

**RESPONSES TO QUESTIONS FOR THE RECORD
SUBMITTED BY RAYMOND P. MARTINEZ
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Chairman John Thune
Questions for the Record
Senate Committee on Commerce, Science, and Transportation
Nominations Hearing
October 31, 2017

Question 1. In a recent listening session hosted by the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration on Electronic Logging Devices and Hours of Service, South Dakota small business owners and drivers raised several issues with current federal requirements.

With that in mind, do you commit to taking a comprehensive look at requirements with the aim of providing appropriate relief for drivers as you work to advance the safe and efficient transportation of goods?

Yes. I look forward to working with all stakeholders, including small independent trucking companies, and especially those who, such as livestock haulers, would be most affected by this rule. I will have an open-door policy to work with all stakeholders to meet with them and hear their concerns.

Question 2. The 2016 U.S. Department of Transportation's Report to Congress (DOT), Comprehensive Truck Size and Weight Limit Study, recognized the need for additional data regarding truck characteristics at the time of a crash, including loaded weight.

Given that the DOT has highlighted this data limitation, if you are confirmed, will you get back to the committee regarding whether the DOT is considering loaded weight as a part of data collection, mandatory or voluntary, within the context of accident reporting or any other related accident data collecting?

Yes, If confirmed, I will get back to the Committee regarding the Department's plans to address the lack of loaded weight data as a limitation in state level accident reporting. I will consult FMCSA staff as well as my colleagues at the Federal Highway Administration on this data reporting issue.

Senator Jim Inhofe
Questions for the Record
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Question 1. This committee has had a number of hearings related to Autonomous Vehicles and the opportunity new technology has to make our roads safer for all drivers of all motor vehicles. In fact, this committee just passed legislation that would allow for the testing, certification, and deployment of autonomous vehicles.

What role do you see for the Federal Motor Carrier Administration in the development and deployment of autonomous vehicles?

I believe that FMCSA should continue to work together with all of the modes of the Department of Transportation to provide an adaptive and flexible regulatory framework for autonomous CMVs and still ensure the safety of the driving public. FMCSA should also work on developing guidance for manufacturers, state and local agencies, and other entities involved in the development and deployment of automated CMV technology.

Question 2. Commercial Driver's License testing wait times can be a major impediment for individuals seeking their CDL and entering the job market. The FAST Act included Section 5506, which required the "FMCSA Administrator to report these wait times and describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest."

How would you begin to address issues related to skills testing delays in States that have wait times of longer than 7 days?

As the New Jersey Motor Vehicle Commission Chair and Chief Administrator, I have dealt firsthand the problems faced by states on the long delays involved in CDL testing. If confirmed, one of the first steps I will take is to bring together FMCSA and my former colleagues at the American Association of Motor Vehicles to address the requirements in the CDL skills tests to see where we can make adjustments to reduce delays inherent in the system but still provide an adequate level of testing. I am also aware that the Federal Motor Carrier Safety Administration is collecting data from each state, including New Jersey, on driver license skills test delays and related information. Findings from this effort will help all of us better understand this important issue and potential contributing factors.

Senator Deb Fischer
Questions for the Record
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Question 1. In 1994, Congress passed the Federal Aviation Administration Authorization Act, or F4A. This bill included a preemption on state laws related to the price, route, or service of a motor carrier. However, some states are implementing regulations related to issues like meal and rest breaks that go beyond the 1994 law. How important is it to have transportation policies that are consistent across state lines? Does a patchwork of state laws hinder the ability of carriers to move freight?

In general, I believe uniformity in the rules for interstate commerce is important to ensure efficient flow of goods and services nationwide. However, the question of whether preemption applies to any particular set of facts and circumstances is a legal question that I am not in a position to answer without consulting the Office of General Counsel.

Question 2. The FAST Act required a study of the Compliance, Safety, Accountability program due to concerns about the use of faulty data, which was then publically posted. The National Academy of Sciences recently released their report on CSA, which recommended a new algorithm, known as the Item Response Theory model, to collect data and address enforcement. What are your thoughts on the recommendations made by the National Academy of Sciences?

