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S.1501 The Motor Carrier Safety Improvement Act of 1999

Statement of

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Madam Chair and Members of the Committee:

We appreciate the opportunity to be here today to discuss S. 1501, the Motor Carrier Safety Improvement Act of 1999.

Although the debate over whether the Office of Motor Carriers (OMC) should remain in the Federal Highway Administration (FHWA) appears relatively recent, it is not. Over three decades ago the debate was whether the Bureau of Motor Carrier Safety should remain in the Interstate Commerce Commission or be placed in DOT. The debate focused on addressing accident prevention and, ultimately, the Bureau was placed in FHWA. Twenty years later, a bill to establish a Motor Carrier Administration was introduced in the Senate Commerce Committee. Again, the argument was to reduce the number of accidents by improving the effectiveness of the motor carrier safety program. The bill was not enacted.

Currently, over 90 percent of transportation-related deaths involve motor vehicles. Highway crashes claimed over 41,000 lives in 1998. One out of every eight traffic fatalities involved large trucks. Over 5,300 people died in those crashes, including 700 truck drivers. Truck-related fatalities have increased 20 percent since 1992. The number of fatalities equates to 1 major airline crash with 200 fatalities every 2 weeks. The problem is not with the majority of motor carriers that operate safely. Rather, it is with a minority of companies who egregiously violate safety rules.

In May, Secretary Slater established a bold goal of reducing the number of commercial vehicle-related fatalities by 50 percent over the next 10 years. Faced with a rapidly expanding industry, a shortage of drivers, and an expansion of cross border traffic from Mexico, achieving this goal will require major efforts of the trucking industry and government.

We have testified before Congress on numerous occasions on the subject of motor carrier safety. We concluded in a comprehensive report to this Committee that there were fundamental deficiencies in the FHWA's motor carrier safety enforcement program. These included low fines, weak sanctions, few compliance reviews, failure to enforce safety regulations, a lack of shut down orders for unsafe carriers, and a shift in emphasis from enforcement to a more collaborative partnership with the industry.

Our assessment of the motor carrier program is shared by many others including safety investigators in OMC. Over 73 percent of the safety investigators responded to our survey; almost half of them rated their enforcement program as "poor to fair." Almost 86 percent of the inspectors called for stronger enforcement

actions.

Since we have already testified before the Commerce Committee on this subject, our testimony today will overview our findings and conclusions. A copy of the findings and recommendations contained in our April 1999 report is attached to this statement.

Legislative Proposals Will Improve Highway Safety

Congress is now considering three different bills dealing with highway safety. All three bills are designed to forcefully address driver and motor carrier safety. The bills contain much needed safety provisions, such as the strengthening of oversight and enforcement, enhancement of commercial drivers' license requirements, improvements in data collection and analysis, and additional funding for implementation of safety features. In our opinion, OMC could have and should have administratively implemented many of these elements years ago.

Bills Make Compelling Case for Organizational Change

In previous testimony industry, labor, oversight agencies, and safety advocacy groups have called for the transfer of the motor carrier safety program from FHWA. Enactment of any of the three bills will result in some organizational change. The Senate's bill (S.1501) and the House of Representatives' bill (H.R. 2679) would create a separate agency with a preeminent safety mission within the Department of Transportation. The Administration's bill retains OMC within FHWA, but the Department has stated separately that they would elevate the motor carrier safety program's stature through internal reorganization.

In our opinion, the Senate and the House bills make the most compelling case for a separate administration with a preeminent safety mission within DOT. After 30 years, Congress is still concerned about the adequacy of oversight of the motor carrier industry and is still debating who should perform this mission. As reflected in 30 years of history, the deep-seated and persistent nature of serious safety problems in the trucking industry has not diminished with time. Furthermore, the emphasis and priorities placed on motor carrier safety by OMC has not led to significant improvement.

In light of the rapid expansion of the industry and the need to reduce the number and severity of crashes, it is clear that a separate motor carrier safety administration is needed. As we stated in prior testimony, the current

organizational structure forces OMC's safety mission to compete for management attention and focus with the FHWA's predominant mission, which involves investing over $26 billion annually in infrastructure. Given the significant safety problems, the extensive loss of life, and the growth of the industry, we do not believe that, even with the best of intentions, FHWA can provide motor carrier safety the level of attention it deserves.

We recognize that an organizational change, in itself, is not a panacea that will ensure improvements in motor carrier safety. It is critically important, therefore, that there be no ambiguity in the predominant and overarching purpose of this proposed organization, namely safety.

