November 29, 2023

U.S. Department of Transportation
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Washington, DC 20590.
Submitted via Federal eRulemaking Portal at https://www.regulations.gov

Joint Comments from the
Institute for Safer Trucking, Road Safe America, and The Safe Operating Speed Alliance
on Safety Fitness Determinations
Docket No. FMCSA-2022-0003

The Institute for Safer Trucking (IST), Road Safe America (RSA), and the Safe Operating Speed Alliance (SOSA), non-profit organizations committed to educating the public about sensible safety solutions and fostering collaboration between truck safety stakeholders, submit the following comments in response to the Federal Motor Carrier Safety Administration's (FMCSA) proposal to modify the current three-tier safety motor carrier fitness rating structure. Our organizations support changes to the Safety Fitness Determinations (SFDs) and believe that the proposed system must be reformed to include relevant and current safety performance data and should be expanded to a four-tier system, with a new category called "satisfactory plus."

The New Safety Fitness Determinations Must Rely on Current Safety Performance Data

Updating the safety fitness rating is pointless unless the Agency makes meaningful efforts to incorporate current safety performance data. The current system relies on information that can be dated, which does little to help determine if a motor carrier is safe to operate and/or hire when it is being accessed for a selection decision. This means that a motor carrier with a good safety record in the past may be able to maintain a satisfactory rating, even if their safety performance has worsened in the near term.

Recommendations for FMCSA to Obtain More "Current Safety Performance Data"

Use Safety Performance Data from the Safety Measurement System

One quick and easy way that the FMCSA can obtain more current safety performance data is by using Safety Measurement System (SMS) methodology to issue safety fitness determinations. The SMS is a data-driven system that uses crash and inspection-based data to assess a motor carrier's safety performance. Using existing safety data would allow ratings to be more current and accurate than the current system, and it would allow FMCSA to identify motor carriers with worsening safety performance more quickly.

Develop a more dynamic risk assessment model.

FMCSA's current SFD process is based on a static risk assessment model that does not consider changes in a motor carrier's safety performance over time. FMCSA should explore developing a

more dynamic risk assessment model that can identify motor carriers that are experiencing a sudden decline in safety performance or that have new safety concerns. Information such as out-of-service rates for vehicles and drivers, crashes (fatality, injury, and property damage), and violations, especially those related to high-risk behavior, would provide greater visibility into a carrier and its ability to operate safely.

Use machine learning and artificial intelligence (AI).

Machine learning and AI can be used to analyze large amounts of data to identify patterns and trends that may not be obvious to human analysts. FMCSA should explore ways to use machine learning and AI to improve the accuracy and efficiency of the SFD process.

Recognize Carriers that Go Beyond Compliance with a Fourth Category: "Satisfactory Plus"

The "satisfactory plus" category would be used to recognize motor carriers meeting the "satisfactory" criteria who have implemented policies, practices, and procedures along with proven safety technology to reduce the operating risk and improve the safety of their operations. This recognition provided by this fourth category would allow the public and businesses a tool for choosing carriers who are taking steps to be safer than their peers and go beyond basic compliance.   This publicly visible recognition would help provide an incentive for motor carriers to reach beyond the minimum requirements outlined in the regulations currently to further improve safety It would also help the Agency better allocate their resources and focus on the motor carriers that present a higher risk of being involved in a crash as they are committed to only meeting the baseline compliance standards and they would not qualify for this category but are not yet so unsafe to be determined unfit.

Below are some suggested policies, practices, and technologies that the Agency should consider if they decide to create a fourth category. Please note that this list is not exhaustive and that any policy, practice, or technology that we did not list, but would improve safety, should also be considered. Many of these have been identified in public discussions held during MCSAC meetings on the topic.

Proven safety technologies:

- Intelligent speed assistance
- Top-end speed limiters
- Lane departure warning
- Blind spot detection and side cameras
- Tire pressure monitoring system
- Indirect vision supplements
- Dual facing cameras with AI
- Automatic Emergency Braking (until officially mandated)

Suggested policies and practices to consider:

- Having a comprehensive safety management plan in place
- Including initial screening and hiring criteria

- Providing Initial and ongoing regular, robust safety training to drivers
- Using telematics to actively coach drivers on their behavior and safe driving
- Having a proactive maintenance program in place

Answers to Questions

Should FMCSA retain the current three-tiered rating system of Satisfactory, Unsatisfactory and Conditional?

No. IST, SOSA, and RSA believe that the current three-tiered system is not adequate to accurately reflect a motor carrier's safety performance. The system is also not effective in incentivizing motor carriers to improve safety. The system should include performance data and allow for beyond compliance recognition.

How will states be affected if the agency changes the safety fitness determination?

States will likely be affected in a positive way if FMCSA changes the safety fitness determination to a four-tier system with a "satisfactory plus" category. This new category would provide states with an additional tool to identify and reward motor carriers with good safety records.

The current safety fitness determination does not use all available safety data, such as all inspection-based data. Should the SMS methodology be used to issue determinations in a manner similar to what was proposed in the 2016 NPRM?

Yes. IST, RSA, and SOSA believe that FMCSA should use the SMS methodology to issue safety fitness determinations. The SMS would provide for a more current and accurate rating than the current system, and it would allow brokers and shippers to identify motor carriers with declining safety performance.

Given the importance of driver behavior in preventing crashes, how would you recommend the agency incorporate driver behavior data into the safety fitness determination?

FMCSA could incorporate driver behavior data into the safety fitness determination by using data from roadside inspections, driver qualification files, and crash reports. For example, FMCSA could incorporate driver citations for unsafe driving behaviors, such as speeding and texting while driving as well as operating a vehicle with a known defect.

Given that unsafe driving behaviors, such as speeding and texting while driving, are highly correlated with crash risk, should the safety fitness rating methodology give more weight to unsafe driving violations?

Yes. IST, RSA, and SOSA believes that the safety fitness rating methodology should give more weight to unsafe driving violations. This would send a clear message to motor carriers that they need

to take steps to prevent unsafe driving behaviors and give better insight to shippers and brokers on who they are contracting with.

Conclusion

IST, RSA, and SOSA appreciates the opportunity to comment on FMCSA's proposal to modify the safety fitness determination system. We believe that the proposed changes will make the system more accurate and effective and will help to improve the safety of the trucking industry.