Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

WRITTEN STATEMENT OF

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COMMERCIAL VEHICLE SAFETY ALLIANCE

BEFORE THE

HIGHWAYS AND TRANSIT SUBCOMMITTEE

OF THE

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

ON

"The Future of Commercial Motor Vehicle Safety: Technology, Safety Initiatives, and the Role of Federal Regulation"

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Chairman Graves, 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 the future of commercial motor vehicle (CMV) safety.

My name is Captain Bill Reese, with the Idaho State Police, and I am testifying today in my role as the President of CVSA. CVSA is an international organization representing State, Provincial, Territorial 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, Territorial, 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. CVSA's mission is to save lives. The subject of this hearing, improving commercial motor vehicle safety, is critical and I appreciate the opportunity to share some thoughts and recommendations on behalf of the CMV enforcement community. While my comments will focus on the theme for this hearing, I have attached a full description of CVSA's policy recommendations.

The Federal government entrusts the States with the responsibility of enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). States receive funding through the Motor Carrier Safety Assistance Program (MCSAP) to help support those efforts. The States use MCSAP 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 CMV safety issues. The funds are used, in part, to pay the salaries of the 13,437 full and part time CMV safety professionals. These people conducted 3.4 million CMV roadside inspections, 31,951 new entrant safety audits, and 15,417 reviews in 2014.[1] 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 vehicle safety defects, driver deficiencies, and unsafe motor carrier practices and remove them from the nation's roadways.

The good news is 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 figures from FMCSA, CVSA estimates that the MCSAP has an estimated benefit to cost ratio of 20:1. Every roadside inspection conducted yields an estimated $3,281 in safety benefits. And, of course, effective enforcement of the FMCSRs and HMRs helps save lives every day, keeping dangerous vehicles and unqualified drivers off the nation's roads.

[1] *2015 Pocket guide to Large Truck and Bus Statistics*. Federal Motor Carrier Safety Administration. April 2015. http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts

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.[2] These improvements in CMV safety were achieved, in large part, through investments made by the States and the Federal government.

Safety Initiatives

While the program is effective, there are a number of challenges the States are dealing with which, if left unaddressed, will diminish the effectiveness of the program. Outdated, overly prescriptive programs and rigid eligibility requirements hinder the States' ability to implement creative solutions and leverage scarce resources to meet their individual needs.

1. Improving Flexibility

   One way to improve the MCSAP is to provide States with additional flexibility in how they spend their MCSAP grant funds. MCSAP is a comprehensive commercial motor vehicle safety program with more than twenty specific components established under 49 U.S. Code § 31102(b)(2) and promulgated by regulation in 49 CFR Part 350. States are required to meet each of these components in order to participate in the program.

   To meet the goals established under MCSAP, a State's commercial vehicle safety program is comprised of a number of aspects, including roadside inspections, traffic enforcement on commercial vehicles, compliance reviews, safety audits, targeted strike forces, educational activities, and even traffic enforcement on non-commercial vehicles – the private citizens operating dangerously around commercial vehicles. The appropriate level for each activity varies from State to State and will change over time within any given State. FMCSA uses the annual Commercial Vehicle Safety Plan (CVSP) as the mechanism for monitoring and evaluation, which allows the States to determine how best to meet those expectations.

   States need more flexibility in how they spend their resources, not more restrictive parameters. Explicit language limiting how a State can spend grant funds in statute, regulation, or FMCSA policy should be minimized. Rather than prescribing a 'one size fits all' format for State programs, Congress and FMCSA should focus on setting broad parameters, program elements, goals, and expected outcomes for the program, and rely on the CVSP process to hold States accountable for meeting program goals.

[2] *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

For 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 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."[3] In this instance, instead of prescribing rigid and prescriptive parameters across the board that may not make sense for every State, 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.

This flexibility is even more critical today, as the program mandates and oversight responsibilities placed on the States continue to expand, while resources remain flat-lined. States need the ability to design a comprehensive CMV safety program that utilizes creative solutions to address issues unique to each State, while also meeting the long list of program requirements.

2. <u>Consolidating MCSAP Grants and Streamlining the Application Process</u>

Consolidating the grant programs and streamlining the grant application process would also improve CMV safety, allowing States to spend more time doing the work of the program and less time on administrative activities. There are currently a number of different grant programs, each with a unique purpose and set of program parameters and administrative requirements, some focusing on technology, others on border enforcement, etc. Each grant must be applied for separately, and the activities for each must be tracked and reported on separately as well. However, we find that in many States, one inspector will perform duties under multiple grants on a daily basis. This creates a tremendous administrative burden for the agency tracking and reporting on the grant, as each activity and expense has to be properly accounted for and billed. Consolidating the current grant structure and providing more broad guidance on what expenses are eligible would allow the States to spend less time and energy on paperwork, remove inefficiencies, reduce administrative burdens, and free up much needed resources for enforcement activities.

