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U.S. DEPARTMENT OF TRANSPORTATION

BEFORE THE GOVERNMENT ACTIVITIES AND TRANSPORTATION
SUBCOMMITTEE OF THE HOUSE GOVERNMENT OPERATIONS COMMITTEE

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Madam Chairwoman, Members of the Committee.

The Department of Transportation (DOT) is pleased to appear before this Subcommittee today to discuss policies, procedures, and activities utilized by the Federal Highway Administration in the conduct of the Federal Motor Carrier Safety Program. As you know, this program is intended to improve public safety through the reduction of commercial vehicle involvement in highway collisions, and the avoidance of unintentional release of hazardous materials, wastes, and substances during highway transportation.

Policies

The policies governing this program are basically established in the statutes that govern the scope, intent, and mechanisms available to program managers. The statutes that govern the Motor Carrier Safety Program include the Interstate Commerce Act, the Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, and the Motor Carrier Act of 1980. These statutes indicate that Congress contemplated a safety regulatory control program which establishes minimum standards, uniformly administered, with as little interference with the rights and choices of management, labor, and the public as is consistent with good public policy.

The minimum standards governing commercial vehicle driver qualifications, hours of service, standards of equipment, and safety of operations are contained in the Federal Motor Carrier Safety Regulations (49 C.F.R. 390-397). These standards are administered through a program of unannounced roadside checks and field investigations.

In our enforcement activities, we consider the sanctions to be remedial, not punitive, and are more interested in influencing carriers' safety practices than in collecting fines for infractions. Further, it is our policy to use fines and penalties where we find patterns of serious violations, rather than for isolated and unintentional violations.

Procedures

The procedures used in the Federal Motor Carrier Safety Program are contained in the Motor Carrier Safety Training Text. These written procedures are designed to assure uniform handling of inspections, audits, and investigations by our decentralized field staff. This Training Text is issued to all field staff members, used in their initial training, retained by them, and supplemented from time to time with new, revised, or modified procedures and material. The procedures contained in the Training Text constitute the "approved" procedures for the conduct of Bureau of Motor Carrier Safety work items. We believe uniformity in the conduct of our activities is necessary to the fair and equitable treatment of persons and firms subject to the regulations.

Activities

The principal field work activities in the Federal Motor Carrier Safety Program are safety management audits, roadside driver and vehicle compliance examinations, investigations of alleged violations generated either by our own activities or by complaints, and technical and financial assistance to State enforcement agencies.

With a field staff of under 150 professional positions, we annually conduct some 3,500 safety management audits, 30,000 vehicle inspections, and 1,500 investigations. In the period January 1, 1984, through June 20, 1984, we received and processed some 850 complaints. Of this number, some 50 were outside of our jurisdiction and thus closed without investigation. The remaining 800 resulted in a report recommending enforcement action, or closed out due to lack of merit, lack of evidence, or remedial action by the offender.

In order to ensure that equal standards are applied to all motor carriers, a procedure for determining a motor carrier's safety rating has been established. The procedure takes into consideration the following factors:

1. Violations discovered during safety management and roadside driver/vehicle compliance audit reviews.
2. Carrier's improvement or lack of improvement.
3. Federal violation involving falsification or failure to submit required safety records.

4. Carrier's accident record.
5. Violation of State safety-related regulation.
6. Recommendation of the field staff.

Based on the consideration of the above factors, carriers are assigned one of the following ratings:

Satisfactory

Unsatisfactory

Conditional

Quality Control

Each work activity produces a written document which is used for record purposes in accounting for work hours, in progressing activities to a conclusion, for statistical analysis, for documentation in safety fitness ratings, and for evidence in enforcement casework. These documents are produced by Safety Investigators pursuant to the procedures in the Training Text, and under the policies established by statute and by the agency, on forms or in a format designed to assure uniformity and auditability.

Quality control takes place at several levels. First, all work products are reviewed and approved by the Officer-In-Charge in each State, then reviewed by regional specialists on at least a sampling basis, and at Headquarters before the data in the documents are entered into the Motor Carrier Safety Management Information System and safety ratings are established.

Additionally, regional officials conduct State-level office reviews of practices and procedures on an intermittent basis, and Headquarters staff can and occasionally does conduct Regional Office reviews.

If we have reason to believe that any person associated with the program is being dishonest, all such information, allegations, or claims are forwarded to the Office of the Inspector General for independent investigation.

While we do not claim perfection, we do believe we have policies, procedures, and practices which collectively constitute a systematic way of doing business, and which contain adequate elements of program review and quality control. We do appreciate the opportunity to briefly outline our overall program and will be pleased to answer any questions that you may have or provide material for the record.

Thank you.