



Owner-Operator Independent Drivers Association

National Headquarters: 1 NW OOIDA Drive, Grain Valley, MO 64029

Tel: (816) 229-5791 Fax: (816) 427-4468

Washington Office: 1100 New Jersey Ave. SE, Washington, DC 20003

Tel: (202) 347-2007 Fax: (202) 347-2008

February 18, 2020

Jim Mullen
Acting Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # FMCSA-2018-0328 “Agency Information Collection Activities: Beyond Compliance”

Dear Acting Administrator Mullen:

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA has more than 160,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA’s mission is to promote and protect the interests of its members on any issues that might impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation’s highways.

OOIDA members are concerned that Beyond Compliance has the potential to give an advantage to only those motor carriers who can afford costly new technologies. If these motor carriers are rewarded with better public safety scores, then smaller carriers would likely see their scores downgraded without any actual change in their safety performance. Beyond Compliance must measure and reward actual crash reduction, or continued exemplary performance for those carriers without a preventable Department of Transportation (DOT) reportable crash, on a carrier by carrier basis. OOIDA strongly believes that the Federal Motor Carrier Safety Administration (FMCSA) must structure Beyond Compliance in a way so all types of carriers can participate in the program, not just larger carriers who can afford it.

FMCSA’s mission statement regarding its Compliance, Safety, and Accountability (CSA) program and the Safety Measurement System (SMS) “[is] to implement more effective and efficient ways for FMCSA, its State Partners and the trucking industry to prevent commercial

motor vehicle (CMV) crashes, fatalities and injuries.”¹ Although CSA and SMS were initially endorsed by the vast majority of the trucking industry, it soon became obvious that there were many problems within the programs. The deficiencies concerning data quality and methodology prompted a Congressionally mandated review by the National Academy of Sciences (NAS) in 2016-2017.

As part of the review, NAS recommended, “FMCSA should continue to collaborate with states and other agencies to improve the quality of the Motor Carrier Management Information System (MCMIS) data in support of SMS, focusing on carrier exposure and crash data. The current exposure data are missing with high frequency, and data that are collected are likely of unsatisfactory quality.”² The analysis also found, “Crash data are also missing too often. Also, there is information available from police reports currently not represented on MCMIS that could be helpful in understanding the contributing factors in a crash. Such information could help to validate the assumptions linking violations to crash frequency. To address these issues, FMCSA should support the states in collecting more complete crash data, and in universal adoption of the Model Minimum Uniform Crash Criteria (MMUCC), as well as developing and supplying the code needed to automatically extract the data needed for the MCMIS crash file.”³ While FMCSA has submitted a Corrective Action Plan to Congress, none of the NAS recommendations have been implemented yet.

FMCSA should not rely on MCMIS data to begin configuring Beyond Compliance until the agency has fully addressed the NAS recommendations. Furthermore, FMCSA must also make improvements to CSA before carrying out any Beyond Compliance provisions such as incorporating a methodology into the CSA program or establishing a safety Behavior Analysis and Safety Improvement Category (BASIC).

The Beyond Compliance program should be designed to reduce crashes and reward motor carriers that achieve those results or maintain a record of no crashes - that’s how “significant safety improvements” should be defined. Advanced safety equipment and fleet safety management technologies do not automatically result in improved safety performance. In 2016, NHTSA released a study to analyze the performance of collision avoidance systems (CAS), including automatic emergency braking, impact alerts, following distance alerts, forward collision warning alerts, stationary object alerts, and lane departure warnings. Through the one-year study, NHTSA collected 85,000 hours of driving and 885,000 CAS activations for 169 drivers operating 150 Class 8 trucks from seven different carriers. It was found that 75 percent of the CAS activations were in response to a valid vehicle or object in the path of the truck, but at the time of the activation a crash-avoidance maneuver was not necessary, while 11 percent of the

¹ *Carrier Safety Measurement System Methodology, Version 3.0, Revised December 2012*, FMCSA pg. 1-1.

² The National Academies of Sciences, Engineering, and Medicine. 2017. *Improving Motor Carrier Safety Measurement*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/24818>, page Sum-4.

³ *Ibid.*

alerts were false, which effectively equates to 758,062 alerts which were not necessary or did not improve safety.⁴

Certainly, there have been instances where trucks equipped with various technologies such as collision warning systems, electronic logging devices, speed limiters, or automatic braking systems have still crashed. In our opinion, nothing promotes safety more than a well-trained driver. Installing technology should not be a substitute for comprehensive driver training. OOIDA has concerns that Beyond Compliance will encourage some carriers to invest more in technology devices rather than training programs. All technology systems have limitations in their capabilities. For example, technology cannot typically detect what is happening beyond the immediate surroundings of the vehicle. A well-trained driver monitors much farther beyond the vehicles next to them to avoid dangerous situations. Beyond Compliance should reward carriers that prioritize robust driver training programs.

OOIDA strongly recommends that driver experience and driver tenure at a motor carrier be considered as part of the Beyond Compliance methodology. The longer a driver has a CDL and operates in the industry, the safer they are likely to be. According to the OOIDA Foundation's 2014 Owner-Operator Member Profile Survey, owner-operators with 30 plus years' worth of experience had a crash rate of 0.18 per million vehicle miles traveled (MVMT), compared with 0.40 crashes per MVMT for those with 1 to 15 years of experience and 1.47 crashes per MVMT for the overall trucking industry.⁵ A study conducted by professors from the University of Maryland Business School and the Howard University School of Business and Public Administration analyzed data from compliance and safety reviews of carriers and found that new entrants with approximately three or fewer years of experience had significantly higher crash rates and lower rates of complying with the Federal Motor Carrier Safety Regulations than did more experienced carriers.⁶ Rewarding skilled, safety-focused drivers should be a core focus for FMCSA.

OOIDA encourages FMCSA to gather more information related to driver compensation and driver retention rates as part of Beyond Compliance. The NAS review stated information on turnover rate could be very predictive of a company's treatment of its employees, which could be related to safety operations. In addition, a low turnover rate likely indicates that carriers employ drivers with longer tenures and hence greater experience. The report also mentioned that, "It is known that drivers who are better compensated, and those not compensated as a function of miles traveled, have fewer crashes."⁷ If Beyond Compliance is about improving safety

⁴ VTTI, Field Study of Heavy-Vehicle Crash Avoidance Systems Final Report, NHTSA (2016).

⁵ *Owner-Operator Member Profile Survey 2014*, OOIDA Foundation (2014).

⁶ Thomas M Corsi and Philip Fanara, Jr., "Deregulation, New Entrants, and the Safety Learning Curve," *Journal of the Transportation Research Forum*, Vol. XXIX, No. 1, 1988, pg. 3-8.

⁷ The National Academies of Sciences, Engineering, and Medicine. 2017. *Improving Motor Carrier Safety Measurement*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/24818>, page Sum-5.

performance, then driver compensation and retention should be included as part of the program's approach.

FMCSA must implement recommendations from NAS regarding MCMIS data quality and other aspects of CSA before structuring the Beyond Compliance program. OOIDA also strongly opposes FMCSA rewarding motor carriers simply because they have the money and economies of scale to purchase new equipment. OOIDA believes Beyond Compliance should include practices that actually improve safety, such as training, retention, and accident-free miles driven.

Thank you,

A handwritten signature in cursive script, appearing to read "Todd Spencer".

Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.