CVSA also supports streamlining the CVSP submission process. As discussed above, States are spending a significant amount of time administering the grants rather than doing the work the

[3] *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

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, FMCSA has moved to an electronic CVSP submission process. CVSA supports this new process and continues to work with the agency to improve its implementation. Using the e-CVSP approach will provide FMCSA with more up-to-date information, while reducing the workload on the States. CVSA would like to see this streamlining process continue.

Improvements can also be made to how the grants are administered by FMCSA. One major concern the States have with the administration of the MCSAP grants 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.

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 issue is further complicated by the fact that many States do not follow the Federal fiscal calendar (most start July 1), which impacts their reporting and tracking process. Even once funds are available, the grant review and approval process takes far too long, further delaying receipt of funds for safety programs. This unpredictable, piecemeal approach to funding makes planning and management of State programs difficult. CVSA is working with FMCSA to identify solutions to addressing these issues.

3. <u>Ensuring Adequate Funding</u>

   Given the focus of this hearing, 'the future of CMV safety', it is necessary to say a word about the need for adequate, reliable funding. According to FMCSA, the agency regulates 532,024 motor

carriers, 5.7 million commercial drivers, and 11.5 million commercial motor vehicles.[4] The State and Local agencies that receive MCSAP funding are responsible for ensuring those motor carriers, vehicles, and drivers operate safely.

Furthermore, the CMV enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the FMCSRs and HMRs. 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 previously used for other activities to ensure they are responding to DataQs in an effective and timely manner. Now, FMCSA 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.

Despite these challenges, 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. However, the MCSAP will only continue to be successful if it is adequately funded. New and expanded responsibilities mean improvements in safety, but only to the extent the States have the resources to effectively implement those policies. It is critical 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.

We recognize 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 no new revenue is available, CVSA urges Congress to ensure that MCSAP grant funding is not reduced, but remains at the levels set by Moving Ahead for Progress in the 21st Century Act (MAP-21). A 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.

[4] *2015 Pocket guide to Large Truck and Bus Statistics*. Federal Motor Carrier Safety Administration. April 2015. http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts

The Role of Federal Regulation

The purpose of the FMCSRs and HMRs is to help reduce or prevent truck and bus crashes, fatalities, and injuries by establishing minimum credentialing and vehicle maintenance requirements to ensure interstate motor carriers and drivers operate safely. The regulations are developed in consultation with enforcement, industry, and subject matter experts, and are intended to establish a clear set of rules by which all motor carriers must abide.

Clarity, consistency, uniformity, and enforceability are the cornerstones of an effective regulatory framework. 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. These inconsistencies also have a direct impact on data quality.

1. <u>Improving the Regulatory Framework</u>

   The foundation of an effective regulatory enforcement program is quality, uniform, and consistent enforcement activities. It is imperative that those subject to the FMCSRs and HMRs 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, it is part of the agency's core responsibility – maintaining the regulations – and 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 mechanism for identifying and resolving inconsistencies in policy, guidance, and regulation.

With regards to the petitions for changes to the FMCSRs from the CMV community to FMCSA, CVSA supports requiring petitions be published in the *Federal Register* upon receipt and 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 and HMRs 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 the one found in 49 USC § 31315(b)(4), which provides for notice and comment on exemption requests received by the agency.

2. <u>Exemptions</u>

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 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 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.

Technology

As budgets continue to tighten and technology continues to advance, it is imperative those in the safety and enforcement communities take full advantage of technological advancements to improve safety. These include incorporating safety technologies and information systems into ongoing enforcement activities, utilizing available data, and equipping CMVs with technology that can help prevent or mitigate future crashes. Before highlighting the potential benefits from technology to CMV safety, an important point needs to be made. States and industry can and should leverage technology to maximize safety benefits. However, technology cannot solve all our problems – it is merely a tool we can use, and it cannot take the place of a robustly funded program built on a clear, sound regulatory framework.

