

Report of Subcommittee Chair to Full Committee, January 11, 2015

Alternative Compliance

Subcommittee ANB70, ANB30

Overview

- Subcommittee and Related Actions to Date
- FAST Act Mandate on Alternative Compliance
- Likely next Steps
- Ongoing Need for Subcommittee?

Subcommittee Actions to Date

- Subcommittee formed following publication of TRB Synthesis on “Alternative Compliance”
 - Purpose to continue monitoring international approaches to voluntary compliance and best practices activities and to promote further research on the potential effectiveness of best practice approaches on commercial vehicle safety improvements
- Over the years, subcommittee has organized forums and continued to promote research
- A “White Paper”, updating the synthesis report and outlining potential future pilot project, approved by Full Committee in 2013

Subcommittee and Related Actions To Date

- Subcommittee, working with ATRI and CVSA, encouraged FMCSA to develop a pilot program relating to Alternative Compliance
- CVSA submitted letter request to FMCSA to conduct a pilot program
- FMCSA representatives came to Subcommittee last year to discuss outreach effort for input on approaches to Alternative Compliance
- FMCSA took two actions last year relating to CVSA letter
 - Published a request for information and received comments
 - Received report of Motor Carrier Safety Advisory Committee on the concept and approaches to Alternative Compliance

FAST Act Provisions

- FAST Act (Section 5222) included a mandate to FMCSA to allow recognition for motor carriers that install advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies and programs and other standards through credits or improved safety scores.
- FMCSA must develop a process for identifying and reviewing these elements and develop technical and other performance standards
- FMCSA must also provide for monitoring of performance by carriers that receive recognition
- The Agency is also required to report on the effectiveness of the program
- The program authorized by the FAST Act is now being defined as "***Beyond Compliance***".

Likely Next Steps

- FMCSA has scheduled two listening sessions for input (January 12 in Kentucky and January 28 in Atlanta)
- FMCSA is likely to seek out and investigate how strong performing carriers have applied technologies and best safety practices and the impacts of these practices on safety performance
- The results of this investigation effort and the input from the planned public information sessions will likely shape the nature of the practices and technology applications that will qualify carriers for recognition

Ongoing Need for Subcommittee?

- One of the key subcommittee goals – a pilot program, and research on the effectiveness of Alternative Compliance, -- has been achieved, and in a sense surpassed
- FMCSA investigation of appropriate qualifying practices could likely include examination of other international efforts, as the Subcommittee has done over time
- Given that the Subcommittee's effort has been to promote research, and its role is not advocacy, the question is whether the subcommittee might be put on hold for a period of time to allow for the initiation of the program
 - At a later date, the Committee could seek out the results of program implementation and its impact on commercial vehicle safety performance

Discussion

- Questions, comments?
- Should the Subcommittee continue or “be put in idle mode” or be sun-setted?
- Notice of Public Listening Session
 - <https://www.federalregister.gov/articles/2015/12/24/2015-32358/potential-benefits-and-feasibility-of-voluntary-compliance-public-listening-sessions>