

**NOMINATIONS OF ANNE FERRO  
AND CYNTHIA L. QUARTERMAN TO THE  
U.S. DEPARTMENT OF TRANSPORTATION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED ELEVENTH CONGRESS**

FIRST SESSION

SEPTEMBER 23, 2009

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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**NOMINATIONS OF ANNE FERRO  
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**WEDNESDAY, SEPTEMBER 23, 2009**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:35 p.m. in room SR-253, Russell Senate Office Building, Hon. Mark Pryor, presiding.

**OPENING STATEMENT OF HON. MARK PRYOR,  
U.S. SENATOR FROM ARIZONA**

Senator PRYOR. I'll go ahead and call this hearing to order, and I want to thank all of our people here in the audience for joining us today. We are going to have several Senators coming and going. Given the various activities of the Senate going on right now, they just couldn't be here at the very beginning. But, I anticipate we'll have more than a few come throughout the next hour or so.

This is a hearing on the nominations of Anne Ferro to be the Administrator of the Federal Motor Carrier Safety Administration and Cynthia Quarterman to be Administrator of the Pipeline and Hazardous Materials Safety Administration.

I want to welcome both of you to the Committee and tell you that we appreciate your interest in public service. You both have extensive backgrounds that appear to me, on the first reading at least, that you are bringing a lot to these two administrations, and we appreciate your willingness to do that.

I want to welcome Ms. Ferro, who's been nominated to be the Administrator of the Federal Motor Carrier Safety Administration—FMCSA—and Ms. Quarterman, who's been nominated to the Pipeline and Hazardous Materials Safety Administration.

We're here today to explore their qualifications, and to lead these two very important safety agencies at the Department of Transportation.

You both have varied experiences in the areas of jurisdiction covered by the agency, and I look forward to discussing these more with you and with my colleagues.

And, Ms. Ferro, the FMCSA has a broad portfolio, from driver qualifications to vehicle regulations to protection of consumers duped by unscrupulous household-good movers. Making sure this agency has the right laws and regulations on the books and the re-

sources to enforce these laws is a very important key to this agency's mission, and that would be safety.

There's a lot more that FMCSA can do to have an appreciable impact on the number of crashes, injuries, and fatalities caused by large trucks that continue to plague our highways. Clearly, the President has instilled his confidence in you to do just that. If you're confirmed, we look forward to working closely with you and help you and the FMCSA achieve its mission.

Ms. Quarterman, likewise—PHMSA—has extensive jurisdiction over the safety and pipelines and transportation of hazardous materials in all modes of transportation. The safety programs at PHMSA, like other safety programs at the Department of Transportation, should always be made better and more effective through the use of more accurate data and new technology developed through continued research. We also look forward to working with you.

With that, we have been joined by Senator Udall.

Do you have an opening statement?

Senator UDALL. I do not. I would love to hear the witnesses as soon as possible. And maybe Senator Lautenberg, who's just come in—maybe he has an opening statement that he could—

Senator PRYOR. Do you have an opening statement, or would you rather go to the witnesses?

Senator LAUTENBERG. I do.

Senator PRYOR. OK, go ahead.

Senator LAUTENBERG. My time?

Senator PRYOR. Yes, your—

**STATEMENT OF HON. FRANK R. LAUTENBERG,  
U.S. SENATOR FROM NEW JERSEY**

Senator LAUTENBERG.—a minute to just shape up here and I'm ready to go.

And I thank you, Mr. Chairman and my colleague from New Mexico, for their indulgence while we organize things.

Thank you both for being here.

The agencies that Ms. Ferro and Ms. Quarterman are nominated to lead fall under the jurisdiction of my subcommittee, and I thank Senator Pryor for hosting this meeting.

And the decisions that each of you would be making would affect the safety of our roads, our homes, schools, and businesses.

Ms. Ferro has been nominated to lead the Federal Motor Carrier Safety Administration—FMCSA—an agency in dire need of reform. And, given your ties, Ms. Ferro, to the trucking industry as—I think you know from our discussion—as head of the Maryland Motor Truck Association, I am concerned about your ability to take the bold action that we need to keep Americans safe.

Every year for the past decade, nearly 5,000 people died and 125,000 were injured in crashes with a large truck. That's nearly 14 people a day, or 14 families torn apart by horrible, and often avoidable, accidents. The FMCSA needs a leader who will work to reduce these crashes, injuries, and fatalities. Drivers and passengers should not have to fear sharing the roads with a large truck.

Last Congress, my subcommittee held hearings on the hours-of-service regulations put forward by the previous Administration. These regulations would increase the time that drivers can operate trucks without rest by 40 percent, increasing the risk of fatigue and putting impaired drivers behind the wheel of trucks weighing 80,000 pounds or more. These behemoths that you see on the highway are frightening enough just by their imposing size and weight, but when you have run the risk of a tired driver, that makes it certainly something to be aware of and careful of.

And even after being struck down twice in the Federal court, the previous administration went ahead and reissued virtually the same rules. And I hope Ms. Ferro recognizes the fatal flaws of the current hours-of-service rule and will commit to working with our Committee to create a better rule that puts safety first.

And even an improved hours-of-service rule will only work if the truckers follow it. Electronic onboard recorders, or EOBRs, should be used on every large truck to make sure we have accurate data on the amount of time that an operator has been driving. Yet, the FMCSA has failed to require these recorders on all trucks; instead, proposing a rule that would require only 930 out of 700,000 carriers to use them. We need the current Administration to mandate EOBRs on every large truck. And we need Ms. Ferro's support for this mandate.

Large trucks also carry extra wear and tear on our roads, tunnels, and bridges. And that's one reason we banned large trucks that weigh more than 80,000 pounds and are longer than 53 feet on the interstate highway system.

Now, I've introduced a bill to extend this ban to the larger national highway system, and will be looking to Ms. Ferro and the Administration to join me in moving this legislation forward.

Ms. Quarterman has been nominated to lead the Pipeline and Hazardous Materials Safety Administration. This agency has the critical task of ensuring the safety of the transportation of hazardous materials, whether by air, rail, highway, or water. One of this agency's specific duties stems from an incident in my home state. In 1994, a natural gas pipeline explosion in Edison killed a person, injured 100, and destroyed eight apartment buildings. We've fought to prevent an accident like that from happening again by requiring excess flow valves in single-family homes. And these valves can automatically shut off a ruptured line, prevent injury, protect property, and save lives.

In 2006, this mandate became law. Unfortunately, excess flow valves have still not been implemented. So, if Ms. Quarterman is confirmed, we need her leadership to get these valves into our homes, schools, and businesses.

And I look forward to a frank discussion, Mr. Chairman, with these nominees, about how they'll advance the safety priorities, if confirmed.

Senator PRYOR. Thank you.  
Senator Hutchison?

**STATEMENT OF HON. KAY BAILEY HUTCHISON,  
U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. Thank you, Mr. Chairman.

I will not add to what Senator Lautenberg has said so much, other than, the area of bus safety has been a particular concern of mine, and that would, of course, come under the Federal Motor Carrier Safety Administration. I am very concerned that we have not done some pretty simple things that Senator Brown and I have introduced legislation to require, and that is safety and driver qualifications of motor coaches. And in my home State of Texas, and in Senator Brown's home state, we have seen really amazing accidents that have killed people for just neglect, just not having the basic safety regulations, for instance, seatbelts, and having the requirement that there be a certain roof strength of a motor coach, because more people are killed being thrown out than when they can stay in their seats and have seatbelts. So, I hope that we will be able to move that legislation and that, when the regulation occurs, that the Federal Motor Carrier Safety Administration will promulgate sound regulations. And I will look forward to hearing your opinions, Ms. Ferro, on that.

And, Ms. Quarterman, I certainly have an interest in the Pipeline and Hazardous Materials Safety Administration, as well, because trains are going through my home state and throughout our country with hazardous materials in them, as are trucks. And pipeline safety is, I think, greatly improved, but, nevertheless, we still have fatalities in that arena. If we're not careful, there could be more.

So, these two safety agencies are very important, and I hope that we will be able to work through the nominations and also have very good safety improvements that will come through legislation to assure that, when people are on our highways or our rails, or in a pipeline vicinity, that they will be able to feel that they are safe.

Thank you very much.

[The prepared statement of Senator Hutchison follows:]

PREPARED STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Thank you, Mr. Chairman, for holding today's hearing. The nominees we consider today will fill key positions at two of the Department of Transportation's chief safety agencies.

Anne Ferro, who has been nominated to serve as the Administrator of the Federal Motor Carrier Safety Administration, will, if confirmed, take the helm of an agency with broad responsibility over truck and intercity bus safety. Truck safety has improved significantly since FMCSA was established in 2000. The number of fatalities involving large trucks has declined 14 percent and the rate of fatal accidents has declined 16 percent. But there is still important work to be done in ensuring unsafe trucks, unsafe truck drivers, and unsafe trucking companies are not allowed to operate on the Nation's highways.

I am especially concerned that not enough has been done to address the safety of intercity bus transportation. Several bus accidents in Texas have claimed multiple lives, and it is time for Congress to act. Senator Brown and I have introduced the S. 544, the Motorcoach Enhanced Safety Act of 2009, which is designed to significantly strengthen motorcoach equipment safety and driver qualifications. Our Committee has a proud record in promoting the safety of the traveling public, and I believe our bus safety bill would be another very important highway safety accomplishment that will help save lives and urge the Chairman to make this issue a priority for the Committee's action.

Today, we also consider the nomination of Cynthia Quarterman to serve as Administrator of the Pipeline and Hazardous Materials Safety Administration, or PHMSA. PHMSA has the important mission of overseeing the safety of over 1 million daily shipments of hazardous materials and 2.3 million miles of pipelines. While progress has been made in improving pipeline and hazmat safety, the number of



hazmat incidents and the number of fatalities were both higher in 2007 than in 2000. I hope that if confirmed, Ms. Quarterman will be able to “move the numbers” in the right direction.

I look forward to working with both of our nominees as the Committee begins work on reauthorizing FMCSA and the Hazardous Materials Transportation Act as part of the highway bill. I commend both of them for their willingness to serve in these very important safety agencies, and look forward to their testimony.

Senator PRYOR. Thank you, Senator Hutchison.

What I’d like to do now is have our two witnesses to give their opening statements, and, if possible, if you could keep it to 5 minutes each, that would be great.

Ms. Ferro?

**STATEMENT OF ANNE FERRO, ADMINISTRATOR-DESIGNATE,  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, U.S.  
DEPARTMENT OF TRANSPORTATION**

Ms. FERRO. Again, thank you, Mr. Chairman, Ranking Member Hutchison, and Members of the Committee.

I greatly appreciate the chance to appear before you today, and am honored that the President would nominate me to the position of Federal Motor Carrier Safety Administrator, and grateful for Secretary LaHood’s support.

If I might, I would like to express deep thanks to my friends and family who are here. And, if I may, Mr. Chairman, introduce my family; in particular, my wonderful husband and children, Dan, Finley, and Packy Ferro, who are right behind me; my sister, Didi Schanche, and my brother-in-law, Todd Shields, and, in absentia, my brother, Don, Jr., and my late parents, Marybelle and Don Schanche.

In appearing before you, I hope to share my goals to achieve significant gains in commercial vehicle safety and to answer any questions you may have.

Beginning with the Peace Corps 30 years ago, I’ve spent most of my career in government service, with 23 years in State government. Six of those years were in the legislative branch; 11, the executive branch; and the last 7 of those, as Maryland’s Motor Vehicle Administrator. For the past 6 years, I’ve served as the President of the Maryland Motor Truck Association, where I’ve learned a great deal about the commercial vehicle industry. My professional success along the way has rested in the guiding principles of fairness, integrity, teamwork, respect for others, and hard work.

The Federal Motor Carrier Safety Administration’s mandate is to reduce the incidence and severity of crashes involving trucks and buses. This has proven to be a daunting challenge in a multisector industry where segments have such low barriers to entry that competition for business is sometimes characterized as “a race to the bottom.” But, it’s a challenge we can and must overcome, and strategies to do so have been recommended by a wide range of groups, including the agencies on personnel, the National Transportation Safety Board, the Office of the Inspector General, the Government Accountability Office, safety and labor groups, law enforcement, and the very drivers, owner-operators, and motor-carrier companies among them.

Measures that work have been demonstrated, and the strong safety records of drivers and carriers who use them give witness

to their effectiveness. Yet, every other hour, someone in our country is killed in a crash with a truck or a bus, and hundreds are injured. If it happens to someone close to you, it's intolerable, and we shouldn't wait for that possibility.

Whoever leads this agency must foster frank discussions about the fundamentals in the freight supply chain and motorcoach industries that encourage participants to push the limits and put the driving public and other commercial drivers at risk.

Uncompensated time, compensation by the mile or load, professional drivers classified as laborers; these are all aspects of a supply chain model that rewards squeezing transportation costs out of the equation. They are factors that shift the cost onto the driving public and the professional driver. The Administrator must take the lead in raising these questions and opening up the discussion if we're to realize an industry where the safest drivers and the safest motor carriers are, in fact, the most competitive; not the other way around.

Furthermore, the agency must get on with considering a universal electronic onboard recorder rule, improving the hours-of-service rule, rolling out tougher standards for entry, implementing effective identification of, and sanctioning of, high-risk carriers.

Mr. Chairman and members of the Committee, should I be confirmed, I am committed to working with you and your staff on these very difficult and vitally important challenges.

Again, I'm grateful for your consideration today, and look forward to answering any questions you may have.

Thank you.

[The prepared statement and biographical information of Ms. Ferro follows:]

PREPARED STATEMENT OF ANNE FERRO, ADMINISTRATOR-DESIGNATE, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION. U.S. DEPARTMENT OF TRANSPORTATION

Thank you Chairman Rockefeller, Ranking Member Hutchison and members of the Committee for the chance to appear before you today. I am honored that the President has nominated me to the position of Federal Motor Carrier Safety Administrator and am grateful to Secretary LaHood for his support. Deep thanks to the friends and family who have joined me, in particular my wonderful husband and children—Dan, Finley and Packy Ferro—my sister and brother in law, Didi Schanche and Todd Shields, and in absentia my brother Don Jr. and my late parents Don and Marybelle Schanche.

In appearing before you, I hope to share my goals to achieve significant gains in commercial vehicle safety and to answer any questions you may have.

Beginning with the Peace Corps 30 years ago, I have spent most of my career in state and local government. Six of those years were in the legislative branch and 11 the executive branch, with the last 7 as Maryland's Motor Vehicle Administrator. As Administrator, I led the MVA to significant gains in customer service and safety including a strong graduated licensing program for new drivers.

For the past 6 years, I have served as President of the Maryland Motor Truck Association where I've learned a great deal about the commercial vehicle industry. My professional success along the way has rested on the guiding principles of fairness, integrity, teamwork, respect for others and hard work. I am a public servant at heart with a passion for highway safety and a commitment to good government.

The Federal Motor Carrier Safety Administration's mandate is to reduce the incidence and severity of crashes involving trucks and buses. This has proven to be a daunting challenge in a multi-sector industry where segments of it have such low barriers to entry that competition for business is sometimes characterized as a race to the bottom. But it's a challenge we can and must overcome, and strategies to do so have been recommended by a wide range of stakeholders including agency personnel, the National Transportation Safety Board, the agency's own Inspector Gen-

eral, survivors advocacy groups, law enforcement agencies, the best drivers, owner operators, and motor carrier companies. Measures that work have been demonstrated and the strong safety records of the drivers and carriers who use them give witness to their effectiveness.

Yet, *every other hour* someone in our country is killed in a crash with a truck or motorcoach and hundreds are injured. If it happens to someone close to you it's intolerable—we shouldn't have to wait for that possibility. Whoever leads this agency must foster frank discussions about the fundamentals in the freight supply chain and motorcoach industries that encourage participants to push the limits and put the driving public and other commercial drivers at risk. Uncompensated time, compensation by the mile or load, professional drivers classified as laborers—these are all aspects of a supply-chain model that rewards squeezing transportation costs out of the equation; factors that shift the cost onto the driving public and professional driver.

The Administrator must take the lead in raising questions and opening up the discussion if we are to realize a commercial vehicle industry where the safest drivers and safest motor carriers are the most competitive, not the other way around. Furthermore, the agency must get on with considering a universal electronic on board recorder rule, improving the Hours of Service rule, rolling out tougher standards for entry, implementing effective identification and sanctioning high risk carriers.