1. <u>Expanding Enforcement's Footprint</u>

   Advancements in technology provide a number of opportunities for the enforcement community to expand its reach, allowing inspectors to maximize and better target their interactions with industry. New programs and software allow inspectors in different States to communicate with one another in real time, making it possible to more quickly identify drivers and motor carriers who have been placed out of service and should not be operating on the roadways. Data enables program managers to identify trends in safety threats and deploy their resources to target problem areas or sectors of industries. Data collected can also benefit motor carriers, by identifying trends in violations that may lead to changes to a motor carrier's maintenance or driver training and hiring practices. New technologies, like license plate readers, camera-based systems, and virtual weigh stations, expand enforcement's footprint, allowing a jurisdiction to cover more miles and more vehicles than they can with inspectors and fixed facilities alone. Laptop computers roadside mean inspectors can complete inspection reports digitally, reducing errors and saving time.

   State agencies must keep pace with developments in technology in order to deliver the most effective CMV safety and enforcement program. The MCSAP must continue to adapt and provide States with the flexibility and funding to grow their programs and fully utilize new programs, tools,

and practices. However, as technology is implemented, steps must be taken to ensure the quality of data and provide for adequate training for those using the technology.

2. Data and Information Technology Systems

Uniform, timely, and accurate data is critical to an effective MCSAP. Enforcement personnel, along with State and Federal agencies, use information on a motor carrier's past performance to help prioritize motor carriers for roadside inspections and compliance reviews. Performance data from the CMV industry is used to identify trends and problem areas, and to craft enforcement and education initiatives to target specific safety problems. Data is not only used to evaluate whether or not enforcement is being conducted uniformly, but also to determine whether or not a particular safety program or concept is successful. Data is used to determine whether enforcement funds are being used in the most efficient, effective manner possible. In order to effectively and efficiently perform these activities, the States and the Federal government must be able to rely on the data being compiled in the various systems being accurate and as uniform as possible, in order to make comparisons. Currently, however, redundant, overlapping IT systems and outdated software applications result in inconsistencies in the data being collected by the States and FMCSA, undermining the safety programs and strategies being built upon them. These data challenges hinder the inspection process and create extra, unnecessary work for industry and enforcement alike.

For example, the Motor Carrier Management Information System (MCMIS) is the main system for which all the data collected from State and Federal agencies for FMCSA is housed, including inspection, crash, compliance reviews, safety audits, carrier information and history and numerous other data sets. Other programs, such as Safer, Query Central, and State CVIEW systems, as well as the Compliance, Safety, Accountability (CSA) program, extract the data from MCMIS to run their programs. Developed in the 1980's, MCMIS is almost 30 years old. As the program ages, it becomes harder and more expensive to make software and program changes. The system can simply no longer meet State and Federal data needs.

Another program very much in need of updating is Aspen, which is the program used to collect inspection data during a roadside safety inspection. Aspen was created in the early 1990's and has had few major updates since its development. Most of the changes have been small enhancements and, as a result, users are becoming more frustrated by the system's limitations.

In addition to relying on outdated, insufficient, and inefficient systems, FMCSA has become too focused on new software development and is distracted by too many competing priorities. As a result, updates and improvements to the primary data collection and management programs on which everything rests are constantly delayed and the States are forced to use outdated and

cumbersome legacy systems. In 2009, for example, FMCSA was reviewing the Aspen program and taking input on necessary improvements. However, the update was cancelled so the agency could focus on developing the CSA program. Now, the agency is focused on creating the Unified Registration System (URS) program, yet another priority, and still many of the improvements discussed in 2009 have not been implemented.

FMCSA's IT program lacks focus and direction. Were FMCSA to focus on setting parameters and functional specifications, rather than software development, the program would improve tremendously. FMCSA should be managing the system and software development process, rather than doing the actual programming. The agency needs to clearly identify challenges and solutions, as well as addressing State needs, and establish a clear path forward to meet those needs. FMCSA must take a step back and completely reevaluate its development process and how it prioritizes IT projects.

To improve the quality of data collection, transmission and analysis, CVSA encourages Congress to call for a study of the agency's IT and data collection systems. The study should include an evaluation of the efficacy of the existing systems and programs and their interaction. It should identify redundancies and explore the feasibility of consolidating data collection and processing systems. The study should evaluate the ability of the programs and systems to meet the needs of FMCSA, both at headquarters and in the State offices, as well as equally the needs of the States themselves. The study should investigate improving any and all user interfaces. The study should take into account the systems' and programs' adaptability, in order to make necessary future changes in an easier, timely, and more cost efficient manner. In addition, the study should explore the necessity and feasibility of increasing the agency's IT budget, to bring it in line with other Federal programs.

3. <u>Improving CMV Safety Performance</u>

Technology can also improve safety from the industry side. According to data from FMCSA, in 2013 alone, CMVs were involved in nearly 389,000 crashes, resulting in 3,964 fatalities, and injuring another 95,000 people.[5] With the forecasted growth in population and the corresponding increase in movement of freight and passengers, truck and bus traffic on our roadways will only continue to rise. Taking full advantage of technologies that can assist in anticipating and preventing crashes will help reduce fatality and injury rates.

