



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

June 10, 2024

Sue Lawless
Acting Deputy Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

Dear Acting Deputy Administrator Lawless,

The Commercial Vehicle Safety Alliance (CVSA) has strongly supported efforts to explore the creation of a Beyond Compliance program within the Federal Motor Carrier Safety Administration (FMCSA) to recognize motor carriers for practices that improve safety performance and to help better distinguish between motor carriers who are merely compliant with the Federal Motor Carrier Safety Regulations and those who take additional steps beyond the minimum regulatory requirements and embrace performance-based safety culture.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

Given the Alliance's long-standing support for the Beyond Compliance concept, CVSA formed a working group within its Class III Associate (industry) Members in April 2023. The group has been exploring and discussing how a Beyond Compliance program could be structured and operate. In October 2023, at the request of the Class III Associate Member Beyond Compliance working group, the Alliance sent a letter (Attachment A) to then FMCSA Administrator Robin Hutcherson, reaffirming CVSA's support for the creation of such a program and encouraging the agency to prioritize work on the concept. As a follow up to that letter and in an effort to assist FMCSA on this issue, the working group has continued its efforts to explore a Beyond Compliance program structure.

Last fall, the working group conducted three separate, two-hour virtual meetings with CVSA Class III Associate Members to solicit industry feedback on what types of solutions, whether technological or programmatic, could be included in a Beyond Compliance program, as well as what sorts of benefits and incentives for these solutions

would appeal to motor carriers. Preparation for these meetings included significant research on prior work done by FMCSA, the American Trucking Associations' American Transportation Research Institute, the National Academy of Sciences, Engineering and Medicine's Transportation Research Board, and FMCSA's Motor Carrier Safety Advisory Committee.

Based on the feedback from those meetings, CVSA sent a 46-question survey to its Class III Associate Members in March of this year. The survey asked for feedback on what types of solutions (technological or programmatic) should be included in the program; the entrance criteria; benchmarks for a motor carrier to be eligible and remain in the program; the governance, oversight and monitoring processes; a motor carrier removal process; and what incentives/benefits motor carriers should receive for participation.

Using the information gathered from research, the virtual meetings and the survey, the working group developed recommendations outlining how a Beyond Compliance pilot program could be structured and implemented. A pilot program framework was presented to the CVSA Class III Associate Members for discussion and feedback at the 2024 CVSA Workshop in April. The proposal was then presented to and approved by the CVSA Policy and Regulatory Affairs Committee and, finally, the CVSA Board of Directors.

CVSA urges FMCSA to fund the development and implementation of a pilot program, using CVSA's Beyond Compliance Pilot Program Framework (below), to test and evaluate potential program structures and elements, and to conduct a third-party independent evaluation of the program. It should be noted that the CVSA Beyond Compliance Pilot Program Framework is intended to help facilitate further FMCSA discussions, internally and with external stakeholders, and there may be solutions, incentives or processes in the proposal that FMCSA determines should not, ultimately, be included in a Beyond Compliance program.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our roadways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance



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CVSA Beyond Compliance Pilot Program Framework

CVSA has strongly supported efforts to explore the creation of a Beyond Compliance program within the Federal Motor Carrier Safety Administration (FMCSA) to recognize motor carriers for practices that improve safety performance and to help better distinguish between motor carriers who are merely compliant with the Federal Motor Carrier Safety Regulations and those who take additional steps beyond the minimum regulatory requirements and embrace performance-based safety culture. CVSA encourages FMCSA to fund the development and implementation of a pilot program, using this Beyond Compliance Pilot Program Framework*, to test and evaluate potential program structures and concepts and to conduct a third-party independent evaluation of the program.

** NOTE: This proposed framework is intended to serve as a draft set of recommendations that should be reviewed and refined by the third-party managed stakeholder governance body once the work effort has been launched.*

How Does a Motor Carrier Qualify?

