



**U.S. Department  
of Transportation**

**Federal Motor Carrier  
Safety Administration**

**Office of the Administrator**

**1200 New Jersey Ave, SE  
Washington, DC 20590**

The Honorable Robert L. Sumwalt, III  
Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Chairman Sumwalt:

This letter is in response to the National Transportation Safety Board's (NTSB) November 5, 2020, letter issuing safety recommendation H-20-024 to the Federal Motor Carrier Safety Administration (FMCSA). The recommendation is based upon the NTSB's September 29, 2020, report regarding the stretch limousine run-off-the-road crash that occurred near Schoharie, New York, on October 6, 2018 (NTSB/HAR-20/03).

NTSB recommended that FMCSA provide guidance and best practices to States to enforce carrier compliance with State-issued out-of-service orders, based on available information on State efforts to prevent vehicles and drivers from continuing to operate without authority or after being cited for out-of-service violations.

FMCSA acknowledges the NTSB's concerns and discussed the recommended best practices for enforcing compliance with out-of-service orders with our State partners during the most recent Motor Carrier Safety Assistance Program (MCSAP) quarterly call on January 26, 2021. FMCSA also discussed the tools that are available to States (see below) and encouraged our State partners to reach out to us should they have any questions or concerns about the enforcement of out-of-service orders. The stretch limo crash and NTSB's safety recommendation serve as a tragic reminder of what can happen when a State fails to employ best practices.

In addition to the regular quarterly MCSAP calls, FMCSA will continue to provide States guidance to enforce carrier compliance with State-issued out-of-service orders through our roadside enforcement tools and the Compliance Safety Accountability (CSA) program. An FMCSA roadside enforcement tool, Query Central, is available to State commercial motor vehicle inspectors to verify whether a motor carrier has received a prior inspection that resulted in an out-of-service order, enabling them to identify and prevent vehicles and drivers from continuing to operate without correcting a previously issued out-of-service violation. A policy under FMCSA's MCSAP provides specific guidance to States for utilizing Query Central to conduct real-time safety checks during a roadside inspection.

CSA is a data driven program designed to measure motor carrier roadside performance, intervene using a risk-based approach, and evaluate safety and compliance for interstate and intrastate motor carriers. FMCSA has made this tool available to States for their own intrastate motor carrier enforcement. One of CSA's core components is the Safety Measurement System (SMS), which measures a motor carrier's roadside safety performance based on inspections, violations, and crashes. When an interstate or intrastate motor carrier's safety performance reaches an unacceptable threshold, that carrier is prioritized for an intervention, which may lead to other enforcement actions to incentivize motor carrier compliance. FMCSA maintains a monthly intervention list that is available to States for their own intrastate motor carrier enforcement.

Another FMCSA roadside enforcement tool, Inspection Selection System (ISS), is also available to State commercial motor vehicle inspectors to help identify and prioritize motor carriers with unacceptable SMS scores for inspection. The above-mentioned FMCSA policy under MCSAP again provides guidance to States for utilizing ISS for safety screening during roadside enforcement targeting.

FMCSA regularly shares guidance and tools to support our State partners' intrastate motor carrier compliance and enforcement efforts and continues to seek opportunities to enhance the support we provide. FMCSA values the State partnerships that make our joint mission to reduce commercial motor vehicle crashes, injuries, and fatalities on our nation's highways possible.

I hope this information helps address NTSB's safety recommendation. FMCSA requests that NTSB close safety recommendation H-20-024. If you require further assistance, please contact Amy Graydon, Director, Office of Policy, Plans, and Regulations, at (202) 366-9612 or via e-mail at [amy.graydon@dot.gov](mailto:amy.graydon@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Meera Joshi', with a stylized flourish at the end.

Meera Joshi  
Acting Administrator