

**WRITTEN STATEMENT OF
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**BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION, HOUSING AND URBAN
DEVELOPMENT AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
U.S. HOUSE OF REPRESENTATIVES**

March 25, 2015

Chairman Diaz-Balart, Ranking Member Price, and Members of the Subcommittee, thank you for the opportunity to join you today to discuss the President's Fiscal Year (FY) 2016 budget request for the Federal Motor Carrier Safety Administration (FMCSA).

The President's FY 2016 request of \$669 million for FMCSA will provide the resources to support the Agency's number one priority – the reduction in crashes, injuries, and fatalities involving commercial motor vehicles (CMV). Since the FMCSA was established in 2000, the number of lives lost in large truck and bus related crashes has decreased 24 percent, from 5,620 in 2000 to 4,251 in 2013. While this represents significant progress, more must be done. The Department is committed to continuing to reduce the number of crashes, injuries, and fatalities involving CMVs.

With a nearly 17 percent increase from FY 2015 funding levels, the FY 2016 budget will allow FMCSA to strengthen our partnerships with State and local law enforcement agencies and leverage our resources to create a safety culture based on data driven safety rules, strong enforcement programs, and comprehensive education and outreach.

Our FY 2016 funding request provides the resources to accomplish our goals and continue to fund key priorities. It requests \$22 million to renovate and improve FMCSA facilities at border posts, providing facilities that allow for faster inspections in a safer environment for drivers, passengers, and inspection staff. We also requested \$10 million in new funds for enforcement activities, including focused attention for areas experiencing surging motor carrier activity associated with energy products, like the Bakken region, and resources to review and approve New Entrant corrective action plans on the tightened audit time frames contained in the Moving Ahead for Progress in the 21st Century Act (MAP-21).

The following is an overview of some of the key priorities in FMCSA's FY 2016 budget.

GROW AMERICA Act

FMCSA's FY 2016 budget request supports the motor carrier provisions of the Department's GROW AMERICA Act proposal as a continuation of MAP-21 and aligns with the Agency's 2012-2016 Strategic Plan. The provisions proposed in the GROW AMERICA Act build on the Agency's three core safety principles: (1) raise the bar to enter the motor carrier industry; (2) require high safety standards to remain in the industry; and (3) remove high-risk carriers, drivers, and service providers from the industry.

The GROW AMERICA Act includes measures that will empower State and local communities to achieve our shared goals through more streamlined and efficient grant programs. The Act will also build on FMCSA's continued, unprecedented motorcoach safety efforts by expanding locations where inspections may occur and will provide new authority over brokers who arrange passenger transportation. Furthermore, FMCSA proposes to promote safety while easing the economic stress on long-distance truck and bus drivers, including thousands of small businesses, by ensuring they receive fair compensation for the hours they work.

Motorcoach Safety: The centerpiece of FMCSA's FY 2016 budget is the Motorcoach Safety Oversight Program, for which \$8.9 million is requested. Bus travel is increasingly popular because it is a convenient, inexpensive option for many people, including students, groups, and families. FMCSA is committed to raising the bar for safety in this highly competitive and rapidly changing industry by employing our Enhanced Investigation Techniques and strengthening the Agency's oversight authorities. Last year, FMCSA shut down more than 50 unsafe bus companies that put passengers at risk. FMCSA also increased its efforts to educate the public on safe motorcoach travel.

To build on this unprecedented motorcoach safety effort, the GROW AMERICA Act will clarify and expand the locations at which motorcoach inspections may occur and clarify that inspectors may inspect motorcoaches at designated sites equipped with adequate food, shelter, and facilities to accommodate passengers during the process.

It will also provide FMCSA with jurisdiction over brokers of passenger transportation to enhance the Agency's ability to prevent unsafe bus companies from reorganizing themselves as unregulated "brokers."

Improvements to the Motor Carrier Safety Grants: The majority of the budget, \$339 million (\$26 million above the FY 2015 request), will be dedicated to our safety grant programs. In partnership with the States and other safety partners, FMCSA uses grants to enforce commercial truck and bus safety laws, with special attention to motorcoach companies and carriers hauling hazardous materials. GROW AMERICA will streamline and consolidate FMCSA safety grant programs – a change that will reduce the number of grant application submissions, reviews, reports and approvals, and thus increase efficiencies significantly for FMCSA and its State partners. Among other changes, we are restructuring the Motor Carrier Safety Assistance Program (MCSAP) to include the current New Entrant and Border Enforcement grant programs as formula grants.