Mr. Chairman and Members of the Committee, should I be confirmed, I am committed to working with you and your staff on these difficult and vitally important challenges. Thank you for your consideration. I'll be pleased to answer any questions you may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
  - Anne Schanche Ferro (1990 to present).
  - Anne Waddington Ferro (1989–1990).
  - Anne Waddington Schanche (1957–1989).
2. Position to which nominated: Federal Motor Carrier Safety Administrator, Department of Transportation.
3. Date of Nomination: July 16, 2009.
4. Address (List current place of residence and office addresses):
  - Residence: Information not released to the public.
  - Office: 3000 Washington Blvd., Baltimore, MD 21230.
5. Date and Place of Birth: September 24, 1957; District of Columbia.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
  - Husband: Daniel James Ferro, Sales and Assistant Manager, May 2008–March 2009, Boaters World, Annapolis and Glen Burnie, MD; Before and after the above dates, stay-at-home parent; children: Finley Anne Ferro, 18 years old; Patrick James Ferro, 17 years old.
7. List all college and graduate degrees. Provide year and school attended.
  - Masters Degree, School of Public Policy, University of Maryland, College Park, MD, 1982–1984.
  - Bachelors Degree, St. John's College, Annapolis, MD, 1977–1980.
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
  - President and CEO, Maryland Motor Truck Association, 12/03 to present.
  - Administrator, Maryland Motor Vehicle Administration, 2/97–11/03.
  - Associate Administrator, Maryland Motor Vehicle Administration, 11/92–1/97.
  - Committee Staff/Fiscal Analyst, Maryland General Assembly, 11/86–10/92.
  - Economic Development Coordinator, Tri-County Council for So. MD, 5/85–11/86.
  - Marketing Associate, Nautical & Aviation Publishing Co., MD, 1984–1985.

College Recruiter, Research Assistant, University of Maryland, 1982–1984 (while in graduate school).

Waitress, Maryland Inn, MD 1981.

Peace Corps, Cote D'Ivoire, West Africa, 1980–1981.

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Committee member on the following government-created entities, uncompensated:

2009 Attainment Report Advisory Committee, Maryland Dept. of Transportation (2008–2009).

Commercial Drivers License Advisory Committee, established under section 4135 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (2007–2008).

Quality Cargo Handling Action Team—Containers, Maryland Port Administration (2005 to present).

Maryland Highway Centennial Executive Committee (2007–2008).

Howard County U.S. 1 Corridor Improvement Strategy Advisory Committee (2007–2008).

Baltimore Regional Transportation Board Freight Movement Task Force (2004 to present).

Maryland Strategic Highway Safety Plan Executive Committee (2005–2007).

Maryland Department of Transportation Commercial Vehicle Information Systems Network (CVISN) Executive Steering Committee (2005–2009).

On behalf of Maryland Motor Truck Association, served as a paid (to the MMTA) subcontractor on a Port Truck Emissions Reduction project managed by the Maryland Environmental Service on behalf of the Maryland Port Administration (2008 to present).

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Port of Baltimore Tricentennial Committee—Secretary/Treasurer (2005–2009).

Annapolis High School PTSA—Treasurer (2007 to present).

Maryland Highway Safety Foundation, Executive Committee (2008 to present).

Greater Baltimore Committee Transportation Funding Task Force—Co-Chair (2008–2009).

HELP, Inc.—Board member (2007–2009).

Touchstones Discussion Project—Board member (2004–2005).

Science Applications International Corporation (SAIC)—Consultant (2006–2007).

On behalf of Maryland Motor Truck Association, served as a paid (to the MMTA) subcontractor on a Port Truck Emissions Reduction project managed by the Maryland Environmental Service on behalf of the Maryland Port Administration (2008 to present).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Leadership Maryland (2001 to present)—Does not restrict membership.

American Association of Motor Vehicle Administrators (1995–2003). Positions held: Officer, Treasurer, AAMVNet Chair—Does not restrict membership.

Council of Minority Transportation Officials (2003 to present). Position held: Officer—Does not restrict membership.

Annapolis High School PTSA (2003 to present). Position held: Treasurer—Does not restrict membership.

Trucking Association Executive Council (2006 to present). Position held: Region 1 Vice Chair—Does not restrict membership.

Women's Traffic Club of Baltimore (2007 to present)—Does not restrict membership.

Annapolis Ice Hockey Club (2006–2008)—Does not restrict membership.

Annapolis Athletic Club (2008)—Does not restrict membership.

Boy Scout Troop 771 Annapolis (2003–2008). Position held: Adult membership chair—Local troop did not restrict membership but Boy Scouts of America restricts based on gender.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No campaigns or debt. I was appointed Administrator of the Maryland Motor Vehicle Administration and served from 1997 to 2003.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

*American Trucking Association, PAC*

2004—\$500

2005—\$750

2006—\$250

2007—\$250

2008—\$250

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements: None.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Letter to Editor of *Baltimore Sun* on Hours of Service rule 1/10/09; New Rules Improve Truck Safety.”

6/2008—In my capacity as Maryland Motor Truck Association President, on behalf of the Maryland Movers Conference, I appeared in a consumer information video warning against rogue moving companies.

In my capacity as Maryland Motor Vehicle Administrator from February 1997 to November 2003, I regularly spoke to groups that included the American Association of Motor Vehicle Administrators (topic—drivers license integrity), highway safety organizations (high risk driver intervention strategies), state government meetings (performance measurement), to name a few. My public speaking duties continued but significantly less so in my first few years as Maryland Motor Truck Association President other than an occasional presentation to a community group or MMTA conference. In the last few years I have spoken periodically to highway safety, industry, and community organizations including those listed below on topics ranging from highway funding, highway safety, women in leadership, and the motor carrier industry:

*2009:*

1/15—Maryland Transportation Authority, Impact of proposed toll hike on Maryland business.

2/27—Women in Transportation Seminar/MD Chapter, Importance of freight planning.

*2008:*

3/27—Women in Maritime History, Keynote: Transportation Infrastructure.

6/18—TRB Summer Ports, Waterways, Freight, and International Trade Conference—panel presenter: “Integrating Different Freight Interests by Scale.”

11/6—Maryland Chamber of Commerce, Transportation Funding.

11/13—MMTA Western MD Chapter Meeting, Climate Change-Strategies for the Industry.

11/20—Rotary of Salisbury, MD. MMTA and Truck Impact/Safety.

2007:

9/18—National Environmental Justice Advisory Council—“Maryland Goods Movement Experience.”

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

April 4, 2000—Committee on Appropriations: Subcommittee on Transportation.

Topic: Driver’s Privacy Protection Act of 1994: Hearing focusing on the positive notification requirement provisions of the Act. I was serving in the position of Maryland Motor Vehicle Administrator at the time.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

To effectively lead the agency that regulates the Nation’s commercial vehicle industry and exerts direct and indirect controls over its safe operation, one needs a passion for safety, the strength to lead on tough issues, the ability to listen, and the experience to manage a large organization and deploy complex programs to a diverse population. I would bring these qualities and a life-long commitment to good government to this position, if confirmed.

For the past decade I have demonstrated my commitment to highway safety through a series of program accomplishments while serving as Maryland’s Motor Vehicle Administrator. In that capacity I led our team to focus on high risk drivers—by age, action and health—leading us to achieve one of the strongest graduated licensing laws at the time, a ground-breaking approach to older driver assessment and licensing, and an emphasis on restricting high-risk drunk drivers through ignition interlocks and treatment. These changes were developed, measured and implemented with valid program research by experienced professionals who shared my vision.

My dedication to highway safety took a new turn when I left government to take the wheel of the Maryland Motor Truck Association. Safety is fundamental to the industry’s bottom line for an array of reasons. With this mantra and a team of experienced safety professionals and volunteers, MMTA implements compliance audits, safety events, and education programs to improve, reward and recognize safe motor carrier operations and safe drivers. To underscore the Association’s safety mission and improve the trucking industry’s safety, I serve on a number of state and Federal highway safety committees. This collaboration with local, state and Federal Government officials has ensured that the private trucking sector is responding to government concerns.

From the time I volunteered to serve in Cote D’Ivoire in the Peace Corps, providing a positive influence through government action has been a passion of mine. This was exemplified in the service delivery improvements we achieved when I led the MVA and the ongoing dialogue I maintain between the private trucking sector and government as Association president. Underlying the knowledge, expertise, and experience that will I bring to the position of Federal Motor Carrier Safety Administrator, if confirmed, is a life-long belief in good government and its ability to protect and improve the lives of the people it serves through incentives, enforcement, education and action.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The FMCSA must hold itself accountable to the taxpayers to achieve measurable results, efficiency, and effective outcomes by instituting strategic planning, performance measurement, and sound budgeting processes. It is the responsibility of the FMCSA Administrator to institute these operating principles and performance measures to achieve the agency’s mission and do so with continuous improvement in mind.

I practiced these dictums during my tenure as Maryland’s Motor Vehicle Administrator. I oversaw an agency with 1,700 employees, a budget of \$130 million and annual revenue of \$1 billion. Responsible for licensing the state’s 4 million drivers and 5 million vehicles, we conducted millions of over-the-counter customer transactions each year, regulated industries pertaining to vehicles and drivers, and ran the second largest 24/7 data center in the state. We were recognized for our efforts through

awards, continuously improved audits and customer surveys, elevated employee morale and demonstrated improvements in driver safety.

20. What do you believe to be the top three challenges facing the department/agency, and why?

To further reduce fatalities and crashes involving trucks and buses as well as improve consumer protection in household goods moves, the FMCSA must:

Overcome distrust of the agency held by stakeholders. Effective government regulation, while at times it may be motivated by a few good lawsuits, cannot be sustained in the courtroom.

Refocus the agency's attention and talent to implementing timely, effective rulemakings on key safety improvements including: Electronic On-Board Recorders; Entry Level Driver Training, a centralized database on drug testing/DOT physicals and safety improvements pertaining to commercial vehicle industry operations.

Have good working relationships with the authorizing and appropriations committees in Congress; work effectively with the states on grant and program development; and above all serve the President and Secretary of Transportation in accordance with their expectations.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have a Maryland Motor Truck Association 401(k) retirement account that is managed by Great West Retirement Services.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

Throughout my career in the public and private sectors I have sought opportunities to positively influence the development, administration and execution of effective public policy and private action. After becoming Maryland's Motor Vehicle Administrator in 1997, I lead the Administration's graduated drivers licensing initiative and influenced legislative proposals to toughen penalties on aggressive drivers, require ignition interlocks for repeat drunk drivers, and adopt Federal requirements under the Motor Carrier Safety Improvement Act of 1999, to name a few. Beginning in 2004, as the president of the Maryland Motor Truck Association and its registered state lobbyist, I influenced a proposal to clarify that certain owner operators were "independent contractors" for purposes of unemployment insurance, advanced a change in state law to establish even-handed indemnification in transportation services contracts between shippers and motor carriers, and lobbied for approval of a state transportation trust fund revenue increase.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

I was fined \$250 in early 2008 by the Maryland State Ethics Commission for filing the annual lobbyist registration one month late. I paid the fine and the matter was resolved.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

As Administrator of the Maryland Motor Vehicle Administration from 1997 to 2003, I was named as a party in my official capacity in numerous cases. Please see the attached list of cases.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

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#### RESUME OF ANNE S. FERRO

##### **Employment History**

*President and CEO*, 12/03 to present, Maryland Motor Truck Association, Baltimore, MD.

Serve as Chief Executive Officer of the trucking industry's trade association in Maryland, serving 1,000 member companies; manage association's finances, revenue development, operations, member services and outreach, conference/event planning.

Collaborate with government, non-profit, and community groups to improve industry safety and efficiency, and advance environmental and freight planning goals.

Achieved high member retention, strong membership and revenue growth, improved event participation, expanded member services, and legislative successes important to the economic vitality and safety of the trucking industry.

*Administrator*, 12/97–11/03, Motor Vehicle Administration, Glen Burnie, MD.

Served as CEO of the Maryland agency responsible for driver and vehicle services through a statewide network of 25 offices, 1700 employees, and budget of \$125 million.



Achieved state and national prominence by implementing a 5-year business plan to improve customer satisfaction, upgrade the work force, produce more secure drivers license, and deliver MVA services via online and telephonic media by 2004.

Implemented graduated licensing for new drivers, ground-breaking research to advance the safety and mobility of older drivers, and ignition interlock programs for drunk drivers.

Reduced average wait times from 70 minutes to 32 minutes and increased customer satisfaction to 91 percent during leadership tenure.

*Associate Administrator*, 11/92–1/97, Motor Vehicle Administration, Glen Burnie, MD.

Directed three divisions of the MVA with 400 employees and \$29 million operating budget, improving productivity within available resources.

Implemented electronic solutions to MVA vehicle services, including CVISN and registration renewal by Internet and kiosk.

Coordinated MVA’s legislative agenda as liaison and bill drafter.

*Legislative Committee Staff/Fiscal Analyst*, 11/86–10/92, Maryland General Assembly, Annapolis, MD.

Provided fiscal counsel and analysis as staff to the House Ways and Means Committee during five consecutive General Assembly Sessions.

Conducted special studies on transportation taxes, state/local fiscal relations, education funding, inheritance taxes, and public safety.

**Other Background Information**

**Education**

*BA*, 1977–1980, St. John’s College, Annapolis, MD.

*MPM*, 1982–1984, School of Public Affairs, UMD, College Park, MD.

Certificate, 1996, MD Gov’t Executive Institute, Wye Island, MD.

Certificate, 2001, Leadership Maryland, Statewide.

**Other Work Experience**

United States, Sri Lanka, Egypt, Cote d’Ivoire.

Economic Development Coord., 1985–1986, Tri-County Council for Southern Maryland.

Marketing Associate, 1984–1985. Nautical & Aviation Publishing Co, Maryland.

Peace Corps, English Teacher, 1980–1981, Cote D’Ivoire, West Africa.

College recruiter, Fulbright participant in Sri Lanka, Arabic student in Egypt, mountaineer and cook/horse-packer (WY), waitress, sailing instructor (MD), stable-hand. (NY)

**Boards and Committees: (executive committee or officer)**

2008–2009, Transportation Funding Task Force, Greater Baltimore Committee.

2008 to present, Maryland Highway Safety Foundation Executive Committee.

2007 to present, Annapolis High School Parent Teacher Student Association, Treasurer.

2007–2009, HELP, Inc., Officer of board governing electronic truck bypass system.

2006 to present, Trucking Association Executive Council—Region 1 Vice Chair.

2005–2009, Port of Baltimore Tri-centennial Committee, Treasurer.

2004–2005, Touchstones Discussion Project, Officer.

1995–2003, American Association of Motor Vehicle Administrators: International Treasurer, AAMVA; International Officer of the AAMVA Board; AAMVAnet Chairman.

Anne Ferro—Attachment to Question C.3

Case Number/Cite	Court	Filing Date	Case Caption
348 Md. 593	Maryland Court of Appeals	2/10/1998	Anne S. Ferro v. William Michael Lewis
20C98003465	Talbot County Circuit Court	6/12/1998	Hardisty vs. Motor Vehicle Administration, et al.
80400160011998.00	Towson District Court	6/30/1998	(Parker, David) vs. (Ferro, Anne S.)

