

Docket Management Facility
U.S. Department of Transportation
400 Seventh Street, SW
Nassif Building
Room PL-401
Washington, DC 20590

Re: Department of Transportation
Federal Motor Carrier Safety Administration
DOT DMS Docket No. FMCSA-2004-18898 and FMCSA-1998-3639
Comprehensive Safety Analysis 2010 Initiative

Thank you for the opportunity to comment on the Federal Motor Carrier Safety Administration's efforts to improve monitoring procedures, make the agency's processes more efficient and expand its enforcement and compliance reach in the regulated community. As the lead agency in the Motor Carrier Safety Assistance Program within Massachusetts, the State Police value the partnership between our two organizations. We would like to congratulate you on holding the six listening sessions and affording your State partners the chance to comment on this very important issue.

Massachusetts is one of the few jurisdictions that do not have the legal authority to perform compliance reviews on either inter or intrastate motor carriers. We will continue to seek this authority to meet our shared goal of significantly reducing crashes, fatalities, and injuries involving large trucks and buses.

It has been proven that for an organization to grow and thereby increase its effectiveness it must welcome change. During this process of change an organization must look back to its Mission Statement and the foundation on which it was built. The MCSAP program was created as an incentive to the States to place additional resources on commercial vehicle safety. The Federal Highway Administration, Office of Motor Carriers provided these resources to state governments to enhance roadside enforcement programs. Each state looked within its own political structure and provided a lead agency to manage the program. In Massachusetts, and numerous other states, the lead agency was the State Police or Highway Patrol. These law enforcement agencies had no trouble adopting and enforcing the Federal Motor Carrier Safety Regulations as these regulations mirrored the missions of the chosen agencies. However, these same regulations are now incorporating economic regulations (i.e. 49 CFR 392.9a). We are finding it extremely difficult to get our legislators to accept that economic regulation is also safety regulation. We have a sense from reading the agenda of the Plenary Session that the proposed topics will result in further confusion at the state level. We agree with your statement that the "FMCSA determines, to a limited extent, the compliance and safety of commercial motor vehicle (CMV) drivers..." We also agree that there must be an added emphasis on the problem driver and motor carrier personnel that have shown a history of non-compliance. However, your agency should shoulder this burden alone. There has been added emphasis on cooperation between FHWA, FMCSA and NHSTA. We believe that all of the combined resources should be used to address this issue, as it would provide further evidence at the state level that these are universally shared problems. To realize the potential of this program will take an initial investment in the national and statewide information systems and programs, (CVISN, PRISM, CVARS) and the cooperation of multiple agencies. We suggest that the state partners must first be asked if it is possible to accomplish a task, and if so, how best to manage new programs. You state partners would also "like

its safety oversight process to reflect a proactive, research-based, legally supportable, comprehensive approach to improving commercial vehicle safety..."

Crash rates are the best evidence of compliance. We believe that this should remain the measure of success and the focus of FMCSA. The most dramatic impact on crash reduction was the roadside inspection program. It should be maintained if not increased from current levels. FMCSA should make available to the public the safety evaluations of motor carriers. It should be released through a predetermined state agency, as all politics is local. Further State self-assessments should be performed, similar to what was done in Massachusetts and West Virginia. Both of these studies showed a nexus of past performance as a predictor of crash involvement. This information should also be made public to allow state licensing agencies to amend their laws and procedures. Comparisons should be made between passenger car crashes and commercial vehicle crashes in the same geographical area. This will emphasize the real issues of over congestion and overburdened highways and underscore the need for a cooperative effort from all the federal and intrastate modal agencies. .

From the enforcement side, a comprehensive traffic enforcement training program would get more police officers involved in the safety and security aspect of commercial vehicles. There is an untapped resource of close to 800,000 police officers in the U.S. Increased emphasis on traffic enforcement will have an additional effect of populating violation databases and provide a more complete picture of driver issues. Out-of-Service orders remain the most effective means of enforcement. It is a tool that should be used earlier in the process, last longer, and shared in a more effective manner with you state partners.

We look forward to the increased emphasis on problem carriers, drivers and officials and the continuing relationship we share with the FMCSA.

Paul D. Sullivan
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