As a condition of full MCSAP funding, every State will be required to participate in the Performance and Registration Information Systems Management Program (PRISM) within three years of enactment of GROW AMERICA, thereby expanding the number of States that can suspend or revoke the vehicle registrations of carriers subject to FMCSA out-of-service orders. States will gain the ability to use MCSAP funds to conduct reviews of household goods carriers, brokers, and freight forwarders, protecting the public from predatory practices. For the first time, the Agency will be able to withhold incremental amounts of MCSAP funding for State non-compliance with grant conditions, rather than all or nothing. This tool will allow FMCSA to address grant compliance issues while still providing States with sufficient funds to continue critical safety activities.

While the High-Priority program will continue under MCSAP, the current safety data improvement grant program will be absorbed into the High-Priority program to improve program management. It was redundant for the Agency to have safety data quality as a National MCSAP Priority and a separate grant program for safety data quality improvement. By rolling the safety data quality improvement into the High Priority program, the FMCSA will reduce the administrative burden on both the States and the Department of Transportation because it will no longer have two programs funding similar activities. Consolidating the program into HP will provide greater flexibility and program management because the Agency will be able to better identify high priority motor carrier safety activities in each fiscal year, while providing the grantee with greater flexibility and less administrative burden, as the potential grantee will not have to submit two separate grant applications.

In addition, the Commercial Vehicle Information Systems and Networks (CVISN) grant program will be replaced with a new Innovative Technology grant program and additional flexibility will be available to address eligible activities under the Commercial Driver's License Program Improvement grant program. The Innovative Technology grant will not be limited to CVISN technology but instead will allow the States to apply for funding to test, install, or deploy innovative technology solutions to improve safety.

Most importantly, the GROW AMERICA Act will provide a new minimum Federal share of 85 percent for all of FMCSA's grant programs, providing more funding for national priorities and emerging issues.

Finally, the GROW AMERICA Act will take stronger steps to prevent unscrupulous motor carriers from skirting FMCSA enforcement actions by allowing for criminal prosecution of a person who knowingly and willfully violates an imminent hazard out-of-service (OOS) order issued to prevent the death or serious physical harm to the public.

MAP-21 Implementation and Other Priorities

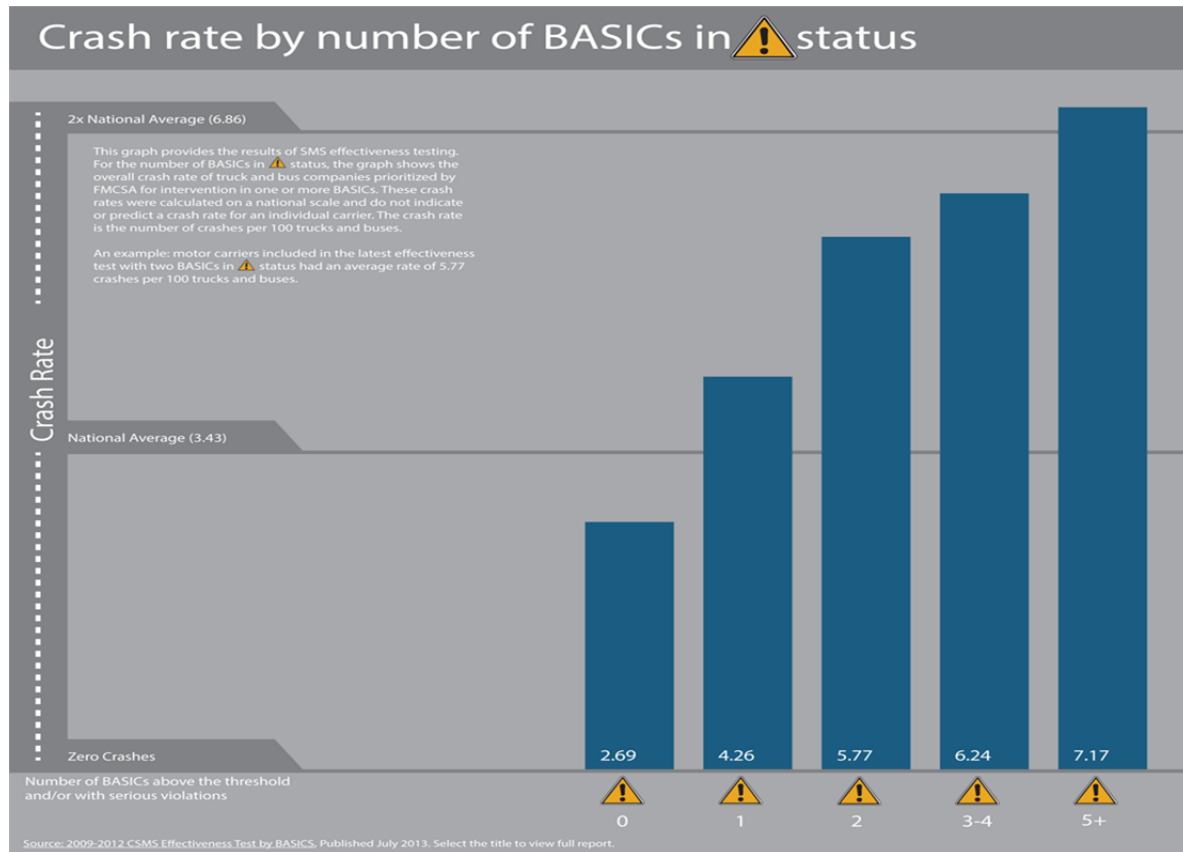
FMCSA's 2016 request initiates a multi-year plan to fully fund and staff its safety programs to meet Congressional mandates. Presently, we are working to implement provisions of MAP-21 to advance our core safety initiatives including the Compliance, Safety, Accountability (CSA) program.