## Anne Ferro—Attachment to Question C.3—Continued

Case Number/Cite	Court	Filing Date	Case Caption
03C98011389	Baltimore County Circuit Court	11/16/1998	Baltimore County Employees FCU vs. Ferro, et al.
02C98051436	Anne Arundel County Circuit Court	12/15/1998	Lambertine Jones, Jr. vs. Anne S. Ferro, et al.
20C99003657	Talbot County Circuit Court	2/25/1999	McLendon vs. Motor Vehicle Administration
02C99055508	Anne Arundel County Circuit Court	6/11/1999	Lloyd Ernest Hadel vs. Motor Vehicle Administration, et al.
02C99055516	Anne Arundel County Circuit Court	6/11/1999	Jamie Wilson Marshall vs. Motor Vehicle Administration, et al.
02C99055522	Anne Arundel County Circuit Court	6/11/1999	Donielle Marie Kight Moheng, et al., vs. Motor Vehicle Administration, et al.
02C99055525	Anne Arundel County Circuit Court	6/11/1999	Eva Hilda Hebron vs. Motor Vehicle Administration, et al.
02C99055528	Anne Arundel County Circuit Court	6/11/1999	Steve Lee Miles, Sr. vs. Motor Vehicle Administration, et al.
02C99055530	Anne Arundel County Circuit Court	6/11/1999	Richard Joseph Coleman vs. Motor Vehicle Administration, et al.
02C99055533	Anne Arundel County Circuit Court	6/11/1999	Lauretia Eve Edwards vs. Motor Vehicle Administration, et al.
02C99055537	Anne Arundel County Circuit Court	6/11/1999	Charles Stephen Dewey vs. Motor Vehicle Administration, et al.
02C99055538	Anne Arundel County Circuit Court	6/11/1999	Charles Arnold Deshields vs. Motor Vehicle Administration, et al.
02C99055547	Anne Arundel County Circuit Court	6/11/1999	Colin Howard Carey vs. Motor Vehicle Administration, et al.
02C99055548	Anne Arundel County Circuit Court	6/11/1999	Jung Wook Kim vs. Motor Vehicle Administration, et al.
02C99055551	Anne Arundel County Circuit Court	6/11/1999	Shawn Averic Rowley, et al. vs. Motor Vehicle Administration, et al.
02C99055553	Anne Arundel County Circuit Court	6/11/1999	Leonard William King, et al. vs. Motor Vehicle Administration, et al.
02C99055554	Anne Arundel County Circuit Court	6/11/1999	Matthew Morkus Shallal vs. Motor Vehicle Administration, et al.
02C99055587	Anne Arundel County Circuit Court	6/11/1999	Daniel Stewart Magill vs. Motor Vehicle Administration, et al.
02C99055588	Anne Arundel County Circuit Court	6/11/1999	Robert Gregory Peck vs. Motor Vehicle Administration, et al.
02C99055591	Anne Arundel County Circuit Court	6/11/1999	Susan Denise Stoutamyer vs. Motor Vehicle Administration, et al.
02C99055594	Anne Arundel County Circuit Court	6/11/1999	Charles James Wood vs. Motor Vehicle Administration, et al.
02C99055595	Anne Arundel County Circuit Court	6/11/1999	Steven Harvey Shores vs. Motor Vehicle Administration, et al.
02C99055596	Anne Arundel County Circuit Court	6/11/1999	Louis Craig Castagnola, Jr. vs. Motor Vehicle Administration, et al.
02C99055597	Anne Arundel County Circuit Court	6/11/1999	Andrea Dawn Tenley vs. Motor Vehicle Administration, et al.
02C99055598	Anne Arundel County Circuit Court	6/11/1999	Darlene Louise Scaggs vs. Motor Vehicle Administration, et al.
02C99055599	Anne Arundel County Circuit Court	6/11/1999	Suzanne Louise Belser vs. Motor Vehicle Administration, et al.
02C99055600	Anne Arundel County Circuit Court	6/11/1999	Curtis Moran Fenner, Jr. vs. Motor Vehicle Administration, et al.
02C99055602	Anne Arundel County Circuit Court	6/11/1999	Daniel Neal Durity vs. Motor Vehicle Administration, et al.
02C99055603	Anne Arundel County Circuit Court	6/11/1999	Genevieve Laxada Friend vs. Motor Vehicle Administration, et al.
02C99055592	Anne Arundel County Circuit Court	6/15/1999	Gary David Zittle vs. Motor Vehicle Administration, et al.
02C99056331	Anne Arundel County Circuit Court	7/15/1999	Jeffrey Richard Jamison vs. Motor Vehicle Administration, et al.
02C99056463	Anne Arundel County Circuit Court	7/20/1999	Brian Michael Vuicich vs. Motor Vehicle Administration, et al.
CAL9928631	Prince George's County Circuit Court	12/3/1999	Seman vs. Ferro
02C00062893	Anne Arundel County Circuit Court	4/27/2000	Rory Philip Callahan vs. Anne S. Ferro
14C00004723	Kent County Circuit Court	8/3/2000	Rodney Francis Naundorf vs. Motor Vehicle Administration
03C00009066	Baltimore County Circuit Court	9/1/2000	In The Matter of: Motor Vehicle Administration, et al.
12C00003231	Harford County Circuit Court	12/1/2000	Robert C. Stolzenbach vs. Anne S. Ferro
CAE0100370	Prince George's County Circuit Court	1/5/2001	Capital Auto vs. Ferro
14C01004855	Kent County Circuit Court	1/26/2001	Karl Lloyd Allspach vs. State of Maryland Office of Administrative Hearings
02C01073348	Anne Arundel County Circuit Court	7/30/2001	Stacy Zook vs. Elpidio Martinez
20C01004332	Talbot County Circuit Court	8/14/2001	Kenneth W Petrella Jr. vs. Erin H. Leff
03C01009619	Baltimore County Circuit Court	9/17/2001	Hollinshead vs. Ferro
20C02004437	Talbot County Circuit Court	1/8/2002	Kathleen Nolan vs. Motor Vehicle Administration
13C02051152	Howard County Circuit Court	2/27/2002	Motor Vehicle Administration, et al. vs. Crocker
01C02020623	Allegany County Circuit Court	4/18/2002	Martz vs. Coleman, et al.
23C02000828	Worcester County Circuit Court	7/16/2002	Constance Jean Keen vs. State of Maryland Motor Vehicle Administration
56Fed. Appx.172	Fourth Circuit Court of Appeals	2/20/2003	Roby v. Roby
03C03002958	Baltimore County Circuit Court	3/19/2003	Friedman vs. Craig
24C03002220	Baltimore City Circuit Court	4/3/2003	Victor L.D. White vs. Anne Ferro, et al., HTTP/1.1 200 OK
02C03088781	Anne Arundel County Circuit Court	4/21/2003	Motor Vehicle Administration vs. Patrick Brinson
06C03038661	Carroll County Circuit Court	5/20/2003	In The Matter of: Jason R. McCracken

Anne Ferro—Attachment to Question C.3—Continued

Case Number/Cite	Court	Filing Date	Case Caption
18C03000764 13C03055682	Saint Mary's County Circuit Court Howard County Circuit Court	6/27/2003 7/1/2003	Dayton, et al. vs. Ferro, et al. Mazur vs. State of Maryland Motor Vehicle Administration, et al.
02C03091468	Anne Arundel County Circuit Court	8/15/2003	Sandra Noyes vs. State of MD Motor Vehicle Administration, et al.
13C03056848	Howard County Circuit Court	11/3/2003	Western Surety Company vs. Ferro, et al.

Senator PRYOR. Thank you.  
Ms. Quarterman?

**STATEMENT OF CYNTHIA L. QUARTERMAN,  
ADMINISTRATOR-DESIGNATE, PIPELINE AND  
HAZARDOUS MATERIALS SAFETY ADMINISTRATION,  
U.S. DEPARTMENT OF TRANSPORTATION**

Ms. QUARTERMAN. Chairman Pryor, Ranking Member Hutchison, and other distinguished members of the Committee, it's a privilege to appear before you this afternoon.

I welcome the opportunity to testify today with this other distinguished nominee as you consider my nomination to serve as the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation. I'm honored to have been nominated by President Obama for this important position, and, if confirmed, I look forward to joining Secretary LaHood and his strong leadership team at the Department. My plan is to dedicate myself fully, working closely with you, to ensuring that PHMSA meets its vital safety mission.

At your indulgence, I'd like to take a moment to publicly thank my husband, Pantelis Michalopoulos, who is here with me today, and our 3-year-old daughter Charis, for their unwavering support of my decision to return to public service, as well as a host of family and friends, here and elsewhere.

As the Committee is well aware, PHMSA is in its infancy, having been established only 3 years ago to ensure the safe and environmentally sound transportation of hazardous materials throughout our country.

I believe that my more than 20 years of experience in private practice and government service in the transportation of hazardous materials by pipeline provides me with the necessary substantive knowledge to lead this agency forward.

In addition, I believe that my government service at the Department of the Interior and my private practice at Steptoe & Johnson have provided me with substantial management and leadership experience that will help me to succeed in the position for which I have been nominated.

My work experiences have given me an excellent perspective on how organizations and their personnel work, how to ensure focus on mission objectives and achieve the performance results that the Administration, the Congress, and the public expect and deserve.

As director of the Minerals Management Service, I had the overall management responsibility for an organization of more than 1200 employees, with a budget of more than \$200 million and a revenue collections in the billions. One of its primary roles was oversight of mineral, oil, and gas exploration, production, and development on the Nation's outer continental shelf, which involved

the use, exploitation, and transportation of hazardous materials, including by pipeline. I oversaw a team of inspectors, engineers, and scientists who helped to ensure that the agency's safety and environmental protection missions were fulfilled, despite operating in a period of great expansion into the deepest offshore areas. It was fulfilled without any serious incident. We worked hand in hand with other entities, including the Coast Guard, the Research and Special Programs Administration (PHMSA's predecessor agency), the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the States, the environmental community, industry, and many others.

Owing to its offshore development mandate, Mineral Management Service's programs were often controversial. I nonetheless was able to move the agency from conflict toward consensus. One indication of that success was the MMS's receipt of the Hammer Award for Innovation in Government during my tenure there.

If confirmed, I will do everything in my power to improve the operations of PHMSA, so that we, as a Nation, can provide the highest caliber of safety for the transportation of hazardous materials to protect our communities and the public at large.

Mr. Chairman and other distinguished members of the Committee, if confirmed, I commit to you that I will work with you diligently to fulfill the responsibilities entrusted to me.

Thank you.

[The prepared statement and biographical information of Ms. Quarterman follows:]

PREPARED STATEMENT OF CYNTHIA L. QUARTERMAN, ADMINISTRATOR-DESIGNATE,  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, U.S. DEPARTMENT  
OF TRANSPORTATION

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At your indulgence, I would like to take a moment to publicly thank my husband, Pantel is Michalopoulos, who is here with me today, and our three-year old daughter, Charis, for their unwavering support of my decision to return to public service.

As the Committee is well aware, the agency is in its infancy, having been established only 3 years ago to ensure the safe and environmentally sound transportation of hazardous materials through our country. I believe that my more than 20 years of experience, in private practice and government service, involving the transportation of hazardous materials by pipeline provides me with the necessary substantive knowledge to lead this agency forward. In addition, I believe that my government service at the Department of the Interior and my private practice at Steptoe & Johnson, LLP, have provided me with substantial management and leadership experience that will help me to succeed in the position for which I have been nominated. My work experiences have given me an excellent perspective on how organizations and their personnel work, how to ensure focus on mission objectives and achieve the performance results that the Administration, the Congress and the public expect and deserve.

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gas exploration, development and production on the Nation's outer continental shelf. Those operations involve the use, exploitation and transportation of hazardous materials, including by pipeline. I oversaw a team of inspectors, engineers, and scientists who helped to ensure that the agency's mission was fulfilled despite operating in a period of great expansion into the deepest offshore areas, and fulfilled it was without any serious incident. We worked hand-in-hand with other entities, including the Coast Guard, PHMSA's predecessor agency, NOAA, EPA, the states, the environmental community, industry and many others. Owing to the offshore development nature of its mandate, MMS's programs were often controversial; I nonetheless was able to move the agency from conflict toward consensus. One indication of that success was the MMS's receipt of the Hammer Award for innovation in government. If confirmed, I will do everything in my power to improve the operations of PH MSA continuously so that we as a Nation can provide the highest caliber of safety for the transportation of hazardous materials to protect our communities and the public at large.

Mr. Chairman and other distinguished Members of the Committee, if confirmed, I commit to you that I will work diligently to fulfill the responsibilities entrusted to me. Thank you.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Cynthia Louise Quarterman; family nicknames—Cindy or Cyndi.

2. Position to which nominated: Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

3. Date of Nomination: September 15, 2009.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Steptoe & Johnson, LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036.

5. Date and Place of Birth: April 6, 1961; Savannah, GA.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Pantelis Michalopoulos, Partner, Steptoe & Johnson LLP; Daughter—Charis Michalopoulos, Birthdate: September 3, 2006.

7. List all college and graduate degrees. Provide year and school attended.

Northwestern University, B.S., Industrial Engineering, 1983.

Columbia University School of Law, J.D., 1987

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

##### *Post-Undergraduate Employment*

IBM, Cost Engineer, Owego, NY 1983–84, 6/85–9/85.

Broome County Legal Assistance Corp., Binghamton, NY 6/85–9/85.

Morrisey & Thrope, Legal Intern/Summer Associate, New York, NY 6/86–8/86.

Benson & McKay, Associate, Kansas City, MO 5/87–6/88.

Steptoe & Johnson, LLP, Associate, Washington, D.C. 7/88–7/93.

Department of the Interior, Minerals Management Service (MMS), Deputy Director, 7/93–3/95; Director, 3/95–2/99.

Department of the Interior, Office of Surface Mining, Interim Management Team, 11/93–94.

Steptoe & Johnson, LLP, Partner, Washington, D.C. 9/99–present.

##### *Highlighted Employment*

Department of the Interior, Minerals Management Service, Deputy Director, 7/93–3/95; Director, 3/95–2/99.

Department of the Interior, Office of Surface Mining, Interim Management Team, 11/93–94.

Steptoe & Johnson, LLP, Partner, Washington, D.C. 9/99–present.

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Presidential Transition Team, Department of Energy, Agency Review, November–December 2008.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Partner, Steptoe & Johnson, LLP (1999–present).

President and Board member, Columbia Law School Alumni Association of Washington, D.C. (2004–present).

National Council member, Shakespeare Theatre Company (2005–present).

Executive Committee and Advisory Board member, Institute of Energy Law (2002–present).

Editorial Advisory Board member, Natural Gas Magazine (2000–present).

Board member, American Friends of the New Acropolis Museum (2008–present).

Agent, Philip Blackpeat author of “The War of Art” (2004–present).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

To my knowledge, I am not a member of any organization that restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

From 1999 to present, American Bar Association (Vice Chair Oil and Natural Gas Exploration and Production Committee, Section of Environment, Energy, and Resources 2001–03).

Energy Bar Association (Chair, Environment and Public Lands Committee, 2002–03), 1999–present.

Women’s Bar Association, 1999–present.

American Friends of the New Acropolis Museum, 2008–present.

Columbia Law School Alumni Association of Washington, DC (President 2004–08, Board member 2000–present).

Columbia Law School Alumni Association, from at least 1999–present.

Northwestern University Alumni Association, from at least 1999–present.

Institute of Energy Law, 2001–present.

District of Columbia Bar, 1989–present.

Missouri Bar 1987–present.

Federal Bar Association, from about 1999–2001.

Women’s Council on Energy and the Environment, 2000–present.

Columbia Hospital for Women Board of Directors, 1999–2002.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes, I was Deputy Director and then Director of the Minerals Management Service at the Department of the Interior. I have never campaigned for office.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Barack Obama for President	\$4,600	2/2007–7/2008
John Kerry for President	\$2,000	3/2004
Al Gore for President	\$1,000	4/1999–5/2000
Jean Carnahan	\$500	10/2002
DNC	\$971	4/2003–7/2008
Steptoe & Johnson LLP PAC	\$500	2/2008

On a volunteer basis, I provided policy advice to the Gore, Kerry and Obama Presidential campaigns about energy issues relating to moratoria on the outer continental shelf and its exploration and development.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

National Achievement Scholarship.  
 National Action Council for Minorities in Engineering Scholarship.  
 Phi Eta Sigma Honor Society.  
 Alpha Lambda Delta Honor Society.  
 Department of the Interior Unit Award for Excellence of Service.  
 Tahirh Justice Center Certificate of Appreciation.  
 Washington Lawyers Committee Pro Bono Recognition.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

*Publications*

On MMS's regulations under The Energy Policy Act of 2005 for alternative energy-related uses on the Outer Continental Shelf, Lexis/Nexis Expert Commentary, Sept. 2008.

On MMS's Rule on Open and Non-discriminatory movement of oil and gas as required by the Outer Continental Shelf Lands Act, Lexis/Nexis Expert Commentary, July 2008.

MMS Regulations, Case Law Governing the deductibility of post-production costs on Federal and offshore leases, 57th Annual Conference on Oil and Gas Law, Feb. 2006.

Transparency and Change Management White Paper for Nigeria's Extractive Industries Transparency Initiative, Apr. 2005.

Law of LNG: U.S. Terminals offshore, Institute of Energy Law, Sept. 2004.

Oil and Gas Leasing and Permitting, Advanced Conference on Federal Lands and Natural Resources Law, Sept. 2003.

MMS, Interior in Center of Debate about production activity, Regulation 2002, Chapter 16, Natural Gas & Electric Power Industries Analysis: 2002 Edition, a New Annual Series.

