportation authorization debate, CVSA encourages Members of Congress to consider the following improvements to CMV safety policy.

## Improving the Motor Carrier Safety Assistance Program

The Federal government entrusts the States with the responsibility of enforcing the FMCSRs and the HMRs. To meet that responsibility, Congress provides funding to the States, through the MCSAP and a number of other focused grant programs. The States use these funds to conduct enforcement activities, train personnel, purchase equipment, update software and other technology, and conduct outreach and education activities. The funds are used, in part, to pay the salaries of more than 13,000 full and part time CMV safety professionals. According to FMCSA, these people conduct more than 3.5 million roadside inspections, 34,000 new entrant safety audits, and 7,800 compliance reviews each year.

The benefits of the MCSAP are well documented and every dollar invested in the State programs yields a big return for taxpayers. CVSA estimates that the MCSAP has an estimated benefit-to-cost ratio of 18:1, and every roadside inspection conducted yields an estimated \$2,400 in safety benefits. And, of course, effective enforcement of the FMCSRs and HMRs helps save lives, keeping dangerous vehicles and drivers off the nation's roads. With each new transportation bill, the States are tasked with additional enforcement and oversight responsibilities. At the same time, the motor carrier industry continues to grow. With a growing industry, and new and improved regulations, **it is imperative that States have the funds necessary to effectively develop and implement their CMV safety programs.** To meet this need **CVSA recommends increasing the Basic MCSAP Grant program match to 90 percent Federal /10 percent State.** Training, in particular, is critical to a uniform, effective program and funds are required for the development of training materials,

instructors, and travel to and from training courses. **CVSA supports providing adequate resources to maintain and enhance existing State CMV inspector training programs to ensure uniform enforcement of motor carrier safety and hazardous materials regulations.** Furthermore, **flexibility within grant programs is a key consideration, allowing States to meet their responsibilities through creative, State-specific solutions.**

Recognizing that future funding for the MCSAP is directly tied to the long-term solvency of the Highway Trust Fund (HTF), **CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the HTF solvency, in order to ensure stability for the MCSAP.** However, **in the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP funding is not reduced, but remains at the levels set by the Moving Ahead for Progress in the 21st Century Act (MAP-21).** When States see a reduction in their MCSAP funding, jobs are lost, programs are reduced and fewer inspections, compliance reviews, and safety audits are conducted, reducing the safety benefit of those activities and undermining years of improvement in CMV safety. Even without a reduction in funding, States will experience a reduction in productivity due to a variety of factors, including cost of living increases, increased premiums on benefits or fringe rates, increases in equipment purchases, and increases to update software and other technology.

Another challenge the States face is the administrative burden of MCSAP and, in particular, the current Commercial Vehicle Safety Plan (CVSP) requirements. States should be required to provide comprehensive plans detailing how Federal funds will be used to meet their safety goals. However, the current process is cumbersome, redundant and time consuming for the States, siphoning off time and funds that could be better spent on enforcement and education activities. **CVSA recommends streamlining and restructuring the current CVSP process to relieve the States of some of the administrative burden it creates.**

## Regulatory Effectiveness

The foundation of quality, uniform and consistent enforcement activities is an effective regulatory framework. It is critical that those subject to the regulations understand their responsibilities and that those tasked with enforcing them can do so effectively. Over time, however, additional regulatory authority, coupled with changes to the industry and technological advancements, can result in inconsistent, outdated and redundant regulatory language. To improve the clarity and effectiveness of the federal regulations, **CVSA supports a number of 'housekeeping' improvements geared towards reducing, enhancing and**

*streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc.* In addition to efforts to clean up the regulations, **CVSA encourages Congress to promote a higher level of collaboration between the U.S. and its North American neighbors to advance regulatory reciprocity and uniformity.**

### Exemptions Complicate Enforcement

In general, exemptions from federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. Every new exemption is an opportunity for confusion and inconsistency in enforcement, which undermines the very foundation of the CMV enforcement program – uniformity. For those reasons, **CVSA opposes the inclusion of exemptions from federal safety regulations in legislation.** However, there may be instances when exemptions could be appropriate and also not compromise safety. In those instances, a mechanism already exists within the FMCSRs for industry to obtain an exemption through an administrative process, providing for an equivalent level of safety under the exemption. This is the appropriate avenue for securing an exemption, not legislative language, which does not always include safety considerations and are difficult to remove once established. **At the very least, when exemptions are included in legislation, CVSA supports inclusion of a ‘safety clause’ as a part of any exemption statutorily enacted,** ensuring that the exempted party is held accountable for maintaining an equivalent level of safety.