Compliance, Safety, Accountability: CSA is the cornerstone of FMCSA's compliance model to improve CMV safety and reduce large truck and bus crashes, injuries, and fatalities on our Nation's highways. CSA consists of its Safety Measurement System (SMS) to identify companies for enforcement interventions, a wide array of interventions that target carriers' safety performance and compliance problems, and a new methodology (to be proposed in future rulemaking) to determine the safety fitness of motor carriers.

Given the size of our Federal workforce and the limited resources of our State enforcement partners, it is imperative that we apply our resources efficiently. The Agency utilizes SMS to identify noncompliant and unsafe companies to prioritize them for enforcement interventions. FMCSA continues to improve SMS to identify those motor carriers that pose the greatest risk to safety. Our responsiveness to industry, safety advocates, oversight agencies and Congress prompts new and revised policies, reports, and changes to SMS. Last year, we announced changes to our adjudicated violations process. Since August 2014, motor carriers and drivers have been able to request updates to their data through the DataQs process to reflect when the driver or carrier is found not guilty or a violation is changed or dismissed in court.

This spring, the Agency will announce additional changes to SMS. These changes will strengthen our ability to identify companies for investigation before they are involved in a crash. We will publish notice of these changes in the Federal Register and provide the public an opportunity to comment before finalizing.

Importantly, as is shown by the figure below, carriers identified as having one or more areas above the established thresholds in SMS have crash rates significantly higher than carriers that are not identified. As the number of Behavior Analysis and Safety Improvement Categories (BASICS) over threshold increase, so does the crash rate.



The issue of data sufficiency has received much attention recently. Based upon studies completed by the Agency and independent researchers, the SMS is effective at identifying carriers that are engaging in behaviors likely to cause a crash. FMCSA, our State partners, the Government Accountability Office (GAO), the Office of Inspector (OIG), and the National Transportation Board (NTSB) all share a common goal of finding the most effective tools for identifying high risk carriers and taking appropriate enforcement actions. While we all share that goal, we have also had clear differences over specific methodologies for prioritizing a carrier as higher crash risk and for taking action. For example, a February 2014 GAO study recommended that the Agency revise the SMS to account for what GAO sees as data limitations. The GAO developed a methodology that considers only carriers that have at least 20 inspections or 20 vehicles and eliminates the use of safety event groups. That approach runs counter to the goals of SMS, which identifies dangerous violation patterns much earlier. The overwhelming majority of motor carriers – more than 90 percent of our regulated population – *never reach* the 20 observation level during the relevant measurement period. Under GAO’s approach to SMS, the safety performance of all these companies would be simply ignored. The public demands a proactive approach, rather than waiting for 20 events before we intervene.

The SMS is effective at identifying carriers that have non-compliance patterns that have been proven to result in crashes because the carriers are violating regulations. The Agency is working hard to intervene with those carriers exhibiting non-compliant behaviors in the most efficient manner possible and to engage the companies before they have a crash.

Recently, we announced the results of our crash weighting research, which addressed the feasibility of using a motor carrier's role in crashes as an indicator of future crash risk. The study considers the use of police accident reports in determining crash accountability and the reliability of using crash involvement or crash weighting as an indicator of future crash risk. We are currently receiving comments on this issue and will determine next steps based on that feedback. We published the notice in January and the comment period closes today, March 25.