Sale 181—an opportunity missed?, Oil & Gas Journal, July 9, 2001.

OPA 1990 at Ten, Natural Resources and Environment, Summer 2000.

FERC OCS Regulation Still Needs Clarification, Natural Gas Magazine, June 2000.

Court battles, OPEC's market grip underscores the need for a coordinated U.S. energy policy, Oil & Gas Journal, Mar. 2000.

In addition, while I was the Director of MMS, I believe I authored a handful of articles that appeared in trade or industry publications, but I have not kept any records of these.

I have given many speeches, but none relevant to the position for which I am nominated.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

6/28/94 Testimony as Deputy Director MMS before the House Subcommittees on Energy and Mineral Resources and Oceanography, Committees on Merchant Marine & Fisheries & Resources regarding reauthorization of the Coastal Zone Management Act.

7/26/94 Testimony as Deputy Director MMS before the House Subcommittees on Energy and Mineral Resources and Oceanography, Committees on Merchant Marine & Fisheries & Resources regarding H.R. 3678 and the use of the OCS for mineral resources.

3/9/95 Testimony as Director MMS before the House Appropriations Subcommittee on Interior & Related Agencies regarding MMS's FY96 Budget request.

7/27/95 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding Reinvention of the MMS.

3/7/96 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding the History and Evolution of MMS and whether it requires an organic act.

6/17/96 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding the valuation of crude oil produced offshore California.

6/27/96 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding MMS's royalty in kind gas marketing pilot.

8/6/96 Testimony as Director MMS before the House Subcommittee on Fisheries, Wildlife and Oceans, Committee on Resources regarding competitive lease sales of sand and gravel offshore New Jersey.

7/31/97 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding royalty in kind program.

2/26/98 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding MMS's FY1999 budget request.

3/19/98 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding royalty in kind program and pending bill H.R. 3334.

5/14/98 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding moratoria on the outer continental shelf.

5/21/98 Testimony as Director MMS before the House Subcommittee on Energy and Mineral Resources, Committee on Resources regarding royalty in kind program.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have been involved, through the practice of law and in government, with the legal and regulatory issues associated with the transportation of hazardous materials by pipeline for more than 20 years. I thoroughly enjoy public service and would like to lead and improve operations at PHMSA.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

I believe that I would have every responsibility to ensure that PHMSA has both proper management and accounting controls. I have experience running an agency (MMS) with more than 1,200 employees with a budget of more than \$200 million and annual revenue collections of more than \$6 billion. During my tenure there, the agency received the Hammer Award for Innovation in government.

20. What do you believe to be the top three challenges facing the department/agency, and why?

I believe the top challenge facing PHMSA are the aging pipeline and other transportation infrastructure systems in this country. Ensuring safe and environmentally sound transportation of hazardous materials given the current state of the country's transportation infrastructure is an ongoing and perhaps escalating challenge. Second, the state of the Nation's infrastructure has led to public distrust and insecurity about hazardous materials transportation: that trend needs to be reversed. Finally, preparing the existing regulatory system to address the new challenges of the 21st Century, such as the possibility of increased interstate transportation of carbon dioxide or natural gas from Alaska, is an important challenge PHMSA must be prepared to meet.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.



I have several retirement accounts from Steptoe & Johnson LLP, including a: (1) 401 K account; (2) 401 O account, funds in both accounts may remain in the program, be cashed out or rolled over upon leaving the firm; (3) capital account, which will be returned if I am confirmed; (4) defined benefit pension account that may be withdrawn in 2010; and (5) deferred compensation account that may be withdrawn in January 2014. I will also receive the remainder of my partnership share for work performed in 2009 if I am confirmed. I have been making contributions to those accounts and Steptoe & Johnson LLP will not make any payments into those accounts after I resign from the firm if I am confirmed. I also have a Thrift Savings Plan from my time in government.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

I have drafted a piece of legislation in February 2009, on behalf of Lennar Ventures regarding the use of solar panels on new homes. I have written a White Paper regarding Nigeria's oil and gas leasing program (4/05) as well as provided advice (1/07) regarding proposed legislative and regulatory language for the mining industry for the Nigerian Extractive Industries Transparency Initiative. In addition, I have provided policy advice to the Gore, Kerry and Obama Presidential campaigns about energy issues relating to moratoria on the outer continental shelf and its exploration and development. I also worked on the Presidential Transition Team for the Obama Administration (reviewing the Department of Energy) and have had one or two conversations this year with White House staff on energy issues.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

When I was Director of the MMS, I was sued in my official capacity several times. Based on a public records search, the following reported cases include my name as a party in my official capacity:

*OXY USA, Inc. v. Babbitt*, 230 F.3d 1178 (10th Cir. 2000);  
*Amax Land Co. v. Quarterman*, 181 F.3d 1356 (D.C. Cir. 1999);  
*Mobil Exploration & Producing U.S., Inc. v. DOI*, 180 F.3d 1192 (10th Cir. 1999);  
*OXY USA v. Babbitt*, 122 F.3d 251 (5th Cir. 1997);  
*Black Butte Coal Co. v. U.S.*, 38 F.Supp.2d 963 (Dist. Wyo. 1999);  
*Amax Land Co. v. Quarterman*, 1998 U.S. Dist. LEXIS 11635 (D.D.C. 1998).

In 1983, I graduated from college in Evanston, Illinois and accepted full-time employment from IBM in Owego, New York and paid all relevant taxes associated with that income. However, I inadvertently failed to pay taxes on a \$1,642 death benefit from my father's Federal service that I had received earlier in 1983. After I subsequently learned that a judgment had been entered in absentia, I paid New York State and Federal taxes on that income.

(In addition, Steptoe & Johnson, LLP, where I am partner but not an officer, has been involved as a party in suits, but none have involved me personally).

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

N/A.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

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#### RESUME OF CYNTHIA L. QUARTERMAN

##### **Professional Experience**

*Presidential Transition Agency Review Team—Department of Energy*, November–December 2008, Washington, D.C.

Responsible for interviewing agency personnel and meeting with stakeholders regarding the Office of Fossil Energy, the General Counsel's office, the Energy Information Agency and the Office of Hearing and Appeals.

*Partner—Steptoe & Johnson, LLP*, September 1999 to Present, Washington, D.C.

Practices law in the energy, transportation and natural resource areas. Represents companies before the Federal Energy Regulatory Commission, the Department of Transportation, the Surface Transportation Board, the Department of the Interior and various other Federal agencies and state and Federal courts.

Representative matters include:

Involvement in litigation regarding transportation contract disputes with coal powered electric utilities;

Management of large attorney review team in proposed electric utility merger, including the Nation's largest nuclear fleet owner;

Participation in numerous requests for declaratory orders and offers of settlement for expansions associated with world's longest oil pipeline, delivering crude to the U.S. from the Alberta oil sands;

Advice to Nigerian quasi-governmental entity regarding how to achieve transparency in oil and gas leasing and oversight, and how to design new solid minerals oversight agency;

Advice to outer continental shelf lessee regarding arguments supporting takings litigation; and

Advice to pipeline owners regarding DOT compliance orders.

*Director, Minerals Management Service—United States Department of the Interior, March 1995–February 1999, Washington, D.C.*

Managed agency of 1200+ employees with \$200+ million budget. Oversaw oil, gas and mineral leasing and development on the Nation's outer continental shelf. Collected billions in revenue from the production of such commodities on Federal and Indian lands. Disbursed revenue to Indians, states, funds and the Treasury. Involved in early evaluation of offshore wind projects. Oversaw agency appellate, inspection, environmental and technical research arms. Also served as *Acting Director, Deputy Director and CFO*, beginning in July 1993. Specific accomplishments include:

negotiated agreements to settle billion dollar claims on leases subject to moratoria offshore Alaska and Florida; resolved hundreds of millions of dollars in disputed royalty claims; held workshops and meetings to move from conflict toward consensus on many different issues;

represented agency on television and in newspaper interviews; organized and participated in many national and international conferences; delivered multiple of speeches; represented agency before Congress, highest levels of Federal and State governments, the oil, gas and minerals industry and environmental groups on numerous occasions;

assisted in passage of several Federal laws; and

streamlined agency operations (decreased personnel 12 percent and operated without budget increase for 4 years); managed 3 record-breaking Gulf of Mexico oil and gas lease sales in a row; modernized information systems for Year 2000 compliance and inaugurated popular, easy-to-use website; collected an additional \$1 billion in royalty compliance efforts; developed innovative GovWorks Acquisition Program and won the Vice President's Hammer Award for Reinvention of Government.

*Interim Management Team, Office of Surface Mining—United States Department of the Interior, November 1993–March 1994, Washington, D.C.*

Helped manage the daily operations of the agency during the search for, and confirmation of, a new Director. Interviewed staff and constituents and proposed detailed management plan that was implemented by the new Director. Received the Department of the Interior's Unit Award for Excellence of Service.

*Associate—Steptoe & Johnson, July 1988–July 1993, Washington, D.C.*

Practiced administrative energy, transportation and environmental law and litigation, in a variety of venues, including Federal and state courts, the FERC and the then-Interstate Commerce Commission. Wrote briefs, took depositions, cross-examined witnesses, and argued motions.

*Attorney—Benson & McKay, May 1987–June 1988, Kansas City, MO.*

Participated in high-profile school desegregation litigation through appellate review. Second-chaired oral argument in 8th Circuit, cross-examined witnesses at District Court, took depositions, and wrote briefs.

*Cost Engineer—International Business Machines Corporation, May 1983–August 1984 and Summer 1985, Owego, NY.*

Developed, analyzed and negotiated with Navy cost proposals for computer systems on Federal aircraft.

*Various other summer jobs in Georgia, Illinois and New York.*

## **Education**

*Juris Doctor, Columbia University, May 1987, New York, NY..*

Columbia Journal of Environmental Law, Executive Editor. Charles Evans Hughes Scholar.

*Bachelor of Science in Industrial Engineering, Northwestern University, March 1983, Evanston, IL.*

National Achievement Scholar. National Action Council For Minorities in Engineering Scholar. Alpha Lambda Delta Honor Society. Phi Eta Sigma Honor Society. Dean's List. Resident Assistant.

**Professional Affiliations**

*Institute of Energy Law*, Executive Committee, 2002–Present.

*Columbia University Law School Alumni Association of Washington, D.C.*, Board Member, recent past President, 2000–Present.

*Natural Gas Magazine*, Advisory Board, 2000–Present.

*Missouri and District of Columbia Bar Member*.

**Civic Affiliations**

American Friends of the New Acropolis Museum, *Founding Board Member*, 2008–Present.

Supports opening and successful operation of New Acropolis Museum in Athens, Greece.

Shakespeare Theatre Company, *National Council*, 2005–Present.

Assists the Shakespeare Theatre Company in broadening its reach nationally and internationally.

Columbia Hospital for Women, *Board of Directors*, 2000–2002.

Chaired non-profit women's hospital board's legal subcommittee.

*References, publications and speaking engagements available upon request.*

Senator PRYOR. Thank you very much.

I want to thank both of you.

Now, since Senator Lautenberg is here, and he's the Chairman of the subcommittee with the jurisdiction, I'll defer my question time to you, Senator Lautenberg.

Senator LAUTENBERG. Thanks very much, Senator Pryor.

And, Ms. Ferro, I'm going to ask several questions, and I'll try to keep the questions short; you try to keep the answers short, and we'll be able to get to the things that we want to.

You've spent the last 6 years lobbying on behalf of the trucking industry, and you've had close ties to this industry. And how do we assure ourselves that you'll be an independent safety regulator?

Ms. FERRO. Senator, if I might step back to my career as a State regulator, an agency leader and advocate for highway safety, with my years leading the Maryland Motor Vehicle Administration. When I made the transition to the Maryland Motor Truck Association, I continued in that vein of advocating for safety, in this case, a safe and efficient industry.

I assure you, and make a personal commitment to this committee, that my passion is highway safety. Secretary LaHood's top priority is safety and teamwork, and I am fully committed and fully prepared to implement those measures that achieve the greatest safety gains we need to achieve in the motor carrier industry.

Senator LAUTENBERG. Despite evidence that driver fatigue—and you recognized that in your opening statement—is a factor in many fatal truck crashes, the Bush Administration sought to allow truck-drivers to stay behind the wheel for longer periods of time.

Now, in your current position, you wrote a letter to the editor of *The Baltimore Sun*, earlier this year, supporting the Bush hours-of-service rule. If confirmed, will you recommend to Secretary LaHood that the hours-of-service rule be revisited and improved?

Ms. FERRO. If confirmed, I am firmly committed to reviewing the data, the research, and the analysis of the effects of the current rule, and use that information to advance improvements, where

and if it's determined that improvements should be necessary. And I assure you again, if confirmed, that this committee has my strongest commitment to advance measures that achieve the safety gains and address the driver health and wellness issues that this committee and Secretary LaHood seeks for this industry.

Senator LAUTENBERG. The electric onboard recorders accurately track the number of hours a truckdriver is behind the wheel. And despite the NTSB's recommendation to install the EOBRs on all interstate trucks, the Administration proposed requiring this technology on the smallest percentage—1 percent of all the trucks on the road. Now, do you agree with the NTSB that the EOBRs should be required for all trucks?

Ms. FERRO. I am familiar with the NTSB recommendation, and understand that the past Administration put forward a very, very limited rule concerning electronic onboard recorders. That being said, EOBRs are in use today in motor carriers, and have been demonstrated to be very effective. If confirmed, EOBRs and examining the opportunities for the best safety gains from EOBRs would be among my top priorities.

Senator LAUTENBERG. Yes. I hear you, Ms. Ferro.

Ms. FERRO. I know.

Senator LAUTENBERG. And you say you're going to revisit these things.

Ms. FERRO. Yes, sir.

Senator LAUTENBERG. Are you willing—or, do you agree that it might be a good idea to get EOBRs on all the trucks out there?

Ms. FERRO. Senator, what I would say is, I agree that the EOBR is a technology that offers significant gains in safety enforcement for the law enforcement community, and offers significant gains in operations.

Senator LAUTENBERG. How would you position your views on that? What I hear you saying is, you're not certain that—it might be good for the law enforcement community and—but, these devices, things that can improve safety—and if they do—do you agree that they can improve safety, or at least inspection of—

Ms. FERRO. I agree they've been demonstrated to improve safe operations and inspection efficiency.

Senator LAUTENBERG. Right so why wouldn't we want to have them in all trucks? I'm not sure—

Ms. FERRO. Senator, I appreciate your question and the importance of the EOBR, and am committed to putting that rule and that particular issue among my top priorities, in the interest of advancing the safety mandate of this agency.

Senator LAUTENBERG. Yes, but do you—

I'm sorry?

Ms. FERRO. In the interest of advancing the safety mandate, and my personal mission, the safety mandate of this agency, if confirmed, I would look at the EOBR as a valuable safety tool.

Senator LAUTENBERG. Well, you are conditioning it based on discoveries yet to be made, and I think that—I'd like a more affirmative answer to that question.

I would ask your indulgence to ask—

Senator PRYOR. Sure.

Senator LAUTENBERG.—one more—or, will we to go further? We'll do it again.

Senator PRYOR. We'll do a second round, yes.

Senator LAUTENBERG. OK.

Thank you very much, Mr. Chairman.

Senator PRYOR. Senator Hutchison?

Senator HUTCHISON. Well, thank you, Mr. Chairman.

Let me start with Ms. Ferro, on the bus safety issue. Many operators who are put out of business because of a safety violation just turn around and file under a new name, new charter, and they don't correct the safety violation, and they go forward.

As I mentioned, Senator Brown and I have offered legislation to try to strengthen bus safety requirements. I'd like to ask your view on what you think would be fair requirements for motorcoaches that are offered to the public, in safety, and what you would do if you are the Administrator of this agency.

Ms. FERRO. Senator, while I'm not prepared, today, and not knowledgeable enough, to advance specific recommendations, as your question suggests, I would say that my familiarity with the GAO report concerning chameleon carriers and the activity of motor-coach companies to restructure and come back to avoid sanctions is a significant safety issue.

I'm pleased to learn that the agency is, in fact, taking measures to improve the review of new entrants into the motorcoach sector. But, the very issue you speak of rings true to my opening remarks, that, to the extent that the barrier to entry is low and not rigorous enough, unsafe carriers get into the system or get back on the system.

Senator HUTCHISON. Do you think—

Ms. FERRO. My apologies.

Senator HUTCHISON. Excuse me. Do you think safety belts would be a simple enough requirement for buses that are offered to the public?