### Motorcoach Safety

The issue of bus and motorcoach safety has been thrust into the spotlight over the past several years due to a series of high profile, fatal crashes. To help ensure passenger safety, the State agencies responsible for overseeing the passenger-carrying industry need to have at their disposal as many effective tools as possible. In 2005, as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Congress established a prohibition on roadside inspections of buses and motorcoaches carrying passengers, except in the case of an imminent hazard. This prohibition allows unscrupulous carriers to avoid inspection, putting travelers at higher risk. Furthermore, this prohibition eliminates an opportunity for inspectors to interact with a driver, potentially allowing unfit drivers who should be placed out-of-service or motor carriers that have already been placed out-of-service, to continue to operate on our roadways. **CVSA supports eliminating the prohibition on roadside inspections of buses and motorcoaches carrying passengers.**

Additionally, while the CMV size and weight discussion often focuses on property-carrying CMVs (trucks), it is important to understand that *all* CMVs, including passenger-carrying CMVs, are subject to the same weight requirements. To help ensure that passenger-carrying vehicles and their components are not being overloaded, inspectors need to be able to weigh the vehicle, and have the capability to inspect the mechanical fitness of the components, as necessary. Therefore, **CVSA supports giving States the authority to require that passenger-carrying CMVs report to an open weigh station while en route, specifically for weight enforcement purposes.**

### Truck Size and Weight

MAP-21 included a requirement that the Department of Transportation (DOT) conduct a Comprehensive Truck Size and Weight Limits Study. CVSA was a strong advocate for such a study during the reauthorization discussion prior to passage of MAP-21 and **opposes any changes to federal CMV size and weight limits until the study mandated by Congress in MAP-21 has been completed.** However, CVSA recognizes that the discussion on commercial vehicle size and weight limits is much broader than just safety considerations. There are environmental, quality of life, productivity, economic competitiveness, and infrastructure factors that must also be considered. When changes are being considered to existing limits, **CVSA supports ensuring that any change in policy is enforceable and based on objective scientific evidence.** In addition, **CVSA supports requiring that higher safety standards be applied to any new allowances for heavier and/or longer CMVs,** creating a higher level of accountability for those seeking to operate outside the existing limits.

### Hazardous Materials Safety

Nowhere is the safe, secure and uniform transportation of goods more important than when that cargo qualifies as a hazardous material. **Priority should be placed on ensuring that the agencies responsible for overseeing the transportation of hazardous materials are adequately funded and trained. It is critical that research continues into methods to improve transportation methods that enhance safety and that those enforcing the HMRs have access to the most current information available.** Furthermore, **the State agencies tasked with enforcing the HMRs must be empowered to enforce federal regulations, while complying with additional State-level regulations.**

### Improving CMV Safety Performance

Reducing the number of crashes that occur on our nation’s roadways should be a top priority for the CMV community; however, work can also be done to help reduce the impact of crashes that do occur. Recognizing this, Congress included a number of crashworthiness standards requirements and studies in MAP-21. In addition, other agencies, such as the National Highway Traffic Safety Administration (NHTSA), have made crashworthiness recommendations. **CVSA supports placing a high priority on evaluating and implementing enhancements to CMV crashworthiness standards.**

Meanwhile, as budgets continue to tighten and technology continues to advance, it is imperative that those in the safety and enforcement communities are able to take advantage of technological advancements that improve safety and demonstrate a net benefit to society. **CVSA supports legislation and policies that encourage the deployment of safety technologies proven, through independent research, to improve CMV safety, either through preventing crashes or mitigating the severity of crashes.**