We continue to work toward publication of a proposed rule that would increase the use of inspection data in making safety fitness determinations for motor carriers. The Safety Fitness Determination proposal will include a fixed, non-relative failure standard and will take into account recommendations for use more of the Agency's data to make accurate determinations of a carrier's fitness to operate.

National Registry of Certified Medical Examiners: The FY 2016 budget will allow the Agency to continue mission critical initiatives such as the National Registry of Certified Medical Examiners (National Registry). As mandated by SAFETEA-LU and MAP-21, the National Registry rule requires all Medical Examiners (ME) who conduct physical examinations and issue medical certifications for interstate CMV drivers to complete training on FMCSA's physical qualification standards, pass a certification test, and demonstrate competence through periodic training and testing. Currently, all CMV drivers whose medical certifications expire must use MEs on the National Registry for their examinations.

In May 2015, FMCSA will celebrate the first anniversary of the full implementation of the National Registry. However, we have already reached our goal of 40,000 certified MEs on the National Registry. Certified MEs throughout the nation are performing medical examinations, and drivers can use the Agency's on-line geographic locator to help find a certified ME in their area. Any physician or other qualified medical professional (such as a physician's assistant or an advanced practice nurse) licensed by a State to conduct physical examinations may be listed on the National Registry if they are trained, tested, and certified.

With funding provided in the 2016 budget, the Agency will begin the development of a "National Registry 2" which will allow MEs to promptly transfer drivers' medical certifications to the State Driver Licensing Agencies for commercial driver's license (CDL) holders. This will dramatically decrease the chance of drivers falsifying medical cards and will lessen the amount of paperwork required currently.

Drug and Alcohol Clearinghouse: To further prevent crashes, we must ensure that CDL holders are sober and drug-free. The FY 2016 budget includes funding to begin development of the Drug and Alcohol Clearinghouse (Clearinghouse) as required under MAP-21. The Clearinghouse would require truck and bus companies (and other entities responsible for managing DOT drug and alcohol testing programs) to report verified positive drug and alcohol test results, test refusals, negative return-to-duty test results, and follow-up testing. This information would remain in the Clearinghouse for a requisite period of time after the CDL-holder completes the return-to-duty rehabilitative process, which allows the driver to become re-qualified to operate a CMV. Once the Clearinghouse is fully implemented, employers would be

required to conduct pre-employment searches in the repository as part of the hiring process for CDL drivers and annual searches on current employee drivers. A Notice of Proposed Rulemaking (NPRM) was published February 20, 2014. The final rule is currently in development and is scheduled to be published later this year.

Entry-Level Driver Training Requirements: MAP-21 directed the Agency to issue final regulations to require entry-level training for drivers who require a CDL and for those upgrading from one class of CDL to another. The Agency's rulemaking must address knowledge and skills for safe operation and other issues. In 2013, the Agency held listening sessions and asked our Motor Carrier Safety Advisory Committee (MCSAC) to provide recommendations on ELDT. These sessions and the MCSAC gave the Agency substantial information about training for entry-level CDL applicants. In August, the Agency engaged the services of a convener to assess the feasibility of conducting a negotiated rulemaking (Reg Neg) to implement this provision. The convener recommended that the Agency proceed with a Reg Neg on ELDT. In February, the Agency announced the appointment of 26 stakeholders to participate in the negotiated rulemaking committee. Known as the Entry-Level Driver Training Advisory Committee (ELDTAC), the Committee held its first meeting in late February and its most recent meeting on March 19 and 20. This stakeholder engagement will make it easier for all of our stakeholders, from drivers and carriers to enforcement partners, to work together toward our shared safety goals.

Research and Technology: The President's budget includes \$9.7 million for FMCSA's Research and Technology programs focused on producing safer drivers and carriers. The Research and Technology program has made innovative contributions to the Agency's safety mission by providing scientific research findings on driver behavior and technology applications. The funds requested will be used to determine the effectiveness of wireless enforcement technology, understand driver fatigue and safety performance, and test SmartPark technology for safe truck parking, and enhance work on roadside enforcement technologies.

Conclusion

Thank you, Chairman Diaz-Balart and Ranking Member Price, for the opportunity to discuss the President's FY 2016 budget request. We look forward to working with you as we continue to improve safety, reduce crashes, prevent injuries, and save lives on our Nation's highways.