

1 The Fixing America’s Surface Transportation Act, passed in late 2015, included [Section 5222](#) which
2 required The Federal Motor Carrier Safety Administration (FMCSA) to establish a program — Beyond
3 Compliance — to provide motor carriers “credit” on their Compliance, Safety, Accountability (CSA)
4 scores for adopting tools, technologies, and programs that exceed minimum regulatory compliance and
5 improve safety. Since, the Agency has published several notices, available [here](#) and [here](#), requesting
6 input from the public on which tools, technologies, and programs should be included and how CSA
7 should reflect adoption of them. The Agency also held several public listening sessions in 2016 to gather
8 additional feedback.

9 Many carriers view compliance with the Federal Motor Carrier Safety Regulations (FMCSR) as the
10 primary path to reducing or eliminating crashes. While enforcing minimum compliance is an effective
11 safety strategy it’s simply not enough as evidenced by consistently rising fatalities in large truck crashes.
12 Since the FMCSR were written (in some cases more than 80 years ago) our collective understanding of
13 CMV safety has accelerated and innovative programs and technologies have emerged to fill the gap. We
14 have seen in some cases industry adoption rates are slower than expected, as carriers focus on the
15 demanding marketplace and the imperative of bringing goods to market.

16 The current model of safety from the government perspective is based primarily on compliance,
17 enforcement, and crash data, which are statistically lower frequency events. With Beyond Compliance,
18 we have an opportunity to recognize carriers for safe practices when the government is not engaged in
19 direct oversight or investigation, thereby creating opportunities for behavioral change that will improve
20 motor carrier safety culture and ultimately, overall safety results. To move the needle on safety, many
21 carriers have been adopting new technologies and programs, but more must be done to encourage
22 carriers to exceed the regulatory minimums. Establishing a credible Beyond Compliance program will
23 improve safety while providing the industry’s safety leaders the acknowledgement they deserve. More
24 importantly, it will encourage carrier-based and self-motivated continuous improvements.

25 CVSA strongly supports efforts by FMCSA and the States to conduct compliance and enforcement
26 activities, but with ongoing challenges in staffing, and an ever-growing industry, we believe the Beyond
27 Compliance Program should be a higher priority for FMCSA and aligns with DOT’s National Roadway
28 Safety Strategy. Meaningful incentives to accelerate safety is a valuable tool to engage with the motor
29 carrier population and can allow federal and state oversight to focus their limited resources on the high-
30 risk motor carriers.

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32 It is our understanding that FMCSA’s Beyond Compliance research was completed in late 2021, and the
33 report is under review for publication. We also are not aware of the status of FMCSA’s report to
34 Congress that was required under the FAST Act. We believe with all the previous work that has been
35 done through public engagement, studies, and research it is time to move this initiative forward to make
36 it a core program for FMCSA.

37 As FMCSA considers further actions on Beyond Compliance, we strongly suggest that all motor carriers
38 are provided with opportunities under this program. While many fleets have resources to make
39 significant investments in safety technologies and other solutions, many carriers are small operators and
40 don’t always have the resources. Therefore, consideration needs to be given to providing avenues for
41 small carriers to become involved. Additionally, many carriers already are safe operators, and can
42 benefit from receiving acknowledgement of this fact by FMCSA as it can positively impact their current
43 business opportunities and future growth.

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45 Thank you for your consideration of this request. Enhancing safety requires a partnership between
46 government and industry. CVSA stands ready to work with FMCSA and the industry to assist
47 implementing this program.

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