S.1501 very clearly focuses on safety with the title of the organization being the Motor Carrier Safety Administration. In our opinion, the Senate bill would be improved by incorporating the language contained in the House bill's preamble which says "…the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation."

Madam Chair, we generally support the provisions of S.1501. The conditions that exist today in the motor carrier industry would not be tolerated in any other mode of commercial transportation. We would like to elaborate on the magnitude of the problem.

Safety Problems are Numerous

Over 7 million trucks are estimated to be operating today. Approximately one out of every four trucks inspected in the United States is placed out of service for serious safety violations. In 1997, over 2 million truck safety inspections were conducted and over 500,000 trucks were placed out of service.

In fiscal year (FY) 1995, 1,870 motor carriers received a less-than-satisfactory safety rating. From October 1, 1994, through September 30, 1998, 650 of those same carriers had 2,717 crashes resulting in 132 fatalities and 2,288 injuries. In FY 1998, there were about 6,000 motor carriers still operating with less-than-satisfactory ratings that received those ratings from October 1995 through September 1998. Last year, OMC reviewed the operations of 6,500 motor carriers. Nearly, 2,800 carriers received less-than-satisfactory ratings.

Between 1995 and 1998, the number of motor carriers increased by over

35 percent. OMC's review of them, however, declined by 30 percent. During this same time frame, 846 carriers were subject to multiple enforcement actions. Of these, 127 carriers had 3 or more enforcement actions, and 117 carriers had multiple violations of the same, significant safety regulations. Only 17 of those carriers were issued out-of-service orders, with penalties averaging $2,500. In FY 1998, enforcement actions were processed on only 11 percent of the 29 most violated safety regulations identified by OMC's safety investigators. Violators have come to consider the low fines imposed by OMC, not a deterrent, but merely a cost of doing business.

Research has shown that fatigue is a major factor in commercial vehicle crashes. Driver hours-of-service violations and falsified driver logs pose significant safety concerns. In FY 1995, OMC enforced only 11 percent of driver log violations it identified. In 1998, that number fell to 8 percent.

Since January 1997, our investigators, acting on referrals from OMC safety investigators, have conducted criminal investigations that have resulted in 61 indictments and 48 convictions of carriers and drivers who violated motor carrier safety laws. Almost $3 million in fines and restitutions have been recovered. These are particularly egregious cases because they involve carriers with repeat regulatory violations requiring drivers to grossly exceed hours-of-service limits, and then falsify their driver logs to conceal the violations.

The decline in compliance reviews and in strong enforcement actions can be explained, in part, by the fact that OMC shifted its emphasis from enforcement and compliance to a more collaborative partnership approach with the motor carrier industry. This is a good approach for carriers that have safety as a top priority, but it has gone too far. It does not work with firms that persist in violating safety rules and that do not promptly take sustained corrective action. In replying to our report, FHWA acknowledged "the pendulum has swung too far towards education/outreach and now must move toward stronger enforcement, particularly for repeat offenders…."

Recent Actions by OMC

Following adverse findings by the Office of the Inspector General (OIG), the General Accounting Office and others, OMC has initiated corrective action to enhance its safety oversight of the motor carrier industry. For example, OMC initiated actions to hire and train new inspectors, establish goals to increase the number of compliance reviews, reduce the enforcement case backlog, and increase average penalties. In addition, OMC initiated or completed rulemakings to make

truck and bus operations safer. These rulemakings include the recent conspicuity rule, redefinition of unfit carriers to reflect a TEA-21 enforcement provision, a new TEA-21 definition of passenger carriers, commercial drivers' license disqualification for railroad grade crossing violations, requirements for trailer rear underride guards, and hours of service revisions. We are concerned, however, that it took so long for the OMC to recognize that the pendulum had swung too far away from enforcement of safety rules.

Case for Organizational Change

As we have reported and previously testified before Congress, there are persuasive reasons to establish an organization with a clear, preeminent safety mission free of the need to compete with FHWA's primary mission of infrastructure investment. Even with the best of intentions, FHWA will have difficulty giving adequate leadership attention to the motor carrier safety program because it must compete for attention in an agency whose primary mission is the investment of more than $26 billion annually in transportation infrastructure.

