

**STATEMENT**  
**OF**  
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**BEFORE**  
**SENATE SUBCOMMITTEE ON SURFACE TRANSPORTATION**  
**AND MERCHANT MARINE**  
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## **I. Introduction**

I am Stephen Campbell, Executive Director of the Commercial Vehicle Safety Alliance (CVSA). Thank you for the opportunity to appear before the Subcommittee at today's hearing.

CVSA (established in 1981) works to improve commercial vehicle safety on the highways by bringing federal, state, and provincial truck and bus enforcement agencies together with representatives from industry in the United States, Canada, and Mexico. Every state in the U.S., all Canadian provinces, the country of Mexico, and all U.S. Territories and Possessions have signed on as members of CVSA.

CVSA's mission is to achieve uniformity and reciprocity of commercial vehicle roadside inspections and other enforcement activities throughout North America. CVSA achieves its mission by promoting effective motor carrier, driver, vehicle, and cargo safety standards and enforcement practices. While the Motor Carrier Safety Assistance Program (MCSAP) through its grant program to the states serves as the underpinning of a national commercial vehicle safety program, CVSA is the organization responsible for implementing this commercial vehicle safety program not only in the U.S., but implementing essentially a comparable program throughout North America even in jurisdictions without a program such as MCSAP.

## **II. S. 1501**

S. 1501, introduced by Senator McCain, is a good bill. We think that action on the bill is the best step that this Subcommittee, and hopefully the full Senate, can take to try and get a handle on the issue of commercial vehicle safety that Congress has been working on over this past year. The proposal in this bill to create a separate Motor Carrier Safety Administration with a total and exclusive focus on commercial vehicle safety oversight will enhance safety on the highways and help reduce commercial vehicle fatalities which is the only bottom line that counts.

Let me reiterate a point I made before the full Commerce Committee last April. CVSA's long standing support of a separate administration should not be viewed as a criticism of the many hard working and dedicated individuals in the current Office of Motor Carrier and Highway Safety with whom we work on an almost daily basis, both in Washington and in the field. It's current Program Director, Julie Anna Cirillo, should be given high marks for the effort she has made since assuming her job this past February. We just think that their work will be much more effective and produce better results when pursued under a separate agency, out from under the Federal Highway Administration, whose mission and goal as we all know is not primarily focused on truck and bus safety.

The bill's proposed increase in funding of an additional \$50 million a year for motor carrier safety and data improvement programs over the levels established in TEA '21 is a positive

step and should allow the new Motor Carrier Safety Administration in partnership with states under the MCSAP program to implement programs to bring down fatalities.

### **III. Additional Recommendations**

We do, however, have additional recommendations that we think will strengthen the bill even more and we would hope that you will give them serious consideration.

The first deals with a special program for new entrants into the motor carrier business.

The second deals with a program that establishes a certification program for safety specialists who perform carrier compliance reviews.

### **IV. New Entrant Program**

The motor carrier industry is expanding and new motor carriers are entering the business at a rapid pace. Since deregulation of the industry in 1980, the number of carriers has more than doubled. In recent years, the numbers of new entrants annually has reached 40,000. There are nearly 500,000 carriers operating today. According to the American Trucking Associations, approximately 78 percent of all motor carriers have 20 or fewer trucks and 69 percent have 6 or fewer trucks. Because of this, increased roadside enforcement is necessary and S. 1501 will certainly help us achieve that. But we believe an increased roadside effort may not necessarily be enough to help us deal with the safety problems resulting from such a rapidly growing industry. We will also need a new program tailored specifically to the new entrant.

Today, one can enter the business by obtaining a DOT number, checking a box on a form (self-certification) that one has knowledge of the Federal Motor Carrier Regulations, certifying proof of the requisite insurance, and listing the process agents.

Studies show that new carriers with fewer than three years experience have higher crash rates and lower rates of safety compliance than carriers that have been in business longer. A process to deal with the problem of the new entrant is a way to get a handle on a significant part of the problem. The basis for such a program should include the filing of a safety management plan by the new entrant with the DOT. Let me make clear here that this new entrant may be an owner operator, but it is just as, or even more likely, to be a small carrier with 6 to 20 vehicles. Regardless of the size or type of carrier, the plan should demonstrate an understanding of federal safety rules and regulations and, more importantly, the methodology for compliance. This plan should describe methods for such key functions as driver selection, training, and controls; daily operation such as CDL requirements, hours-of-service and dispatch procedures; other federal record keeping requirements; compliance with drug and alcohol testing rules; vehicle maintenance procedures such as how to make sure that manufacturers equipment recommendations are followed and how roadside inspection violations will be addressed; policies for reporting and recording of accidents; and, of course, evidence of financial responsibility. If the new

carrier plans to haul hazardous materials, there are additional regulations and financial responsibility requirements which must be met.

It is important to point out that a safety management plan requires an investment of resources and money by the new carrier. Thus, the plan should demonstrate that the new carrier management is aware of, and has planned for, such items as the cost of vehicle maintenance. For example, are they aware of what it costs to buy new tires? If the new carrier happens to be a one person operation, the safety management plan should show a balance between the need to haul freight, to take care of various other management tasks, and to take the requisite days off to rest in order to comply with federal hours-of-service regulations.