Ms. FERRO. Safety belts actually would fall under NHTSA, not the Federal Motor Carrier Safety Administration. But, to the extent that FMCSA had an opportunity to speak to the safety gains of particular technologies, if confirmed, I would hope I'd have an opportunity to speak to those issues. But, again, safety belts would be under NHTSA's authority.

Senator HUTCHISON. Right, I know. I just thought, in general, if you would have an opinion.

Ms. Quarterman, you're probably familiar with the Inspector General's report on PHMSA, and I will just quote to you part of that report. It says that, "PHMSA grants special permits and approvals without exercising its regulatory authority to review applicant safety histories and without coordinating with partner safety agencies. These issues, along with safety concerns previously raised by our office, the FAA, the NTSB, call into question the effectiveness of the agency and the process for granting special permits and approvals."

If confirmed, what would you do to address the IG's report?

Ms. QUARTERMAN. Thank you, Senator Hutchison, for your question.

And I have to say, I share your concerns with respect to the safety issues that have been raised from the Inspector General's report. I am familiar with those, and, if confirmed, I can promise you that I will work very hard to implement the terms of the plan of action that Secretary LaHood has already put in place with respect to special permits related to the hazardous materials portion of the agency.

In addition to that, I would like to step back and take a further and closer look at how that portion of the agency is operating. While I know that PHMSA has a large staff of excellent career employees working for it, I think it may be time for us to reform some portions of the operations of that agency. I think I would enjoy doing that, and I look forward to doing so.

Senator HUTCHISON. Thank you.

Ms. Ferro, one last question.

I'm sure you read *The New York Times* this morning, and others have filed letters saying that you're too close to the industry. I'd like to give you an opportunity to respond to critics who say that you're a lobbyist or you're too close to the industry to be a fair arbiter of safety issues.

Ms. FERRO. Senator Hutchison, thank you for that opportunity.

Yes, the concerns expressed in the editorial have been shared in the past.

During my career in government, as well as my time with the Trucking Association, I have been an advocate for safety. I continue to press ahead with my own passion for safety.

The measures I have taken and my record in government, as well as the issues that I've advocated for in recent years, speak to my very firm and passionate commitment to the agency's mission, which is to reduce the severity of crashes. That record includes implementing a very effective graduated driver's licensing law in Maryland, identifying and working closely with the Medical Advisory Board in Maryland on innovative older-driver research and remediation, as well as interlock devices for drunk drivers.

Most recently, Maryland passed a ban on texting while driving. I advocated in support of that ban, as well as speed enforcement cameras.

My position on safety is firm and, should I be confirmed, safety is a unifying message, under Secretary LaHood's leadership, and I would expect my agency to fall in line with that message and passionately pursue safety gains both as mandated, as well as set forward in the Secretary's vision.

Senator HUTCHISON. Thank you.

Thank you, Mr. Chairman.

Senator PRYOR. Thank you.

Senator Udall?

**STATEMENT OF HON. TOM UDALL,  
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Pryor.

Ms. Quarterman, the—as you're aware, pipelines are a key component of our Nation's transportation infrastructure. Many Americans are probably not aware that they live or work or pursue rec-

reational activities near pipelines. Ensuring their safety, I think, is a very, very important responsibility.

In 2000, a quiet summer morning was shattered when a gas pipeline ruptured and burst into flames near Carlsbad, New Mexico. The fireball could be seen 20 miles away. Tragically, 12 people who were camping along the Pecos River were killed. This was the worst pipeline incident in the continental United States. I wish I could say it was the last, but tragedy has struck again since then.

What have we done to prevent further pipeline catastrophes? And what more will you do, as the PHMSA Administrator, to ensure pipeline safety?

Ms. QUARTERMAN. Thank you, Senator Udall, for that question. It is a very important question, and will probably be the most difficult part of being the PHMSA Administrator; dealing with situations where a harrowing tragedy, such as the one that occurred in New Mexico, happens, and having to reach out to families to talk about how it happened and how we're going to make sure that it doesn't happen again.

I think, since that time, the Senate itself, working with the House, has done quite a bit to help improve pipeline safety measures by putting forward two new pieces of legislation that have improved the operations of pipelines significantly.

Today, most pipelines are currently under an integrity management plan, where there has been a consideration of what are the highest-consequence areas near a pipeline facility. Additional testing has been done on those pipelines.

I think, at this point in time, because those rules have gone into effect in most places, although not completely, it's time for us to take a closer look at what we have learned in response to those rules, and the timing for integrity management testing, to ensure that they are at the correct period of time. Also, I think the most important thing that we can do is to identify the problems that have been shown as a result of these accidents, come up with solutions for them, including regulatory solutions, inspect to make sure that those solutions are in place, and, if not, enforcing decisions and orders by the Department.

Senator UDALL. Now, in your answer, you seemed to suggest that there were some areas where there were not regulations in place. Is this a small number? A large number? What pipelines are those?

Ms. QUARTERMAN. Well, I think the agency has just been going through a series of rulemakings, beginning with some of the larger pipelines on the oil side, and then gas; and now they're getting to low-stress pipelines and distribution gas lines. So, it's working its way through the entire cadre of pipelines that exist. There may be a point where we can step back and take a look at what the results of that new regulation have been, and where to go a step further.

Senator UDALL. And I think that'll be very, very welcome.

Thank you, Mr. Chairman.

Senator PRYOR. Thank you.

Ms. Quarterman, let me start with you if I may. This agency is a fairly new agency—what, just 2 or 3 years old, or 4, maybe?

Ms. QUARTERMAN. Yes.

Senator PRYOR. How is it doing? And where do you think this agency can improve?



Ms. QUARTERMAN. Thank you, Chairman Pryor, for your question. The agency is 3 years old, the same age as my daughter, but it has been around for quite a while, in a different format, as the Research and Special Programs Administration before that.

My first priority will be safety, and it is the highest priority. I think the first issue on the table is the one that has been raised by the Inspector General and was discussed at the hearings last week, and that is on the hazardous-materials side of the agency, where it appears that reform is needed.

Second to that, my priority would be in communications and transparency with the agency and with the community at large. I think it's very important that all the stakeholders have an opportunity to provide input into the process.

I also would like to spend some time talking to the career folks at the agency for their input, if I'm confirmed; and, of course, with Congress, as well.

Finally, I think the third priority will be reform. Once we've had a conversation with all the stakeholders involved, there's an opportunity for us to try to take this agency forward, to deal with aging pipeline infrastructure and be prepared for some of the challenges that are coming in the 21st century. For example, if there's a natural gas line in Alaska or if suddenly the carbon capture sequestration happens and there are carbon dioxide pipelines or ethanol pipelines that need to be put in place, all those things are things that I look forward to, if confirmed, helping this agency prepare for.

Senator PRYOR. Good.

Ms. Ferro, let me ask you—there is legislation pending here in the Senate, S. 1113, the Safe Roads Act, which, if enacted, would direct the Secretary of Transportation to establish and maintain a national clearinghouse for records related to alcohol and controlled-substance testing of commercial motor vehicle operators. Have you had a chance to look at that legislation? And, if so, do you support that concept?

Ms. FERRO. Mr. Chairman, I have looked at that legislation. In fact, during my tenure on the CDL Advisory Committee, appointed under SAFETEA-LU, I advocated strongly for the clearinghouse concept. Should I be appointed, I'm firmly committed to implementing that system in all due haste. Every opportunity we can have at hand to make sure that employers and roadside enforcement officers have access to important safety information about drivers, we must do.

Senator PRYOR. Great.

And, let me also ask—there's been an issue, a consumer-oriented issue, about household goods and moving household goods. And in May 2007, the GAO issued a report that made several recommendations for FMCSA to improve their oversight and to set performance goals to keep an eye on this industry. As with most industries, you know, there are several big name-brand national operators that do fine, but there are also some really bad business practices with some of the fly-by-night operators, and the advent of the Internet has caused a lot of problems. There has just been a real consumer challenge there and it's your agency that is responsible for that. And so, do you have any ideas on how the

FMCSA can more aggressively protect consumers when it comes to these unscrupulous household-goods movers?

Ms. FERRO. Mr. Chairman, in my experience at the State level, also trying to tackle the issue of rogue companies in the moving industry, we found, and I would seek a similar partnership, should I be confirmed, that the State consumer advocacy groups, as well as the attorneys general, were very helpful in ensuring that consumer protection laws were upheld and violations investigated. Should I be confirmed, I would seek similar partnerships around the country. Again, it is an egregious abuse of a customer's confidence for a moving industry to take some of the actions we've read about, and seen, ourselves. I appreciate the interest that you have in that issue.

Thank you.

Senator PRYOR. Well, thank you.

And one last question before I turn it back over to Senator Lautenberg. There has been a cross-border trucking pilot program that's been, I guess you can say, controversial. There has been a tug-of-war, really, between the Congress and the Department of Transportation. You know, from my standpoint, I feel like the previous administration kind of handled this sloppily, and established a pilot program.

How would you do a better job of implementing this program, should the Administration be authorized to reinstate it?

Ms. FERRO. Mr. Chairman, if confirmed, my commitment and my objective would be to implement any program, should it be passed, to the standards, or to exceeding the standards, of the U.S. laws governing motor carrier safety so that any cross-border trucking activity, any non-national company that would operate in the State, would have to adhere, at a minimum, to the U.S. safety standards, if not better.

Senator PRYOR. Thank you.

Senator Lautenberg, did you have follow-ups?

Senator LAUTENBERG. Thank you. Yes, I do. And—thanks, Mr. Chairman.

Ms. Ferro, I'm going to read something that I have here. It comes from the Insurance Institute Highway Safety group. IIHS, Advocates for Highway and Auto Safety, and other highway safety and advocacy organization petitioned the USDOT to require EOBRs for trucks, claiming that mandated use of these devices would improve hours-of-service compliance and thereby reduce the number of fatigued drivers and fatigue-related crashes. USDOT repeatedly denied these petitions. Congress then intervened, requiring, in the 1995 Interstate Commerce Commission Termination Act—that the USDOT address the issue of EOBRs.

After 5 years of delay, the FMCSA, in 2000, proposed to require EOBRs on commercial motor vehicles used in long-haul and regional operations. The Department of Transportation Office of the Inspector General summarized the proposed rule, and they said—here I quote, “Driver HOS violations and falsified driver logs continue to pose significant safety concerns, and research has shown that fatigue is a major factor in commercial crashes.” However, in 2003, the FMCSA backed off its proposal for mandatory EOBR use,

concluding there was insufficient economic and safety data, coupled with a lack of support from the transportation community.

Now, as I heard your response to my question, you promise to look at it, to see what it might be, and that you know that it might be good for law enforcement. But, you were still raising the question of confirmation. You obviously are not, at this point, convinced that the—these electronic onboard devices should be used. And I've got to tell you, I don't understand it, because here are countries that require EOBRs: all of the European Union countries, Brazil, Uruguay, Israel, Japan, Singapore, Argentina, Peru, Venezuela, Turkey, South Korea, and Morocco. They all require these. But, you express some doubt, some concerns about whether or not we ought to move ahead with this. Please explain that difference to me.

Ms. FERRO. Senator Lautenberg, thank you for the opportunity to come back to this issue.

First, if I might, the history you related of the series of petitions, and lack of response to petitions, that you convey, I find very troubling. In my commitment to the public sector and my passion for public service, I feel it is fundamentally important, as a regulator, to be responsive and to listen to the concerns raised, both by the regulated community and, most importantly, by the community the agency is established to protect.

That being said, I don't want to suggest that it's a matter of being convinced or not. What I wanted to convey, and what I would like to continue to convey, is that, if confirmed, I will be a fair and balanced regulator, and will use both data-driven research, data-driven policymaking, and sound scientific research to address issues and accomplish gains within the Motor Carrier Safety Administration's mission to achieve significant reductions in truck and bus crashes, or crashes with trucks and buses. You absolutely have my commitment in that regard, Senator.

Senator LAUTENBERG. Well, recent surveys by the Insurance Institute for Highway Safety—you know the organization?

Ms. FERRO. Yes, I do.

Senator LAUTENBERG. They're reliable—and the University of Michigan—show that 20 to 25 percent of drivers violate HOS rules. One in five drivers fell asleep at the wheel during the previous month, and work-rule violations are associated with dozens of incidents at the wheel. Similarly, the Commercial Vehicle Safety Alliance organization, the Annual Road Check Program, a nationwide truck safety and roadside inspection enforcement campaign, advertised, in advance, to the trucking industry, it's found an increasing percentage of HOS violations in recent years.

So, your skepticism—and you're unwilling to make an unqualified commitment to having these safety devices aboard—concerns me.

Over the past decade, the number of people killed in crashes with large trucks has averaged 5,000 each year. And large trucks place a major strain on our infrastructure. There is currently a ban on trucks that weigh more than 80,000 pounds and are—that are longer than 53 feet, on our interstate highway system. Do you support expanding this ban to our 160,000-mile national highway system?

Ms. FERRO. Senator Lautenberg, the oversight of truck size and weight, or commercial vehicle size and weight, rests with Federal Highway Administration. In my role as Federal Motor Carrier Safety Administrator, should I be confirmed, it would be my top priority to ensure safety. Among the elements of that discussion, that I could offer, would be things that I would be committed to offering in the discussion within the agency on Federal size and weight.

Senator LAUTENBERG. If confirmed as Administrator, what would be your top three safety recommendations to Secretary LaHood to improve truck safety and to reduce the number of fatalities that are caused by large trucks?

Ms. FERRO. Top three in the near term? Work collaboratively within the Department of Transportation to identify best practices to tackle the issue of fatigue and driver health within the transportation industry, the motor carrier industry; to place top priority on examining the impacts and effects of the current hours-of-service rule, and identifying areas of further discussion, to advance additional gains in driver safety and commercial vehicle safety; and to examine an electronic onboard recorder program, and research and identify tools that both dramatically assist a commercial roadside enforcement officer in assessing unsafe carrier action, but also assist the industry greatly in improving safe operations.

Senator LAUTENBERG. I'm going to ask a question of Ms. Quarterman, please.

The PIPES Act of 2006 requires greater use of excess flow valves in single-family residences to automatically shut off gas to valves in the event of a sudden drop in pressure. These excess flow valves reduce gas leaks that can lead to fires and explosions. The final rulemaking on this mandate was due on December 31, 2007. It still hasn't been completed.

If you're confirmed, would you guarantee that you're going to resolve this long-overdue requirement expeditiously?

Ms. QUARTERMAN. Thank you, Senator Lautenberg.

Yes, I'm aware of that requirement and the fact that it is long overdue, and you have my commitment that, if I am confirmed, it will be one of the things that is on my top priority list to see what is happening with the long delay in that and other important safety rules.

Senator LAUTENBERG. Would you support the expansion of excess flow valves into buildings other than single-family homes, like apartment houses or office buildings?

Ms. QUARTERMAN. I would have to defer answering that question until I've had an opportunity to be confirmed and to meet with the staff and see what analysis they may have done with respect to the opportunity to expand on that. On a theoretical basis, it sounds interesting and intriguing, and I would look forward to working with you further on that.

Senator LAUTENBERG. Thank you very much.

Thanks, Mr. Chairman.

Senator PRYOR. Thank you, Senator Lautenberg.

We've been joined by our distinguished colleague from Maryland. Senator Ben Cardin, you're recognized.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, Senator Pryor, thank you very much.  
Senator Lautenberg, thank you for your participation.

I just really wanted to come by to introduce and to support Anne Ferro's appointment to be the Federal Motor Carrier Administrator.

I also want to thank Ms. Quarterman and Anne Ferro for their willingness to serve the public, and thank their families, because this is a sacrifice that you're making and we appreciate it very much, and wish both of you my best.

Mr. Chairman, I'll put my entire statement—or, introduction in the record, because, as I explained—as I was going to tell you at lunch, I had to go upstairs to preside—and I just got off the floor.

Anne Ferro is well known in Maryland. She got her start on the staff of the Ways and Means Committee in the Maryland General Assembly. I mention that because that's where I got my start—on the Ways and Means Committee in the Maryland General Assembly, and later had a chance to chair that committee. And I—from the—both Democrats and Republicans in the State legislature, they think that Anne Ferro has the highest degree of professional skills and dedication to public service.