Since 1995, the motor carrier industry grew over 35 percent, from approximately 330,000 motor carriers to over 450,000 motor carriers in 1998. This level of growth is projected to continue. During the same period, OMC's oversight of the industry diminished as greater attention was given to education and partnership. In our opinion, the Motor Carrier Safety Program must have leadership that makes tough decisions on issues such as shut downs, when appropriate, and uses inspection and enforcement as some of its primary tools.

Today, Congress is faced with the same concerns it expressed 30 years ago, which centered around the fact that (1) too few trucks were being inspected, (2) too many inspected trucks were found unsafe for operations, and (3) driver fatigue was a major factor in many accidents. Today, these same concerns apply to a larger and more diverse industry that includes the national and international motor carriers. We see the safety challenges growing larger and more urgent, not less so. Based on our work and safety statistics, we are of the opinion that it would be in the best interest of public safety to create a Motor Carrier Safety Administration.

We will now turn to the specific safety provisions of the pending legislation.

Improved Motor Carrier Oversight and Enforcement

If enacted, S.1501 would significantly improve the Federal Government's ability

to make our highways safer, with tools such as stronger enforcement actions against repeat violators, stiffer fines, and shut down orders. In this regard, S.1501 requires the Secretary to implement the recommendations contained in our April 1999 motor carrier safety report. We believe, however, that these recommendations can be most effective if they are written in statutory language, possibly in the preamble to the legislation, to give them the emphasis intended by the bill's sponsors and to avoid ambiguity in subsequent interpretations of the legislation. If it would be helpful, we would be pleased to work with you in this regard.

Strengthening Requirements for Commercial Drivers' Licenses (CDL) at the State and Driver Level

S.1501 bans the use of temporary driving permits, strengthens the requirements for issuance of commercial drivers' licenses, and decertifies states not in compliance with Federal regulations. It requires recording of all traffic violations and convictions on drivers' records, whether or not committed in commercial vehicles and requires medical certifications to be part of the driver's CDL record.

Ongoing OIG audits show commercial drivers in some states continue to drive trucks weighing 80,000 lbs. even though they have committed serious driving offenses, such as driving under the influence of alcohol, while in their personal vehicles. At least 12 of 39 states we reviewed allow convictions of this type to not be recorded on driver records. Some states also allow drivers with suspended commercial drivers' licenses to purchase temporary licenses and continue driving. These situations would not be authorized under S.1501. The driver involved in the March 1999 grade crossing accident in Bourbonnais, Illinois, that killed 11 passengers on an Amtrak train and injured 122 others was operating his truck with a "special" permit.

Improvement of Data Collection

Provisions contained in S.1501 improve the collection and analysis of data on crashes, including crash causation involving commercial motor vehicles. OMC cannot effectively target motor carriers with the worst safety records when its Motor Carrier Management Information System is incomplete, is inaccurate or contains dated information. In this regard, we found that driver and vehicle information for over 70,000 carriers, or 16 percent of the total population, was not in the database. Furthermore, 31 percent of the crashes reported by the States were entered in the database more than 180 days after the crash date.

Increased Safety Funding

S.1501 authorizes an additional $50 million a year for motor carrier safety initiatives and data improvements. OMC's budget is currently $55 million, with an additional $100 million going to the Motor Carrier Safety Assistance Program. Given the significant loss of life and injuries associated with large truck crashes, an additional $50 million, if put to good use, could easily satisfy the most rigorous cost benefit analysis. As a frame of reference, FAA's FY 1999 budget for aviation inspectors alone was approximately $475 million.

Retrofit Rulemaking Authority

Currently, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing safety standards for the manufacture of commercial motor vehicles. FHWA is responsible for establishing standards for in-service commercial motor vehicles. But this split responsibility can result in inconsistent rulemaking requirements. As an example, Congress directed the Secretary to adopt methods for making commercial motor vehicles more visible to motorists. NHTSA issued its rulemaking for safety standards of new equipment on December 10, 1992. FHWA's rulemaking for in-service equipment was completed in March 1999.

S.1501 provides for NHTSA to have the responsibility for rulemaking for both new and in-service equipment. We believe this change would allow NHTSA to conduct cost benefit analyses associated with rulemakings more efficiently and to more effectively gauge the impact on the industry. It should also result in quicker implementation of safety requirements for in-service trucks. Our concerns with this change are that the timeliness of NHTSA's rulemaking not be negatively impacted, and that provisions be made for meaningful and timely input by the Motor Carrier Safety Administration in advance of issuing draft and final rules.

