



## **Executive Branch Reorganization – E.O. 13781**

**Department/Agency:** U.S. Department of Transportation, Federal Motor Carrier Safety Administration

**Action:** Reform

**Proposal:**

Direct the Federal Motor Carrier Safety Administration to procure additional resources to conduct motor carrier inspection activities, and thus enhance safety by improving the quality of data used to prioritize enforcement activities.

**Background**

Oversight of the motor carrier industry and enforcement of the federal motor carrier safety regulations (FMCSRs) is based on conducting inspections. Due to the size of the industry, the Federal Motor Carrier Safety Administration (FMCSA) partners with state law enforcement officials, through the Motor Carrier Safety Assistance grant program, whereby states essentially adopt the FMCSRs as state law to enable both Federal and state personnel to conduct motor carrier inspection activities. Unfortunately, even with this partnership, the enforcement community's resources are strained to fully meet inspection activity demands. This can lead to safety concerns and economic drawbacks for the motor carrier industry. To address this challenge, FMCSA should consider procuring additional resources to assist with inspection activities, similar to state enforcement agencies who contract with third-parties for oversight activities to supplement their limited resources. However, to date, FMCSA has viewed the responsibility of conducting inspections as inherently governmental, and refrains from considering the procurement of third party inspectors to assist in executing its mission.

Inspection data forms the basis of FMCSA's Compliance Safety Accountability program. Under this program inspection data, along with other data, is integrated through an algorithm-based Safety Measurement System, enabling FMCSA to prioritize motor carriers for enforcement actions. Since its inception, however, the SMS has faced a number of criticisms, including concern that the data it relies upon is incomplete. Due to resource limitations, FMCSA is not able to inspect all motor carriers, and certainly not on a timely basis. This, in turn, leads to gaps in the SMS data and skews the results, defaulting in some carriers operating "under the radar" or avoiding oversight and other carriers receiving unwarranted attention, which unduly interferes with business operations. This is particularly the case with the private bus and motorcoach industry.

The idea of using third-parties to conduct inspections is not novel, particularly in the bus and motorcoach industry. Currently, there are school districts and even the National Collegiate

Athletic Association, who require third-party inspections as a contract condition when seeking to hire motorcoach carriers.

The concept of third-party inspectors is clearly a practice acceptable to the public, and as illustrated, runs counter to FMCSA's view that inspections are inherently governmental functions. Further, by expanding its resources, through the use and deployment of third-party inspectors, FMCSA could improve SMS data, better target its enforcement activities toward risky carriers, and in the end improve roadway safety as well as reduce interference in compliant business activities.