She then was the Motor Vehicle Administrator in our State. And once again, she served under both a Democratic and a Republican Administration, and had the confidence of both Democrats and Republicans, and administered the agency with the highest degree of competence. I particularly appreciate taking on the challenge of dealing with youthful drivers in developing a system on the license where youthful drivers have a chance to get a little more experience. And that was—her leadership helped bring that about. There are many other innovations that she made in the Motor Vehicle Administration dealing with safety, some of which were difficult and controversial, but they were the right thing to do, and she took on those challenges.

I was also particularly impressed by her commitment for diversity in the workplace, which she made a very high priority during her administration.

So, I just really wanted to come by to strongly recommend her confirmation and tell you how proud we are, in Maryland, of her continued interest in public service.

[The prepared statement of Senator Cardin follows:]

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND

Good afternoon. It is my pleasure to introduce Anne Ferro, President Obama's nominee for the position of Federal Motor Carrier Administrator in the Department of Transportation.

During her time with the Maryland General Assembly, Ms. Ferro staffed the House Ways and Means Committee from November 1986 to November 1991, the same Committee I had the honor to chair from 1974 to 1979.

There's not a state legislator in Annapolis who wouldn't say Ms. Ferro will make a great Administrator for Federal Motor Carrier Safety agency. An example of their respect for her as a chief state regulator was displayed when "both sides of the aisle" called upon newly elected Governor Ehrlich to retract his termination notice to Ferro after the Governor's office switched from Democratic to Republican in 2003.

Governor' Ehrlich's appointments secretary reversed the decision and asked Ferro to stay.

Ms. Ferro's safety record is strong. In her 7 years as Maryland Motor Vehicle Administrator, she secured passage of Maryland's graduated licensing law for young drivers and supported creation of an Older Driver research program to improve the safety of aging drivers.

As the first woman to lead the state Motor Vehicle Administration, she was committed to restructuring the agency in a way that substantially increased advancement opportunities for minorities.

Five years ago Ms. Ferro took the reins of the Maryland Motor Truck Association. While strengthening the association's service to its members, she worked hard to maintain an open dialogue between the trucking industry and government.

Her commitment to highway safety is demonstrated in her service on the Executive Committee of Maryland's Strategic Highway Safety Plan, the Maryland Highway Safety Foundation and the American Trucking Association's Safety Task Force.

She currently serves on several regional advisory committees relating to freight planning and transportation funding, and was honored as the Port of Baltimore's 2008 Port Woman of the Year.

Anne Ferro will bring a balanced perspective to the position and a commitment to efficient and effective regulation over motor carrier safety.

I urge the Committee to support her nomination.

Senator PRYOR. Thank you.

If there are no other questions, what we would like to do is ask all the members who could not be here today, or who had to leave before they could ask questions, to get all their questions in to the Committee by the close of business Thursday, and the Committee staff will do their best to get those right to the two witnesses, here, the two nominees. And then, we'd look forward to having your responses back by the close of business on Tuesday of next week, on the 29th, if that's at all possible.

But, we want to all thank you very much for your commitment to public service. Thank you for being here today.

And with that, we're adjourned.

Thank you.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

Thank you, Mr. Chairman. I am pleased that the Committee is moving forward with today's nominations, which are for important safety posts within the Department of Transportation.

The Federal Motor Carrier Safety Administration (FMCSA) serves a critical role in ensuring the safety of commercial vehicles through regulation and oversight. The agency, working in close cooperation with the States, also is responsible for enforcing safety regulations. I have the highest respect for the work FMCSA and the State inspectors do to protect the safety of South Dakota drivers. Like many rural States in the Midwest, South Dakota is a major freight corridor, linking the east and west via Interstate 90, and the north and south via Interstate 29. More than two-thirds of the truck traffic on our highways neither begins nor terminates in the State.

Anne Ferro, the President's nominee for the Administrator of FMCSA, is well-qualified for the position. She has many years' experience in transportation, serving as both the head of the Maryland Motor Vehicle Administration and, more recently, as the President of the Maryland Motor Truck Association. While her background with the Motor Truck Association has caused some to question whether she will be too close to the industry, I believe her knowledge of the industry is an asset that will make her more effective in protecting the public interest. And I want to thank her for taking the time to meet with me several weeks ago to discuss her background and the challenges facing the agency.

The other nomination we consider today is that of Cynthia Quarterman, the President's nominee to serve as the head of the Pipeline and Hazardous Materials Safety Administration (PHMSA), as the agency is commonly known, is responsible for establishing regulations to safeguard the transportation of hazardous materials by all modes, including pipeline. With more than 6,000 miles of pipelines in South Dakota, and thousands of truck and rail shipments of hazardous materials through my home State each year, my constituents have a direct stake in Fem-za's success in ensuring that hazardous products—many of which are essential to our way of life—are delivered safely.

Ms. Quarterman also is a highly qualified candidate. Currently, she is a Partner at the law firm of Steptoe & Johnson, handling transportation and natural resource issues. During the Clinton Administration, Ms. Quarterman served as the Director of the Minerals Management at the Department of the Interior, and in that position oversaw the development on the Nation's outer continental shelf, including the transportation of hazardous materials by pipeline.

I would like to welcome both of our nominees and thank you for your willingness to serve in these important positions. Thank you.

PREPARED STATEMENT OF JENNIFER TIERNEY, BOARD MEMBER, CITIZENS FOR RELIABLE AND SAFE HIGHWAYS (CRASH) AND DAPHNE IZER, CO-FOUNDER, PARENTS AGAINST TIRED TRUCKERS (P.A.T.T.) ON BEHALF OF THE TRUCK SAFETY COALITION

Chairman Rockefeller and Members of the Senate Commerce, Science and Transportation Committee, thank you for the opportunity to submit our statement for the record on the nomination of Anne S. Ferro, President and CEO of the Maryland Motor Truck Association, to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA). We appreciate the attention this Committee has given to the issue of motor carrier and motorcoach safety. In the last Congress, the Committee held four separate hearings on motor carrier safety issues that severely criticized the agency for weak regulations or inadequate responses to critical safety problems. The hearings focused on critical and continuing failures of the FMCSA and its leaders to promulgate long overdue and lifesaving safety regulations to advance motor carrier and motorcoach safety. Each hearing exposed serious and chron-

ic failures by the FMCSA to issue effective regulations, enforce safety rules, impose maximum fines, shut down unsafe carriers, implement statutory mandates, respond to National Transportation Safety Board (NTSB) recommendations, and protect the safety of American families and workers.

We are here today to represent the families of truck crash victims and survivors who are concerned about the nomination of a trucking industry official to lead the Federal agency responsible for regulating and overseeing the safety of the motor carrier industry. The FMCSA is in dire need of new, safety-minded leadership that will put people first and will be truly dedicated to carrying out its statutory mission to make "safety [its] highest priority."

We have paid the ultimate price for the failures of the FMCSA and its predecessors to responsibly carry out their safety and regulatory duties.

In 1993, Jeff Izer, son of Daphne and Steve Izer, and three of his good friends were killed in a preventable truck crash when the driver fell asleep at the wheel of an 80,000 pound rig. Shortly thereafter, Daphne and Steve founded Parents Against Tired Truckers (P.A.T.T.). Despite a major U.S. Department of Transportation summit that identified fatigue as a serious problem, FMCSA responded with a regulation that substantially increases the number of working and driving hours of commercial drivers.

In 1983, Jennifer Tierney's father, James William Mooney, Sr., was needlessly killed in another preventable truck side underride crash. Today, 25 years later, there is still no Federal standard for side underride protection and the agency has indicated it has no plans to even consider such a safety requirement.

These are typical examples of the agency's far too frequent failures to advance necessary safety rules when there is a compelling and convincing need for action.

After 10 years as an agency, the FMCSA still reports that every year about 5,000 people are killed and 100,000 more suffer injuries as a result of truck crashes. This includes over 500 truck drivers who die each year doing their jobs. In the decade since the agency was created by Congress there have been 50,000 truck crash deaths and over one million injuries.

In fact, not only has the agency been unable to significantly reduce the toll of truck-involved deaths and injuries, it has abandoned the goal of lowering the number of deaths each year in favor of merely reducing the *rate* of deaths—an especially pernicious safety target that allows the *number* of people killed in large truck crashes to increase even as the *rate* could decrease. However, the agency has also been singularly unsuccessful at meeting its annual targets for even this revised goal. FMCSA's failure to act responsibly to improve safety is startling in light of the fact that it was established by Congress against a backdrop of chronically poor safety regulation and oversight by its predecessor agency. FMCSA was given a clear and strong legislative mandate that improving safety is the agency's primary mission.

There has been no significant reduction in the mortality toll or progress in making trucking safer because of chronic inaction and ineffective leadership at the agency as well as successful efforts by the trucking industry to stymie and oppose programs, policies and regulations to promote the health and safety of truck drivers and the motoring public.

Unfortunately, Ms. Ferro is an apologist for the failure of FMCSA to improve the safety record of motor carriers. For example, one of the most important and well-documented safety problems in the motor carrier industry is driver fatigue. According to the NTSB, truck driver fatigue is a factor in 30 to 40 percent of all truck crashes. Many other studies for over 30 years have shown the enormous contribution of fatigue and sleep deprivation among commercial drivers to fatal and injury crashes. Yet, FMCSA simply denies and rejects these research studies. The response of the Bush Administration to this critical safety problem was to issue an hours-of-service (HOS) rule that not only expanded the consecutive number of hours a truck driver can operate a fully-loaded rig from 10 to 11 straight hours, but also dramatically increased the total hours a truck driver can work to 88 hours in a calendar week—an increase of 28 percent.

The Bush Administration HOS rule permitting tired truckers to drive and work longer hours not only defies common sense and well-documented research and scientific data, but it was found to be profoundly lacking in legal legitimacy in two unanimous back-to-back decisions of the U.S. Court of Appeals for the District of Columbia which remanded the rule to the agency to be revised. In one case the court ruled that the FMCSA had ignored the impact of the longer hours on driver health as well as safety. While six (6) Federal appellate judges in two cases have found the Bush Administration HOS rule arbitrary and capricious, Ms. Ferro has vigorously defended the HOS rule, in concert with the American Trucking Associations, as a safe and wise policy. On January 10, 2009, Ms. Ferro co-wrote a letter



defending the Bush Administration HOS rule in response to an editorial published in the *Baltimore Sun* criticizing the safety of the rule.

In fact, she wrote, “. . . reversing the 2004 change in the hours-of-service regulations would be foolish, would make our highways less safe and would cost lives.” Ms. Ferro’s letter reflects a “stay-the-course” attitude, and the mistaken view that the Bush Administration policies are working so well that no change is necessary. Ms. Ferro’s views do not reflect the reform and change that are needed at FMCSA.

We are extremely skeptical that an individual who has been employed by the very industry that has worked for years to thwart progress on critical truck safety issues will lead this agency to act in the interest of the public rather than the industry. In addition to the issue of truck driver fatigue and the hours-of-service rule, the FMCSA Administrator during the next 4 years will be involved in critical life and death decisions affecting motor carrier safety.

*Enforcing HOS Rules:* Electronic on-board recorders (EOBRs) are electronic devices that record the time a truck engine is on and can provide a paper or electronic printout. This technology is essential to enforce the HOS rule for truckers and motorcoach drivers. Currently, drivers are required to keep paper logbooks that reflect their driving and work hours. Many drivers keep different sets of books, called “comic books,” because the books kept to show to law enforcement are regularly falsified to reflect compliance with the HOS rule rather than record the actual number of working and driving hours. EOBRs are the only objective and direct way for law enforcement officers to determine whether a trucker or bus driver is in compliance with the HOS rule.

Congress ordered DOT to deal with EOBRs in 1995 because many countries, including developing nations, required some type of EOBR-technology. But, DOT and FMCSA did nothing and were criticized by the U.S. Court of Appeals in a 2004 decision for not having even evaluated the EOBRs then available. Since then, the FMCSA has proposed a rule that would require less than one half of 1 percent of truck companies to install EOBRs on their vehicles, and that would only be done as a punishment for those few companies with very poor safety compliance in general. While some large trucking companies currently use EOBRs, and applaud the safety and other benefits of having installed and used them, most of the trucking industry has opposed such a requirement even though it is widely supported by law enforcement. DOT and FMCSA constantly assert that technology should be used to improve safety and efficiency within the trucking industry, but in this case both the industry and the agency have refused to require EOBRs technology. The use of this technology is comparable to the use of breathalyzers to enforce drunk driving laws. It would greatly assist law enforcement and greatly improve compliance with HOS rules.

*Truck Size and Weight Limits:* Establishing truck size and weight limits for the Federal Interstate highway system is controlled by Congress. However, for decades trucking interests have led the effort of ratcheting up truck sizes and weights in states and in Congress to increase the amount of freight that can be transported in each load. Once a few states increase weight limits, the pressure builds on neighboring states to do the same in order to stay competitive. Eventually Congress is called on to raise Federal weight limits for the sake of national uniformity. It was this divide-and-conquer approach that was successful in getting Congress, in 1982, to increase the weight limit for Interstate highway system to a total of 80,000 pounds, and force the states to accept these bigger, heavier trucks with longer, wider trailers on hundreds of thousands of miles of state highways as well as on the Interstate system.

The industry approach of trying to get a few states to increase weight limits is well underway now and being carried out by industry lobbyists today in Maine and several other states. The trucking industry is pressing Congress and the states to allow trucks that weigh 97,000 pounds or more, despite safety concerns about such large trucks and the destruction and delays caused when they crash or roll over. Bigger, heavier trucks have longer stopping distances, have a higher center of gravity and are more unstable, especially when operating at highway speeds, and thus more prone to be involved in a crash. Although large trucks represent only about three (3) percent of motor vehicle registrations, large trucks are involved in about eight (8) percent of all fatal motor vehicle crashes and 12 percent of all traffic fatalities annually. The special interest lobbying effort to increase the Federal truck weight limit is being pressed despite the fact that heavier trucks destroy and damage the highway and bridge infrastructure at astounding rates. There is currently a huge backlog of repairs needed for Interstate highways and bridges, and many Interstate bridges are structurally deficient or functionally obsolete. It costs tens of billions of dollars to restore these roads and bridges to a safe condition, enormous

sums that most state DOT don't have. Nevertheless, the trucking industry is undaunted and unapologetic in its push for ever higher weights and larger trucks.

*Longer Combination Vehicles:* Longer Combination Vehicles (LCVs), large doubles and triples, are truck tractors pulling multiple (2-double, or 3-triple) trailers and can be over 100 feet in length. Doubles can be arranged in several different forms depending on whether 28-foot, 48-foot or 53-foot trailers are combined, while triples are generally three 28-foot trailers pulled behind a truck tractor. LCVs are highly unstable in terms of lane control, slight steering changes often cause the last trailer to move into adjacent lanes of traffic, especially in crosswinds, and LCVs frequently encroach on other lanes of traffic when making turns. In 1991, Senator Frank Lautenberg (D-NJ) led a successful effort to "freeze" LCVs, allowing them to continue to operate where they had previously been operating, mostly in western states, but not allowing any expansion into new routes or states. The trucking industry has been relentless in pressing to repeal the LCV freeze and to expand the range of LCVs by forcing them onto new routes and into additional states. Safety groups are facing their biggest battle in Congress this year in stopping a repeal of the LCV freeze in order to allow double and triple-trailer trucks throughout the United States.

In conclusion, the safety of all of our families, friends and colleagues are at stake. We can't afford to wait any longer for improvements in motor carrier safety and we can't afford to gamble on a former trucking executive making the right choices and the right decisions. FMCSA needs a leader and the public deserves an Administrator who is an avowed safety advocate without industry conflicts and will promote policies and programs that advance the health and safety of all motorists and not the economic interests of the industry. The American public expects nothing less.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO CYNTHIA L. QUARTERMAN

*Question 1.* In your current capacity, you have represented the industries that you are going to be expected to regulate in your role as Administrator. Will these experiences affect your ability to enforce the safety laws and regulations within the industries you have represented?

Answer. Having directed a major Federal safety agency, I understand the need to maintain an arm's length relationship with the industries that one regulates. I am committed to the agency's safety mission and, if confirmed, I will use all of my experiences to ensure that the agency fulfills its duty to protect Americans from the risks inherent in transportation of hazardous materials. I will also maintain the transparency of the agency's actions, as well as the inclusiveness of its deliberative process.

*Question 2.* How will you work to improve the culture of safety at Pipeline and Hazardous Materials Safety Administration (PHMSA)?

Answer. If confirmed, I will make this my top priority. I have led a major Federal safety agency and I understand the critical role that the Pipeline and Hazardous Materials Safety Administration's people play in protecting the public and the environment as well as the people working on the critical infrastructure. My strong belief in this agency's safety mission will be communicated, through the timely implementation of the Action Plan that Secretary LaHood initiated and through a focus on all open NTSB recommendations.