Electronic Recorders to Monitor Hours of Service

Truck driver fatigue has been identified as one of the top issues affecting motor carrier safety. The Administration's bill calls for regulations requiring, as appropriate, the installation and use of electronic recorders and other technologies to manage the hours of service of drivers. Based on our work, we can attest that falsification of truck drivers' "hours of service" logs is a very serious problem. It is linked to the more fundamental problem of driver fatigue. If the use of

electronic recorders is not directed legislatively, then it should be recognized that Congress would be relying on the new agency to issue a rulemaking governing the use of electronic recorders and including specific privacy protections. We support the National Transportation Safety Board's recommendation, first issued in 1990 and reiterated in 1995, requiring automated/tamperproof on-board recording devices to record the driving time of commercial truck drivers. The potential safety value of electronic recorders is quite significant. In our opinion, it could be accomplished more expeditiously if it was phased in over a period of years and coupled with revised hours of service rules.

Passenger Carrier Division

Establishing a separate passenger carrier division will provide the capability to distinguish between the motorcoach and trucking industries and allow for the development of different standards such as vehicle inspections. We believe this provision has merit because the safety records of passenger carriers indicate that their safety performance is better than large trucks, but that there are safety risks that are peculiar to passenger carriers. For example, the standards for crash protection, rollovers and body joint strength applicable to motorcoaches need to be different from those of large trucks. A separate division would allow the new agency to focus on the development of such standards and at the same time ensure that the fatalities associated with motorcoaches do not increase.

Border Staffing Standards

H. R. 2679 requires the Secretary to develop and implement staffing standards for border inspectors in the international border areas, and requires that staffing levels not be reduced below the average level of staffing in those areas in FY 2000. Although staffing standards can be established administratively, we agree that, in light of the history of inadequate inspector staffing at the U.S.-Mexico border, a legislative standard is appropriate. In a report, dated December 1998, we cited a serious deficiency in the number of inspectors at the U.S. border with Mexico. Following our report, the Department increased the number of inspectors at the U.S.-Mexico border from 13 to 40.

This concludes our testimony. We have a number of other technical suggestions on the bill, which we will discuss with your staff. I would be pleased to answer any questions.

Attachment

Excerpts from OIG Report on the Motor Carrier Safety Program Federal Highway Administration

April 26, 1999 ***Report No. TR-1999-091***

Results

We found that OMC was not sufficiently effective in ensuring that motor carriers comply with safety regulations, and that the OMC enforcement program did not adequately deter noncompliance. The basic safety problem is not with the majority of motor carriers, who do operate safely and have good maintenance and operating practices. Rather, the problem is with a minority of motor carriers, who repeatedly violate safety rules and have unsatisfactory safety ratings for extended periods of time. This problem is exacerbated by the fact that sanctions imposed by OMC are all too often minimal or nonexistent, thus suggesting a tolerance level for violations of safety requirements. Specifically, we found that:

- The fatality rate for large truck crashes has remained flat since 1995, while the number of fatalities involved in those crashes continues to increase. In 1997, the latest year for which data was available as of April 21, 1999, 5,355 deaths resulted from large truck crashes. This equates to a major airline crash with 200 fatalities every 2 weeks. This number of fatalities is unacceptable.

  The Department's truck safety performance measure is based on reducing the fatality rate, which allows the number of fatalities to increase as the number of vehicle miles driven by truckers increases. This measure should be changed to substantially reduce the number of fatalities, irrespective of the fact that there are more trucking firms and that greater distances are traveled. We have been advised that the Department does intend to change its goal accordingly.

- OMC has shifted emphasis from enforcement to a more collaborative, educational, partnership-with-industry approach to safety. This is a good approach for motor carriers that have safety as a top priority, but it has gone too far. It does not work effectively with firms that persist in violating safety rules and do not promptly take sustained corrective action. Strong enforcement with meaningful

sanctions, including "shut down" orders in appropriate cases, is needed in these situations. In its reply to our draft report, FHWA acknowledged the "pendulum has swung too far towards education/outreach and now must move towards stronger enforcement, particularly for repeat offenders."

- The number of compliance reviews OMC performed has declined by 30 percent since FY 1995, even though there has been a 36 percent increase in the number of motor carriers over this period. Nearly 250 high-risk carriers recommended for a compliance review in March 1998 did not receive one.