[5] *2015 Pocket guide to Large Truck and Bus Statistics*. Federal Motor Carrier Safety Administration. April 2015. http://www.fmcsa.dot.gov/safety/data-and-statistics/commercial-motor-vehicle-facts

Examples of such safety technologies include, but are not limited to:

- Electronic Brake Stroke Monitoring Systems;
- Enhanced Anti-lock Braking System (ABS) Monitoring Systems;
- Tire Pressure Monitoring Systems;
- Vehicle Stability Systems;
- Lane Departure Warning Systems;
- Collision Warning Systems;
- Electronic Logging Devices;
- Speed Limiters; and,
- Video-Based Driver Performance/Management Systems.

Encouraging the voluntary adoption of these safety technologies, through grant programs and/or tax credits, will help deploy the devices more quickly, preventing future crashes and saving lives. In addition, encouraging deployment of the technologies will provide additional data for testing and evaluation, which can assist in any future consideration of industry-wide mandates. Further, incentivizing deployment could help bring down the costs of any industrywide mandate and help increase the percentage of fleets being equipped with these technologies. While CVSA supports deployment of such lifesaving technologies, the U.S. Department of Transportation must work with industry and the enforcement community when developing performance standards and specifications for safety technologies, to ensure the devices are effective and any regulations put into place are enforceable.

These technologies are only beneficial and effective if they are operating properly, as originally designed. Provisions, similar to those already existing for lights, tires, brakes, etc., must be put into place for new technologies to enable inspectors to verify their functionality. For example, the recent electronic logging device (ELD) requirement included in the MAP-21 contained language instructing FMCSA to ensure the devices are 'tamper resistant' and accessible by law enforcement. Furthermore, Congress should put into place strict penalties for tampering with safety technologies installed on a CMV.

4. <u>Impact to Enforcement</u>

While it is true that CMV safety can benefit tremendously from technology, the impact to the enforcement community must also be taken into consideration. Technologies, whether on the enforcement side or deployed in CMVs, are only effective it they're being utilized properly and are serving their intended purpose.

When the enforcement community is not taken into consideration from the beginning, complications can quickly arise that diminish the impact these technologies can have. The

rulemaking currently underway at FMCSA on ELDs for hours of service (HOS) compliance provides a good example. There has been a significant amount of attention paid to ensuring the new regulations take into account the needs of industry, in order to ease the burden. However, the regulations must be written with all end users in mind, including the enforcement community. One of the key considerations is the transmission of the HOS compliance data from the driver to the inspector. If inspectors cannot easily and reliably retrieve data from ELDs roadside the devices are of little value. To that end, in our comments to the docket, CVSA recommended that, prior to implementation, FMCSA conduct a comprehensive study of current State technology/ communication capabilities for CVSA-certified inspectors and identify what steps would be necessary to ensure all certified inspectors will be able to access data roadside in an effective, efficient, and secure manner. This study should be completed and made publicly available prior to the agency issuing a Final Rule. The ELD rulemaking has the potential to improve HOS compliance and enforcement, but only if the inspectors are given the tools they need to properly utilize the devices. This fact must be a consideration in the development of the Final Rule.

Conclusion

As Congress considers the future of CMV safety, we believe there are a number of opportunities to make changes that will help advance our collective goal of reducing crashes and saving lives. Giving the States more flexibility to design and implement programs that improve CMV safety, while meeting the long list of MCSAP requirements, despite waning resources. Consolidating and streamlining the grants will reduce the administrative burden on States and provide more stability. This will enable States to spend more time and resources on doing the work of their program. This look ahead also provides an opportunity to establish requirements for FMCSA to routinely evaluate and update federal regulations, providing enforcement and industry with better clarity, which will save everyone time and resources. Congress should also consider eliminating or minimizing the number of legislative exemptions in the future. Finally, maximizing technology and improving data quality can help capitalize on existing enforcement activities, as well as industry investments. It should be noted though, that any new requirements on States or industry much be developed with the enforcement community in mind. Deployment of systems and devices will only be effective if they are functioning and being used properly.

One last note – we've provided a number of recommendations on how to improve the future of CMV safety, which we hope will be helpful as this Committee works on the next transportation bill. However, it must be noted that, even with streamlined grants, clear regulations, and full use of all available technology, the State programs cannot be effective without adequate funding. Funding for State CMV programs must increase if we are to keep pace with a growing motor carrier industry.