*Question 3.* PHMSA has already made progress toward informing trade associations that special permits were issued to member companies only, not to the association or organization. How will make sure member companies are aware of and compliant with the specifications of their permits?

Answer. I understand that PHMSA issued an advisory clarifying that member companies are individually responsible for a special permit. Further, these companies are being contacted to ensure that they are aware of their requirements under the special permit. If confirmed, I will take a look at these and other efforts to make sure member companies are compliant with the specifications of their permits.

*Question 4.* The Pipeline and Hazardous Materials Safety Administration is still a relatively young agency with several very important missions before it. If confirmed as the next Administrator, what will be your priorities for the agency and what are the main challenges to safety in the hazardous materials transportation and pipeline sectors?

Answer. If confirmed, my top priorities will be to ensure that the Action Plan for the Hazardous Materials Special Permits program is implemented in an aggressive manner and I will take a look at the Pipeline Safety program to have a better un-

derstanding of the challenges it may be facing. Another priority will be the need to refocus the agency on its safety mission. I understand the critical role it plays in protecting the public and the environment, as well as the people working in pipeline and hazmat transportation.

*Question 5.* PHMSA's mission includes coordinating the safe and secure transportation of hazardous materials across all modes of transportation. How will you work with DOT modal administrators to improve communication and coordinate efforts to ensure the safe transportation of hazardous materials?

Answer. I understand that under the Action Plan, PHMSA, working with the modes, has developed a coordination policy. If confirmed, I will review this policy and make sure that it is effective.

*Question 6.* Currently, PHMSA has 35 inspectors and seven field supervisors responsible for overseeing the 300,000 or more entities that transport hazardous materials. Do you believe PHMSA's staffing levels are adequate to enable PHMSA to perform its mission?

Answer. I understand that the agency received additional inspectors in the FY 2009 budget. I also understand the agency/DOT has asked Congress for more inspectors in FY 2010. If confirmed, I will evaluate whether additional inspectors are required.

*Question 7.* The Department of Transportation Inspector General has raised concerns about the special permitting and approval processes at PHMSA. PHMSA initiated an Action Plan, which is a good first step toward reforming the special permitting process. What will you do to ensure the action plan continues to be implemented and that changes required by the plan remain permanent?

Answer. If confirmed, I will continue to work with the PHMSA staff to ensure that the deadlines set forth in the Action Plan are addressed in a timely manner. I will also take a closer look at the agency to see where additional reform is needed.

*Question 8.* Ms. Quarterman, PHMSA currently regulates the safety of the Nation's small network of interstate carbon dioxide pipelines. As you know, being able to capture and sequester the emissions of coal is widely regarded as critical to reducing carbon dioxide emissions while allowing for the continued use of coal to meet our energy needs. If Congress passes legislation calling for greater reliance on carbon capture and sequestration technologies to help combat global climate change, do you believe that PHMSA's existing framework for the safety regulation of carbon dioxide pipelines is clear and workable in the face of a massive build out of new carbon dioxide pipelines?

Answer. If confirmed, I will ensure that PHMSA continues to work with the Committee, its Federal and State partners, and the industry to prepare for the safe operation of new or extended carbon dioxide pipelines. It is my understanding that the existing pipeline safety program administered by PHMSA has provided effective oversight over thousands of miles of carbon dioxide pipelines since 1991 and will accommodate new and expanded carbon dioxide pipelines, however they are configured.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
CYNTHIA L. QUARTERMAN

*Question 1.* Ms. Quarterman, pipelines are a key component of our Nation's transportation infrastructure. Many Americans are probably not aware that they live, work, or pursue recreational activities near pipelines. Ensuring their safety is an issue I take very seriously.

In 2000, a quiet summer morning was shattered when a gas pipeline ruptured and burst into flames near Carlsbad, New Mexico. The fireball could be seen twenty miles away. Tragically, twelve people who were camping along the Pecos River died.

This was the worst pipeline accident in the continental United States. I wish I could say that it was the last. Yet tragedy struck again since then. I am concerned that PHMSA still has not done enough to prevent further pipeline catastrophes. What are your priorities for PHMSA's work related to pipeline safety?

Answer. First, strengthening and fortifying the rigor of PHMSA's pipeline safety inspection and enforcement program will be among my top priorities if I am confirmed. I know that much has been done since the tragedy at Carlsbad; however, safety requires constant vigilance and I commit to give that my highest attention. Second, providing adequate support—both financial and technical—for PHMSA's State partners will also be key to pipeline integrity. Last, I also believe that we must better use and develop technology that enables pipeline operators to more effectively and efficiently identify and eliminate threats. If confirmed, I would like to

work with the Committee to establish a clear roadmap to bringing improved focus on technology's role in pipeline safety.

*Question 1a.* What is your vision for an effective pipeline safety enforcement program?

Answer. I believe that firm, but fair, enforcement is an essential element in a performance-oriented safety program. However, it alone will not provide the level of safety and environmental protection we demand. PHMSA must also have a clear and consistent regulatory program, rigorous oversight, technology development and deployment, and technical education and assistance—particularly for the thousands of small operators—to achieve the pipeline safety goals of the Department. Finally, PHMSA must engage those who also own a share of responsibility for pipeline safety—like land use planners, and the public, in ensuring the accuracy of our goals and support for our programs.

*Question 2.* Ms. Quarterman, not far from the United State Senate, trains carry hazardous materials through the heart of Washington, D.C. In fact, all across the country, trucks and trains pass through communities carrying hazardous cargoes such as ammonia, chlorine, and highly flammable fuels.

PHMSA has an important responsibility in ensuring the safe and secure shipment of these dangerous materials. What efforts should PHMSA undertake to improve safety and emergency preparedness? How can PHMSA better help local governments and communities with pipeline and hazardous materials safety and emergency preparedness? Are there any changes to current law you would recommend to strengthen the state and local government role in emergency preparedness?

Answer. I understand PHMSA has a number of initiatives that address emergency preparedness, including a \$28 million grant program to train emergency responders. Further, the agency works closely with the fire fighting community to develop “best practices” for responding to hazmat emergencies. It also works with stakeholder groups in their communities that have a role in emergency planning. I'm very supportive of these programs. If confirmed, I will meet with the agency's staff and congressional committees to determine how we might strengthen the state and local government's role in emergency preparedness.

*Question 3.* You will be taking over the helm of an agency that needs to redouble efforts to earn the public's trust, particularly in communities that have been directly affected by pipeline incidents. What measures will you put in place to restore the public's trust in PHMSA and demonstrate to the public that PHMSA will act in the most professional and ethical manner under this Administration?

Answer. I believe in this agency's safety mission and will ensure that the agency demonstrates its commitment to safety time and again. I will also encourage open communication and transparency within the agency.

*Question 4.* President Obama has made government openness a priority for his administration. What will you do to improve openness and transparency at PHMSA? How can PHMSA expand public access to agency and pipeline information, rulemakings, and safety measures that affect their communities?

Answer. If confirmed, this will be one of my top priorities; I'm committed to addressing the President's transparency initiative and will look for ways to further open communications with stakeholders through public meetings, PHMSA's website, and new information technologies.

*Question 5.* The Department of Transportation's Inspector General recently found that PHMSA has not addressed longstanding safety issues raised by the National Transportation Safety Board (NTSB). The Inspector General office further called into question the effectiveness of PHMSA's process for approving special permits for shipping hazardous materials. Will you commit to this committee that, as PHMSA Administrator, you will address the concerns raised by the Inspector General and NTSB? When can this committee expect to see a PHMSA plan and timeline for addressing the specific recommendations of the Inspector General and NTSB?

Answer. Absolutely. If confirmed, I will ensure that the Action Plan that Secretary LaHood initiated is implemented in a timely manner. I will also review and take action, where appropriate, on all open recommendations from the National Transportation Safety Board.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
CYNTHIA L. QUARTERMAN

*Question 1.* This Committee has long enjoyed a close and productive working relationship with the agencies within its jurisdiction. We rely on the legal and technical expertise of agency staff when developing or reviewing proposed legislation. Can all

members of the Committee, and the staff on their behalf, count on this cooperative relationship continuing?

Answer. Absolutely. If confirmed, I look forward to the continuing cooperative relationship.

*Question 2.* Based on your experience in the field of transportation, what will your top priorities be at PHMSA?

Answer. If confirmed, my top priorities will be to address concerns raised by the Congress and the DOT Inspector General regarding the Hazardous Materials program. I will also want to look at how the Pipeline Safety program is addressing the mandates of the Pipeline Inspection, Protection and Enforcement Act of 2006. Another priority will be to address the safety culture in the agency and take reform actions where necessary.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
CYNTHIA L. QUARTERMAN

*Question 1.* What do you believe is the most important action Congress should take in our efforts to reauthorize the Pipeline and Hazardous Materials Safety Administration, which is expected to be addressed as part of the highway bill?

Answer. The Obama Administration has not put forward a recommendation for reauthorization of the Hazardous Materials program as part of the Surface Transportation bill. If confirmed, I will work with department officials to address ways to strengthen the Hazardous Materials program. Key to strengthening the capability of the program is making sure that there are enough enforcement personnel; that data analysis needs are addressed along with improved Information Technology infrastructure; and that training is provided to emergency response personnel that respond to hazmat incidents.

The Pipeline Safety program will be up for reauthorization in 2010. If confirmed, I will work with the Administration and the Congress on the reauthorization of this important safety program.

*Question 2.* What do you consider to be the most pressing issue facing the agency today, and how do you hope to address that issue, if confirmed?

Answer. The most pressing issue facing the agency is the need to refocus on its safety mission. If confirmed, I will make this my top priority—reestablishing a safety culture from the top to bottom. Having led a major Federal safety agency, I understand the critical role it plays in protecting the public and the environment, as well as the people working in pipeline and hazmat transportation.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
CYNTHIA L. QUARTERMAN

*Question 1.* In 2002, Congress established an integrity management program for natural gas transmission pipelines, which in turn required that such pipelines undertake baseline inspections of their systems in populated areas, and then re-assess these segments every 7 years thereafter. A 2006 GAO report recommended that these reassessment intervals be based on the actual risk associated with a given pipeline segment, rather than a one-size-fits-all approach. Risk based allocation of resources was noted by the GAO as a superior method of focusing finite resources. Former PHMSA Administrator Admiral Thomas Barrett made the same recommendation to Congress several years ago. Will you maintain this recommendation to Congress as the next reauthorization of your pipeline authority commences?

Answer. I believe the integrity of the Nation's energy transportation network to be one of my top priorities—and rigorous, risk-based testing is critical to pipeline safety. If confirmed and after getting briefed thoroughly on this issue, I would very much welcome the opportunity to advance the dialog begun by the GAO and Admiral Barrett. If confirmed, I will assure you that I will meet with the Committee to discuss this matter in detail.

*Question 2.* The PHMSA programs and state grants are funded almost exclusively through user fees assessed on hazardous liquid pipelines, natural gas transmission pipelines, and liquefied natural gas facilities. As I understand it, PHMSA is required to allocate its costs across these pipeline sectors on an annual basis, and make adjustments in the user fees to fairly recover these costs. However, one sector of the industry, natural gas distribution, does not pay user fees to PHMSA. This is becoming important, since it appears that the PHMSA program and state grant monies are increasingly being used for important natural gas distribution safety efforts. During the debate on the Transportation and HUD Appropriations bill last

week, several members of the Senate Appropriations Committee asked PHMSA to provide a breakdown of how program funds and state grant monies are allocated across the various pipeline sectors, "in order to better assess the current program priorities at PHMSA, and to determine how these user fees are being allocated across the regulated community." Can you commit to providing this information on a timely basis to the Senate?

Answer. If confirmed, I will provide this information promptly after assuming my duties. While it appears from my research to date that there is substantial support for the pipeline safety goals established for PHMSA under the PIPES Act, I understand that there are competing views on how the strategies to achieving these goals are to be funded. I do understand that PHMSA reported to the Congress on this general topic in 2008.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO ANNE FERRO

*Question 1.* In your current capacity, you have represented the industry that you are going to be expected to regulate in your role as Administrator. Will these experiences affect your ability to enforce the safety laws and regulations within the industry you have represented?

Answer. As I said in my statement before the Committee, I am a public servant at heart with a passion for highway safety and a commitment to good government. I clearly demonstrated this during my time in Maryland's legislative branch and as Administrator of Maryland's Motor Vehicle Administration.

I brought this same passion to my service as President of the Maryland Motor Truck Association where I followed the guiding principles of fairness, integrity, teamwork, respect for others, and hard work. My years representing the hard-working drivers of Maryland and the trucking companies that employ them will enable me to more effectively administer this Nation's motor carrier safety laws and regulations. I have seen first hand how low barriers to entry into the trucking industry and intense competition for freight encourage some in this industry to push the limits of safe operation and put the driving public and other commercial drivers at risk. I have observed the impact of uncompensated time, compensation by the mile or load, and how drivers may feel pressure to operate unsafely.

If confirmed as Administrator of the Federal Motor Carrier Safety Administration, I would be committed to rolling out tougher safety standards for entry into the truck and motorcoach industries. I would be committed to considering a rule to require the universal use of electronic on board recorders and to address the issue of uncompensated time and compensation by the mile or load. I would be committed to implementing effective strategies for identifying and sanctioning high risk motor carriers.

*Question 2.* How will you work to improve the culture of safety at the Federal Motor Carrier Safety Administration (FMCSA)?

Answer. The culture of any organization starts with its leaders. My professional success along the way has rested on the guiding principles of fairness, integrity, teamwork, respect for others and hard work. I would bring these guiding principles with me to FMCSA if I am confirmed and expect the same from my managers and employees.

If confirmed, I would focus on effective communication between leadership and the workforce including greater employee engagement and improved organizational practices that should result in a more satisfied, higher performing work force. I would also seek to improve leadership effectiveness through a number of initiatives including a comprehensive leadership development program.

*Question 3.* Recently, there has been increased attention given to accidents caused by distracted drivers using electronic devices to send text messages. What steps would you implement at FMCSA to address this unsafe activity?

Answer. The Department of Transportation is sponsoring a Distracted Driving Summit on September 30–October 1, 2009. It is my understanding that at this Summit, Secretary LaHood will be announcing a number of new initiatives to reduce driver distraction. As this issue relates to FMCSA, I understand that FMCSA is working on two studies to further evaluate issues related to driver distraction. The first study investigates distraction in commercial trucks and motorcoaches. This study will go further than any study previously undertaken as it will use a database of nearly 14 million driving events to study the prevalence of driver distraction in conjunction with crashes and near-crashes. The second study focuses on safety practices relating to the use of cell phones and personal digital assistants (PDAs) in commercial truck and bus operations, including current practices to limit PDA use. It is my understanding that both of these studies will be completed in February

2010, and the report published subsequently. If confirmed, I would look forward to examining the results of these studies, using the data to support future Agency actions and rulemakings, and considering other steps to address accidents caused by drivers sending text messages.

*Question 4.* FMCSA's historic lack of oversight and enforcement of the household goods industry has left many consumers unprotected from dishonest household goods movers. How would you make sure that FMCSA more aggressively protects consumers from unscrupulous household goods movers?

Answer. As the former head of a state licensing agency, I understand the many challenges that a regulatory agency faces in dealing with individuals and companies that fail to comply with applicable rules.

While FMCSA has made some progress in oversight of the household goods (HHG) industry, more needs to be done. If confirmed as Administrator, I would work to fully implement FMCSA's "vetting" process for new HHG carriers to prevent unscrupulous carriers from evading enforcement actions by re-establishing themselves under a new business name. I would also work to improve the Agency's HHG consumer complaint information so that consumers would have access to more information about complaints filed against HHG carriers. Finally, I would explore other regulatory and non-regulatory options to strengthen consumer protection.

*Question 5.* The reauthorization of Federal surface transportation programs will provide us an opportunity to implement reforms to the FMCSA to reduce the number of crashes, injuries, and fatalities occurring on our Nation's highways. Are you committed to working with the Commerce Committee to meet these goals? What do you believe Congress should consider as it works to reauthorize the FMCSA?

Answer. In 2008, FMCSA reached out to stakeholders such as safety advocacy groups and labor, state enforcement agencies, the motorcoach industry, and the trucking industry to identify areas where the stakeholders believe the Agency should consider seeking additional authority from Congress. The Agency also requested input from its Motor Carrier Safety Advisory Committee, a 15-member committee established in 2007 with individuals from safety advocacy groups, law enforcement, and industry and labor, to provide the Agency with their views on reauthorization.