  Also, in FY 1995, 1,870 motor carriers received a less-than-satisfactory safety rating. From October 1, 1994, through September 30, 1998, 650 of those same carriers have had over 2,500 crashes resulting in 132 fatalities and 2,288 injuries. There are about 6,000 motor carriers operating with a less-than-satisfactory safety rating that received those ratings from October 1995 through September 1998.

- Only 11 percent of the more than 20,000 violations (for the 29 most significant safety regulations) identified by inspectors in FY 1998 resulted in assessments (fines), and assessments were settled for 46 percent of the dollar amounts initially assessed, which is down from 67 percent of initial assessments in FY 1995. The average settlement was $1,600, down from $ 3,700 in FY 1995. It is apparent that many motor carriers who are fined see the penalties imposed as little more than a "cost of doing business."

- Approximately 47 percent of OMC's workforce responding to our survey rated OMC's enforcement program as Poor to Fair. Over 86 percent favored stronger OMC enforcement, such as putting unsafe carriers out of service, assessing larger fines for repeat offenders, and taking more enforcement actions.

- OMC has been referring motor carriers with the most egregious records and indications of criminal conduct to the OIG for criminal investigation. These cases target those motor carriers that intentionally defraud OMC's safety program and pose a serious threat to highway safety. OMC, OIG and the Federal Bureau of Investigation signed a letter of agreement establishing a cooperative effort on the criminal investigation of such motor carriers. OIG has more than 30 ongoing criminal investigations involving motor carriers. Between January 1, 1997 and April 1999, OIG investigations in this area have resulted in 41 indictments, 35 convictions, and $2.6 million in recoveries. As part of their sentencing by the courts, motor carriers have also been suspended from operating commercial vehicles, effectively removing the operators from

the highways.

- OMC implemented the Safety Status Measurement System (SafeStat) to identify and target motor carriers with high-risk safety records by, for example, targeting compliance reviews of the worst carriers. This system is a major improvement over past practices, and the agency deserves credit for doing this. However, SafeStat cannot target all carriers with the worst records because OMC's database is incomplete and inaccurate, and data input is not timely. For example, driver and vehicle information on over 70,000 carriers, or 16 percent of the total population, was not in the database. Both OMC and the National Highway Traffic Safety Administration (NHTSA) obtain statistical data on crashes but data collection procedures are not standard. Furthermore, neither database contains crash causes or fault data because comprehensive crash evaluations are not performed.

- About 44 percent of trucks entering the United States from Mexico do not meet U.S. safety standards. This rate is unacceptably high in comparison to 17 percent for Canadian and 25 percent for U.S. trucks. Except for California, there are too few safety inspectors at the U.S.-Mexico border --for example at an El Paso border crossing, where 1,300 trucks enter the United States daily, there is only one inspector. He can inspect a maximum of 14 trucks per day. California, which has a good border inspection program, is staffed with sufficient State personnel.

  A strong correlation exists between an inspection presence and the safety condition of trucks. This is because there is a significant economic consequence to a trucking firm when its trucks are placed out of service, and when there is a strong inspection presence there is a substantial likelihood of poorly maintained trucks or unqualified drivers being detected. Because of California's strong inspection program, California's out-of-service rate for Mexican trucks is 28 percent compared with 50 percent in Texas. It is time to resolve this matter and establish a strong inspection presence at the border.

- There are no clear-cut answers as to whether the motor carrier safety function would be discharged more effectively if it were transferred from FHWA to an existing or new DOT organization. The suggestion that it should be transferred was made due to the significant number of fatalities associated with large truck crashes and a concern that OMC did not maintain a sufficient "arm's-length" relationship with the industry it regulated. In fact, an OIG investigation found that senior OMC managers did not always maintain an appropriate "arm's length" relationship, calling into question the credibility of OMC's leadership.

A range of organizational options exists, including combining the motor carrier safety function with the NHTSA, creating a new agency dedicated to motor carrier safety, combining the Department's surface safety functions in a new multi-modal Surface Transportation Safety Agency, or keeping OMC in FHWA. There are pros and cons to each option; none is a panacea.

Maintaining an "arm's-length" relationship is critical for any enforcement agency, yet the right type of new leadership can change direction and restore credibility over time. In this regard, we note that the Federal Highway Administrator recently changed the top leadership in OMC. However, our greatest concern with the current organizational placement of motor carrier safety in FHWA is whether safety can receive the priority it needs in an agency whose primary mission is investing billions of dollars in highway and bridge infrastructure. This is not to say that it cannot be done, but it will be a formidable undertaking. In responding to our workforce survey, nearly 48 percent of OMC's safety workforce thought an organizational change was necessary. None of the other organizational options require safety to compete with another mission.