If confirmed, safety will remain FMCSA's highest priority. Continued improvement of safety can only be achieved by leveraging current, valid and verifiable data in order to identify areas of risk and focus enforcement efforts more efficiently on those identified areas. The National Academy of Sciences (NAS) has provided a thorough review of the Safety Measurement System and recommendations for improvement of the system. The recommendations provide a more scientific approach to how FMCSA uses the inspection and investigation data to assess the safety culture and compliance of companies. In addition, the NAS provided FMCSA recommendations on improvement to the quality of its data, which I believe strongly, will help in its mission to improve safety. I will work with FMCSA on corrective action plan that addresses the NAS recommendations. It is my understanding that FMCSA has also contracted with NAS to establish a standing committee to provide advice during evaluation and implementation of the recommendations.

Follow-up: Will you ensure that the methodology used to collect information on a motor carrier is thoroughly researched and developed before that information is made public?

Yes. If confirmed, I will ensure that FMCSA data and information is accurate, reliable, complete and timely. FMCSA has committed to a public process of implementation of the NAS recommendation.

Question 3. As you know, the trucking industry is facing a significant driver shortage, which is currently estimated at nearly 50,000 drivers. If confirmed, will you work with Congress and industry stakeholders to help make real progress on this issue?

Yes. I would be eager to work with Congress and our industry partners to help address the driver shortage within the industry. I know that FMCSA has already taken several actions under its existing regulatory authority to help address the driver shortage such as outreach programs to assist veterans become licensed drivers and to permit certain qualified individuals 18-21 to drive interstate. I look forward to working with FMCSA to continue these efforts and to identify additional ways to address the driver shortage issue.

Follow-up: The driver shortage is exacerbated by skills testing delays in several states. It has been reported that CDL applicants are waiting two weeks or more to take the CDL exam. In some instances, wait times have exceeded 40-60 days. These prolonged periods of time prevent people with new job skills from getting to work. If confirmed, will you commit to addressing this issue and making the CDL application and testing process more fair and efficient?

As the New Jersey Motor Vehicle Commission Chair and Chief Administrator, I have dealt firsthand the problems faced by states on the long delays involved in CDL testing. If confirmed, one of the first steps I will take is to bring together FMCSA and my former colleagues at the American Association of Motor Vehicles to address the requirements in the CDL skills tests to see where we can make adjustments to reduce delays inherent in the system but still provide an adequate level of testing. I am also aware that the Federal Motor Carrier Safety Administration is collecting data from each state, including New Jersey, on driver license skills test delays and related information. Findings from this effort will help all of us better understand this important issue and potential contributing factors.

Senator Todd Young
Questions for the Record
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Question 1. Mr. Martinez, as you are well aware, the trucking industry is confronted with a significant driver shortage issue. Some projections indicate that within seven years the trucking and logistics industry could see a shortage as high as 175,000 individuals. My colleague Senator Fischer worked to include a pilot program within the FAST Act to permit drivers between the ages of 18-21 to drive across state lines if they are active duty or reserve members of the military. However, this pilot program has seen fewer than 10,000 participants sign up. I would like to work with your office to identify if there are further opportunities to allow young adults into the trucking industry without reducing safety. As statistics become available from this pilot program, will you pledge to work with this committee to build upon this pilot program?

Yes. I would be eager to work with Congress, our industry and other stakeholders to help address the driver shortage.

Question 2. Mr. Martinez, your testimony touches on the importance of utilizing data driven policy focused on the best information available as well as your commitment to reasonable stakeholder engagement. I look forward to working with you to ensure FMCSA prioritizes the implementation of safety regulations that are robustly supported by data. In that vein, the Electronic Logging Device (ELD) implementation date is swiftly approaching in six weeks. I have heard from numerous Hoosiers in the logistics industry regarding their concerns with this pending regulatory implementation. Will you pledge to work with small and independent operators to address their concerns as this implementation date approaches?

Yes. I look forward to working with all stakeholders, including small independent trucking companies, and especially those who, such as livestock haulers, would be most affected by this rule. I will have an open-door policy to work with all stakeholders to meet with them and hear their concerns.