It is important that the filing record of these safety management plans be computer documented by the new Motor Carrier Safety Administration so that a data base can be developed for future follow up on these carriers. A point so consistently made during earlier hearings on motor carrier safety this year was the fact that close to two thirds of the carriers operating today are not found in any of the information systems such as SAFESTATE, SAFER, and PRISM. This new entrant program would help solve this problem.

We are aware that Senator Lautenberg in his bill S.1559, would require that all new entrants be required to complete a short term training program (one or two day seminar). While this is certainly a good idea, mere attendance at an educational seminar is not enough. It is not, in and of itself, evidence of a long term commitment to necessary safety goals that a thorough and well thought-out safety management plan would be.

Furthermore, a safety management plan provides a base from which the new small business owner (that is really what a new small carrier is) can measure progress so that it can succeed. It is also the basis for a safety investigator to do the follow-up compliance review, an important component of the new entrant program. If a new carrier entrant is treated as a small business and accorded that status along with thousands of other small business owners throughout the country, then to hold them to the requirement of a long term strategic safety management plan should bring positive results. Frankly, according them this status through the requirement of a safety management plan, more than anything else, may impress upon them the seriousness of the responsibility that goes with their new endeavor. More so than the just the requirement of attending a one or two day training course, meritorious though that may be.

A follow-up with a more traditional compliance review of the type now performed on existing carriers, should be conducted on new entrants in a pre-set period of time that could range from six months to one or two years and then as often as needed.

The initial safety assessment (plan submittal, review, and approval process) would require considerable resources on the part of federal and state enforcement agencies. Specific personnel must be assigned the task of conducting new entrant safety assessments as well

as providing the necessary safety education for the new entrant. It is unlikely that even with the generous increase in funding provided for in S. 1501 and similar legislation passed by the House, that federal and state governments would be able to carry out the program on their own.

## **V. Safety Specialist Certification**

This leads to our next recommendation which is outlined in recent legislation introduced by Senator Breaux, S. 1524, the Motor Carrier Safety Specialist Certification Act. The Act specifies a process to professionally certify all Motor Carrier Safety Specialists be they in the public sector (federal, state, local) or in the private sector (third parties) who perform compliance reviews on truck and bus companies. Such professional certification would ensure the highest quality compliance reviews on high risk carriers now operating and the highest quality safety assessments described above relative to new entrants. It also would ensure that accurate and timely safety data be filed with the DOT for which there is a pressing need as pointed out in the recent Inspector General's report on DOT motor carrier safety oversight. Until now, compliance reviews have not always been performed in a consistent and accurate manner as evident in the recent tragic Mother's Day tour bus crash in Louisiana.

The case history of that accident reveals that back in July 1996, just four months after the Federal Highway Administration (FHWA) did a compliance review on the bus company and assigned it a satisfactory rating, a private third-party company under contract to the Department of Defense (DoD) failed that same company for not having a drug and alcohol testing program. Unfortunately, this was not the only example of a flawed compliance review. A total of 27% of motor carriers that were assigned a satisfactory rating by FHWA failed to enter the DoD program after a compliance review was done by the DoD contractor. These examples demonstrate that FHWA has a weakness in its compliance review program in terms of resources and structure to certify and train those who do compliance reviews. This results in compliance reviews that are not always performed in a consistent and accurate manner.

TEA'21 authorized the Secretary of Transportation to approve the use of third party contractors in conjunction with the motor carrier enforcement program. Senator Breaux's legislation takes the next step and provides the Secretary with a means to carry out such a program. It would direct the Secretary of Transportation, in consultation with a newly created Motor Carrier Safety Specialist Certification Board, to establish a program for the training and certification of Federal, State and local government, and nongovernmental motor carrier safety specialists.

This program enhances the role of the DOT to do its job of carrier rating and enforcement which is currently hampered by the lack of accurate information as the Inspector General pointed out in his recent report. It does not create a business totally separate from the DOT but creates a new force of qualified safety specialists who are partners with, and agents of, the government engaged in an effort to do compliance reviews on existing high

risk carriers and new entrant safety assessments on many more carriers than present capacity allows. It will improve the skills and knowledge of those in both federal and state government who now do compliance reviews. Why can't we improve upon existing standards for the compliance reviews and those who do them? I believe we can through a certification program.

The use of properly certified third party safety specialists is the only practical means of providing enough human resources to implement a safety assessment program for new entrants and to significantly increase compliance review efforts for existing high risk carriers.

In conclusion, CVSA supports a certification program to improve the system already in place and to add considerable resources to it. CVSA would welcome an opportunity to be a key player in this effort and to help develop a program as outlined by Senator Breaux to ensure that everyone who does compliance reviews has the same level of training. This would provide the Motor Carrier Safety Administration with a consistent quality of data for rating purposes. I believe CVSA can be a key player because of its track record in certification as demonstrated by its successful program of certifying state roadside truck and bus inspectors since 1981. I might point out that the DOT has endorsed and participated in CVSA's roadside certification program from the start.

Again, we support S. 1501 as the best way to improve safety oversight in DOT and in the states, and offer these additional recommendations to help us all achieve the goal of reducing truck and bus crash fatalities.

Thank you again for inviting me here today.