Considering the range of options, the two most viable and practical are leaving the motor carrier safety function in FHWA or creating a Motor Carrier Safety Administration dedicated to motor carrier safety. The principal drawback to the NHTSA option is that NHTSA's mission, though dedicated to safety, is heavily focused on regulating the manufacture of vehicles. NHTSA has no experience regulating and enforcing the safety of operating trucking companies and their drivers. The Surface Transportation Safety Administration, while appealing in concept, would be the most complex and disruptive to establish. Large pieces of five Department of Transportation agencies would have to be removed from their present organization and merged into one to form the new organization.

One approach available to the Secretary and the Congress is to base the decision on whether a Motor Carrier Safety Administration is necessary on FHWA's commitment and expeditious implementation of action needed to substantially strengthen enforcement. FHWA's comments on this report make such a pledge. If Congress and the Department decide on this approach, the measure of success should be bottom-line improvements in motor carrier safety, and a one-year timeline should be set to judge the agency's progress and make the final decision.

However, based on our work, together with a nearly 30-year history of congressional and public calls for strengthening motor carrier safety, we increasingly are of the view that it would be in the long term interests of public

safety to create a Motor Carrier Safety Administration. The simple fact is that under the current organizational arrangement, motor carrier safety necessarily will compete for leadership attention and emphasis with the legitimate, if not primary, FHWA mission of investing over $20 billion annually in highways and bridges. In light of the increasing number of fatalities associated with large trucks, demand for truck drivers and enormous industry growth in the last few years, the safety challenge will be larger and more urgent. This situation justifies an agency with a clear, preeminent safety mission, free of the need to compete with other very important transportation department missions.

We also are troubled by the fact that it has taken so long for the FHWA to recognize, as it does in comments on this report, that the pendulum has swung too far away from enforcement of safety rules. Also, almost a year ago, TEA 21 was enacted, which provided additional enforcement authority to FHWA, yet those mandates have not been implemented. FHWA now says it will move to do this immediately and improve the safety program, but this is occurring on the heels of and with prompting by multiple congressional hearings, and adverse findings by the DOT Inspector General, the General Accounting Office, and the National Transportation Safety Board.

We hope FHWA's commitment to change is followed through on with a sense of urgency and made permanent, as this would save many lives on our highways, prevent injuries, and avoid economic loss. In our opinion, the likelihood of this occurring would increase if the leadership and charter of the agency responsible for motor carrier safety had motor carrier safety as its exclusive and unambiguous mission.

However, it should be recognized that unless visible improvements in safety are achieved and a strong enforcement program adopted, critics would question the new Motor Carrier Safety Administration's closeness to industry, just as they do with the current Office of Motor Carriers. It is pointless to make an organizational change if only the chairs from one agency are shifted to another or by simply changing the organization's name.

- Regardless of where the motor carrier safety function is placed organizationally, strong enforcement action, including "shut down" orders in appropriate cases, will be necessary for significant violations, repeat violators, and motor carriers who have unsatisfactory safety ratings. Other measures will also have a significant bearing on motor carrier safety. These include the long-overdue revision of hours of service regulations, improvements in driver accountability, and performance of required annual vehicle inspections.

Recommendations

Improvements are needed to ensure compliance with Federal Motor Carrier Safety Regulations and to improve the effectiveness of the Motor Carrier Safety Program. FHWA needs to make the following improvements:

- Strengthen its enforcement policy by establishing written policy and operating procedures to take strong enforcement action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, issuing compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.

- Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by the Transportation Equity Act of the 21st Century.

- Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

- Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

- Establish criteria for determining when a motor carrier poses an imminent hazard.

- Require follow-up visits and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained or, if safety has deteriorated, that appropriate sanctions are invoked.

- Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

- Establish a written policy and operating procedures that identify criteria and time frames for closing all enforcement cases, including the current backlog.

- Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ, and require all motor carriers to periodically update this information.
- Revise the grant formula and provide incentives through the Motor Carrier Safety

Assistance Program grants for States to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports, and traffic violation data.

- Withhold funds following a reasonable notification period such as one year, from the Motor Carrier Safety Assistance Program grants for those States that continue to report inaccurate, incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data, and traffic violation data.

- Initiate a program to train local enforcement agencies for reporting of crash, and roadside inspection data including associated traffic violations.

- Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

- Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.