- Interested motor carriers submit an application that includes their planned Beyond Compliance scope and the safety/risk focus areas being addressed by their selected solution(s).
 - The application and the proposed solution(s) would be reviewed by a stakeholder governance body managed by a third party.
- Motor carrier applications are evaluated and assigned one of two categories:
 - Tier 1: Motor carrier meets the qualification threshold standards set by the program and are eligible for incentives immediately**.
 - Tier 2: Motor carrier does not meet the threshold standards and can enroll but will not be eligible for incentives for one year and would need to document safety improvements**.
 - Both categories of carriers must maintain or improve their performance level to continue to receive any incentives.

***NOTE: During the Pilot Program period, any incentive benefits will be simulated in a sandbox/test environment, with no real-world impacts.*

- Potential motor carrier qualification standards could include:
 - “Satisfactory” or “Unrated” FMCSA Safety Rating
 - No more than one CSA BASIC in Alert Status (cannot be the Crash BASIC)
 - Steady or declining DOT recordable crash rates per million miles (0.75 DOT recordable accident rate)
 - Vehicle and driver out-of-service rates of not higher than 80% of the current national averages
 - Active membership in safety related groups or associations

How Does a Beyond Compliance Solution Qualify?

- Solutions wishing to be included in the program would submit an application, which would include information/data demonstrating the safety impacts of the solution.
 - Eligible applicants include government, private industry, NGOs and/or research institutions.
 - The applications would be reviewed by a stakeholder governance body managed by a third party.
 - Approved solution categories/types would be made public.
 - Previously approved solutions could be removed from the ‘approved’ list, if appropriate.

How Do Motor Carriers and Beyond Compliance Solutions Remain in the Program?

- Motor Carriers
 - Tier 1 and Tier 2 motor carriers who are admitted to the pilot program must maintain certain benchmarks to remain in the program, including minimum crash rates, OOS rates, CSA scores, Safety Rating, etc.
 - FMCSA, with input from industry stakeholders, would determine the minimum thresholds to remain in the program.
 - Motor carriers who are removed from the program (Tier 3) would be provided the opportunity to submit a corrective action plan with a specified time frame and conditions to be reinstated in program.
- Beyond Compliance Solutions
 - Solutions that have qualified for the Beyond Compliance pilot program would be periodically evaluated by the stakeholder governance body managed by a third party based on performance data and research efforts to determine efficacy.

Potential Motor Carrier Incentive Options***

****NOTE: Several of these incentives are market-based and are envisioned to be potential likely outcomes should a Beyond Compliance program become permanent. The pilot program would explore these options and assess/validate their feasibility. Inclusion in the pilot program framework should not be construed as endorsement from CVSA for a particular incentive.*

- Remove CSA scores from public view (labeled as Beyond Compliance motor carrier)
- Credits to CSA/SMS scores
- ISS score reductions (labeled as Beyond Compliance motor carrier)
- Reduction in investigations (eliminate Passenger Carrier Compliance Review mandate)
- CSA education and training/no harm audits
- Public recognition and credential as a Beyond Compliance motor carrier
- Insurance discounts (or multi-year contracts)
- Tax credits – Reduced Fees
- Special discounts from suppliers on safety solutions that are approved as Beyond Compliance safety solutions
- Approved motor carrier and favorable contract terms for customers (industry will likely enact this incentive as a standard business practice)

What are the Next Steps to Establishing the Beyond Compliance Pilot Program?

1. Establish Governance Group
 - Develop project management plan, including coordination between FMCSA and stakeholders
 - Define third-party governance group, including its membership, (industry, enforcement and federal representatives) roles/responsibilities and how it would function
 - Solicit recommendations for participants

2. Establish Work Plan
 - Governance group would:
 - Review framework and begin structuring pilot program
 - Develop and approve the framework for the Beyond Compliance pilot program
 - Develop and approve pilot program design and evaluation approach (*it is recommended that the evaluation be conducted by an independent third-party entity with subject matter expertise (i.e. VTTI)*)
 - The evaluation should gather data and assess the potential elements of the Beyond Compliance pilot program
 - Develop recommendations on options to operationalize the program and roles and responsibilities of government and industry if a permanent program were to be established
 - Recruit carrier participants and solution providers
 - Goal: launch the pilot program in 2025