



UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

DOCKET NO. FMCSA 2013-0457

COMMENTS OF THE AMERICAN BUS ASSOCIATION

MOTOR CARRIER MANAGEMENT INFORMATION SYSTEM (MCMIS) CHANGES TO
IMPROVE UNIFORMITY

IN TREATMENT OF INSPECTION VIOLATION DATA

DECEMBER 23, 2013

The American Bus Association appreciates the opportunity to comment on the Federal Motor Carrier Safety Administration's (hereinafter "FMCSA" or "the Agency") request for comments on the Notice of changes to the Motor Carrier Management Information System ("MCMIS") to allow the system to accept adjudication information concerning citations associated with a violation that was dismissed or resulted in a finding of not guilty; resulted in a conviction of a different or lesser charge; or resulted in a conviction of the original charge. The changes to the Agency's MCMIS system were announced via a Federal Register Notice published at 78 Fed. Reg. 72146-72149 on December 2, 2013. The Agency seeks public comment on the changes and comments are due to the docket (FMCSA 2013-0457) by January 2, 2014.

The American Bus Association (hereinafter "ABA") is the premier private bus and motorcoach industry trade association in North America. The ABA is home to approximately 3800 member companies and organizations and over 859 bus operator member companies. ABA member motorcoach or Over-The-Road Buses (OTRB) members represent 65% of all OTRBs on the road. ABA members provide all manner of transportation services, including schedule service, charter and tour, commuter operations, and airport shuttle service. In addition, there are ABA members that provide every conceivable service to bus companies. Finally, ABA members include many tour, travel companies, convention and visitors' bureaus (CVBs) destinations and attractions.

ABA supports the FMCSA's efforts to ensure that the MCMIS system will accept adjudication information concerning citations associated with violations that were dismissed or resulted in findings of not guilty as well as those citations that result in some form of conviction.

The issue of adjudicated violations has been an issue and a concern for commercial motor vehicle drivers, companies and the ABA for some time. Simply put, the present system really forces drivers who have received citations to have them remain on the driver's record, even after the citation has been dismissed. Critically, these citations can affect a carrier's CSA score. Presently, MCMIS records only inspection and violation data from the initial inspection report and do not contain a data field that would allow any State to append the result of an adjudicated citation to the appropriate violation on the inspection report (78 Fed. Reg. at 72148).

Under the new proposal carriers and drivers would be able to request that information pertaining to adjudicated citations be included by submitting Requests for Data Review (RDR) through the Data Q system, the national motor carrier data correction system. Such requests may be filed by carriers, drivers and members of the public. The States will be required to document adjudication results and supplement the initial inspection report when an RDR containing appropriate documentation is submitted. The States will enter adjudication results into SafetyNet and those adjudications will be uploaded into MCMIS (78 Fed. Reg. 72148).

ABA agrees with FMCSA that the result of these changes will improve the quality of data in the MCMIS system (78 Fed. Reg. 72146). ABA also applauds this action as a very needed corrective to the data initially put into the MCMIS system on not a few occasions, data that can be misreported, misstated or just false and which can have a deleterious effect on safety records of drivers' and carriers alike.

However, while ABA agrees with the FMCSA's modifications with regard to the MCMIS system, ABA wishes to reiterate its strong objection to the roadside inspection of motorcoaches. The ABA believes that such inspections are dangerous to passengers, drivers and law enforcement personnel, are unnecessary and violative of the express wishes of Congress.

Respectfully submitted

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