Based on what I have heard from other stakeholders in my capacity as President of the Maryland Motor Truck Association, some of the major topics identified for reauthorization through this collaborative process are:

- Strengthening FMCSA's enforcement authority;
- Reforming the Agency's grant programs to the states to provide increased flexibility;
- Implementing on a nation-wide basis safety programs such as Performance and Registration Information Systems Management (PRISM), Commercial Vehicle Information Systems and Networks (CVISN), and Ticketing Aggressive Cars and Trucks (TACT).

If confirmed, I look forward to working with the Committee and other stakeholders on reauthorization legislation that will lead to significant improvements in truck and bus safety.

*Question 6.* Ms. Ferro, in January 2009 you co-signed a letter to *The Baltimore Sun* supporting a controversial Bush Administration Hours of Service rule for commercial motor vehicle operators. In the letter, you stated that the Bush rule would have made trucking safer and that ". . . reversing the 2004 change in the hours-of-service regulations would be foolish, [and] would make our highways less safe and would cost lives." As you know, the Bush Hours of Service rules have twice been overturned by the U.S. Court of Appeals. Please explain to me why you wrote in support of this rule. If confirmed, will you re-visit the Hours of Service rules to ensure that truck drivers are able to receive sufficient rest in order to allow them to operate safely?

Answer. The primary purpose of my letter to *The Baltimore Sun* was to point out that its editorial presented only one side of a very complex issue. The hours-of-service changes put in place by FMCSA did more than just allow an extra hour of driving. They also required two additional hours of rest and forced truckers to stop driving 14 hours after coming on duty, thus helping to maintain drivers' circadian rhythm. I believed the rule needed to be viewed as a whole.

Having said that, I am deeply committed to safety. It has been my primary goal throughout my career and, if I am confirmed, it will be my mission at FMCSA. Too many people are injured or die in truck and bus crashes. In making decisions regarding hours-of-service rules or any other topic, safety will be my guide. One of my top priorities would be to improve the hours-of-service rules, starting with stake-

holder input, sound analysis, and use of the best available research and data. Fatigue has a profound impact on commercial vehicle operators in every mode of transportation; I would pursue strategies to identify the sources, remediate and reduce the incidence of fatigue in motor carrier operations. I will go where the evidence leads me in improving this rule.

*Question 7.* Ms. Ferro, the DOT Inspector General, NTSB, and the GAO have recommended that the FMCSA address many issues under its jurisdiction, including its CDL program, driver drug testing, and driver hours of service. How would you prioritize implementing these changes at FMCSA?

Answer. I take the recommendations of these audit agencies extremely seriously and value their perspective. I am aware that FMCSA develops and implements detailed action plans for all accepted recommendations. I have been told that the three important programs you cited have been prioritized by FMCSA, and I can assure you that they will remain priorities if I am confirmed.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
ON BEHALF OF HON. SHERROD BROWN TO ANNE FERRO

*Question 1.* The pending Motorcoach Enhanced Safety Act, S. 554 and H.R. 1396, propose comprehensive improvements in motorcoach safety. The Federal Motor Carrier Safety Administration (FMCSA) would have jurisdiction over a number of the provisions that address motorcoach operations. At a hearing last September 18, 2008, before the Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science and Transportation, witnesses representing the National Transportation Safety Board (NTSB), the National Highway Traffic Safety Administration (NHTSA) and FMCSA stated that they have no objections to the provisions in the MESA bill. Do you agree with their views?

Answer. As stated at that hearing, FMCSA supports many of the provisions of the bill. It is my understanding that the FMCSA staff has been working with your staff to provide specific information when requested. If confirmed, I will continue this support.

*Question 2.* In TEA-21, Congress extended FMCSA's jurisdiction over interstate motor carriers of passengers to cover small commercial vehicles carrying between 9 and 15 people, including a driver, for compensation. However, FMCSA does not appear to have taken vigorous steps to identify these carriers, require them to register with the agency and get operating authority, and oversee their compliance with the Federal Motor Carrier Safety Regulations. What will you do to correct this failure if you are confirmed as FMCSA Administrator?

Answer. If I am confirmed, I will work to ensure this regulation is completed as expeditiously as possible. I am aware the FMCSA is working to fulfill the TEA-21 and SAFETEA-LU requirements for 9-15 passenger carriers and that a Final Rule is currently in development and is on track to be published in 2010. After publication, FMCSA will work with its safety partners to implement the new regulatory requirements.

*Question 3.* The Volpe National Transportation Center released a study a few months ago showing that motorcoach fires are an epidemic that have gone on for years. Everyday some news media outlet somewhere in the U.S. reports a motorcoach fire. What would you do if confirmed as Administrator to reduce the frequency and severity of these dangerous fires? Can you take steps to improve motorcoach fire safety right away, in advance of any new safety regulations issued by NHTSA?

Answer. I share your concerns about the need to reduce the incidence of motorcoach fires. While the number of motorcoach fires that result in fatalities is limited based on the Volpe study, the potential for a loss of life is significant, as we saw from the tragic Wilmer, TX motorcoach fire in 2005.

If confirmed as Administrator, I will explore options for working with safety advocacy groups, organized labor, state enforcement agencies, and the motorcoach industry to identify actions that can be taken to enhance motorcoach inspection, repair, and maintenance programs so that mechanical conditions and vehicle components associated with fire risks have the attention they deserve in fleet maintenance programs and safety inspections.

I will also work with the appropriate executives in NHTSA in the implementation of the Department's forthcoming Motorcoach Safety Plan announced by the Secretary earlier this year.



*Question 4.* Would you be willing to mandate an important safety technology for motor carriers, including motorcoaches, even without a safety standard already adopted by NHTSA?

Answer. If confirmed, I am committed to working with the technical, legal and policy experts within FMCSA, NHTSA, and the Office of the Secretary to explore regulatory options for mandating important safety technology. I would work with the appropriate senior staff within the Department to explore these issues as they come up.

*Question 5.* If you are confirmed as FMCSA Administrator, what will you do to accelerate FMCSA's action on the numerous recommendations made by the agency's Medical Review Board to amend the current commercial driver physical qualifications?

Answer. I am familiar with the work of FMCSA's Medical Review Board and the recommendations that the Board has provided to FMCSA. Based on comments that the Agency's staff has made in public forums, I believe work is underway on several medical rulemakings based on the MRB's recommendations. It is my understanding the Agency is currently working on rulemakings concerning the vision standard, criteria for drivers with diabetes, the cardiovascular standard, and pulmonary conditions (including sleep apnea).

If confirmed, I will work with FMCSA's senior executives in reviewing the Agency's regulatory priorities to ensure that the medical-related rulemakings progress in a more timely manner.

*Question 6.* Despite Congress enacting a provision more than 4 years ago requiring FMCSA to establish a national medical registry and set requirements for admitting health care providers to the list of providers qualified to conduct commercial driver physical examinations, no Registry has been adopted and no rulemaking proposals have been issued on what the criteria should be for admittance to the Registry. If confirmed as Administrator, how quickly can you act to conduct rulemaking and get the Registry underway?

Answer. The FMCSA published the notice of proposed rulemaking to establish the National Registry of Certified Medical Examiners on December 1, 2008. The proposal requested public comments from all interested parties on requirements for including medical examiners on the national registry, including training and testing provisions.

If confirmed as Administrator, I will work with FMCSA's senior executives to review the Agency's regulatory agenda, to ensure the completion of the publication of the final rule in 2010.

*Question 7.* The final rule issued by FMCSA several months ago merging the CDL with the medical certificate still has cardinal weaknesses, which have been pointed out to FMCSA in docket comments filed by health providers, state licensing agencies and commercial motor vehicle safety organizations. Are you planning to correct these mistakes and strengthen the rule if you are confirmed as Administrator?

Answer. As the former head of a state licensing agency, and head of a state trucking association, I acknowledge the complexities of FMCSA's rulemaking to merge the medical certification process with the commercial driver's license (CDL) issuance and renewal process. I believe the rulemaking represents a major step forward in terms of requiring the state licensing agencies to put into place the information technology (IT) systems to capture electronically drivers' medical certificates and to automatically downgrade the CDL after a driver's medical certificate expires.

FMCSA's December 1, 2008, rule does not prevent the Agency from considering a future notice-and-comment rulemaking on this topic. Therefore, I look forward to working with the states, the medical examiner community and other important stakeholders to explore this regulatory option and to address any other concerns about the December 1, 2008, final rule.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO ANNE FERRO

*Question 1.* Ms. Ferro, what was the experience of the Maryland Department of Transportation and Maryland truckers with the deployment of the FMCSA's Commercial Vehicle Information Systems and Networks (CVISN)? Based on that experience, are there specific things you believe you can apply to the national (and expanded) deployment of CVISN—whose progress to date has been uneven at best?

Answer. Maryland was one of the first States to begin deploying FMCSA's Commercial Vehicle Information Systems and Networks (CVISN) and had the first Commercial Vehicle Information Exchange Window, a core CVISN requirement. Under

the CVISN Program, Maryland led the country in development of an electronic credentialing system for the International Registration Plan. It is now one of 23 States that FMCSA has certified as compliant with core CVISN. Maryland has recently made use of Expanded CVISN funds to implement virtual weigh station projects. The Maryland CVISN stakeholders group includes the Maryland Motor Truck Association as well as the Maryland Motorcoach Association, and Independent Truckers and Drivers Association.

I know one reason for uneven CVISN deployment is that States differ in their ability to devote their own funds to match the Federal funds required by statute. The 50:50 match requirement is the most stringent match requirement among FMCSA's grant programs, and many States struggle to meet that funding requirement.

*Question 2.* Ms. Ferro, as you know, the National Transportation Safety Board (NTSB) continues to recommend that Electronic On-Board Data Recorders (EOBRs) be installed by all interstate commercial vehicles to maintain accurate carrier records on driver hours of service and accident conditions. In its notice of proposed rulemaking (NPRM) issued in January 2007, my understanding is that FMCSA was looking at EOBRs only for those carriers that have demonstrated a history of serious noncompliance. To date, no final rule has been issued. If confirmed, do you intend to issue a final rule on the January 2007 NPRM? If confirmed, would you consider revising the January 2007 NPRM to cover all interstate commercial vehicles? What data, information, or research do you need to help you make the decision on whether to expand the January 2007 NPRM to cover all interstate commercial vehicles?

Answer. I share your concerns that FMCSA's January 2007 NPRM focused on only a very small percentage of interstate motor carriers. Given the frequency with which State enforcement personnel cite truck drivers for violations of the hours-of-service regulations during roadside inspections, the Agency should consider additional actions to bring about increased compliance with the safety regulations.

If confirmed, I will work with the senior executives in FMCSA and the Secretary to consider a new rulemaking to expand the EOBR mandate to a much larger population than the Agency proposed in 2007. I would work with the appropriate legal and economic experts to identify the data necessary to support each of the regulatory options, including a regulatory option for a universal mandate for interstate carriers to install EOBRs on all their vehicles.

*Question 3.* Ms. Ferro, I have a series of questions related to the implementation of NAFTA's trucking provisions. Do you believe that the safety of Mexican trucks has improved over the past decade?

Answer. Yes. In the last decade there has been a significant improvement in the safety of Mexican commercial motor vehicles and drivers entering the United States. This is reflected in the lower out-of-service rates, increased number of inspections being performed, and the enhanced safety procedures implemented by Mexico and the United States. The FMCSA, working with its State partners, has dedicated increasing resources over that time and seen commensurate improvements in Mexican commercial motor vehicle safety performance.

*Question 3a.* Do you believe that truck out-of-service rates are good indicators of safety?

Answer. Truck out-of-services rates are one of many different indicators that are useful in evaluating a motor carrier's safety performance. A comprehensive methodology, such as Comprehensive Safety Analysis (CSA) 2010, that utilizes driver, vehicle and motor carrier behaviors to arrive at a safety fitness determination is equally useful. Additionally, a motor carrier's safety management controls and programs, such as hour-of-service and controlled substance monitoring programs, are important indicators of a motor carrier's safety condition and ability to ensure continued safety improvements.

*Question 3b.* Based on the data collected from the year long U.S.-Mexican cross border trucking pilot, such as data on truck out-of-service rates, do Mexican trucks operating in the U.S. have a comparable safety record to U.S. trucks?

Answer. One critical measure of safety is out-of-service rates. During the United States-Mexico Cross Border Demonstration Project (from 9/06/2007 to 03/11/2009), every participating long haul vehicle was checked for a current Commercial Vehicle Safety Alliance inspection sticker indicating that the required inspection on the vehicle was valid before it crossed into the United States. The driver and vehicle out-of-service (OOS) rates were lower for Mexico-domiciled carriers than national averages for U.S.-domiciled carriers during the same period:

	Mexico-domiciled carriers	U.S. Average
Driver OOS	0.4%	6.7%
Vehicle OOS	7.8%	22.4%

*Question 3c.* Should Mexican trucks and drivers providing long-haul cross border service in the U.S. be held to identical standards as U.S. domiciled motor carriers and drivers operating in the U.S.?

Answer. If any such program is implemented in the future, Mexican carriers operating in the United States should meet the same level of safety standards as U.S. carriers. All Mexican drivers should meet the same level of driver qualifications and licensing standards as U.S. drivers. All Mexican vehicles should meet the same level of safety requirements as U.S. vehicles.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
ANNE FERRO

*Question 1.* Ms. Ferro, you are well aware of the criticism surrounding your nomination to lead FMCSA. I am aware of concerns, for example, about your commitment to safety given some of the positions you supported as president of the Maryland Motor Truck Association. As Administrator, you would lead an organization with the primary mission of reducing crashes, injuries, and fatalities involving large trucks and buses. Can you assure this committee that, if confirmed, you will make safety the highest priority at FMCSA? Does your past opposition to stricter safety regulations for commercial vehicles reflect how you would lead FMCSA?

Answer. I am deeply committed to safety. It has been my primary goal throughout my career and, if I am confirmed, it will be my mission at FMCSA. My principal objective would be to reduce the number of people injured or killed in truck and bus crashes and to pursue enforcement strategies that get unsafe carriers and drivers off the road.

I have never been opposed to stricter safety regulations for commercial vehicles. I believe that FMCSA should consider a broader mandate for use of electronic on-board recorders (EOBRs) in commercial vehicles. If confirmed as Administrator, one of my top priorities would be to improve the hours-of-service rules, starting with stakeholder input, sound analysis, and use of the best available research and data. Fatigue has a profound impact on commercial vehicle operators in every mode of transportation; I would pursue strategies to identify the sources and remediate and reduce the incidence of fatigue in motor carrier operations. I will go where the evidence leads me.

*Question 2.* Ms. Ferro, FMCSA has the important task of helping ensure the safety of commercial vehicles on our Nation's roadways. This involves not just the safety of the vehicle itself, but also the human operator.

I believe stricter hours of service rules were a step in the right direction. I would appreciate your thoughts on what more FMCSA can do to improve safety. Under your leadership, how will FMCSA work to prevent crashes involving commercial vehicles? How will FMCSA address safety risks related to vehicle operators? Under your leadership, how will FMCSA work to prevent crashes involving commercial vehicles?

Answer. If confirmed, I will prioritize the Agency's programs that will have the most significant impact on reducing crashes. FMCSA's Comprehensive Safety Analysis 2010 program will incorporate roadside inspection and crash data and evaluate motor carriers against new thresholds. With the intervention techniques, FMCSA expects to make significantly more contact with carriers annually.

If confirmed, I will also ensure that the Agency completes its implementation of the New Entrant Safety Assurance Process, which applies a higher standard than ever before to new companies entering the industry. The Agency is also expanding its vetting process to identify carriers that are reestablishing themselves rather than correcting safety deficiencies or paying fines.

In addition, if confirmed, I will also work closely with our safety partners through grants and other initiatives to continue roadside inspections, compliance reviews and investigations.

*Question 3.* How will FMCSA address safety risks related to vehicle operators?

Answer. As for operators, it's all about the driver—that person's health, qualifications, and work pressures. It also involves the employer's commitment to provide safe equipment and a safe operating environment at all times. It is my under-

standing that the Agency is completing several rules that will directly impact drivers. These address minimum training requirements for entry level driver training; CDL testing and learner's permit requirements; ensuring medical examiners are qualified to examine drivers; and the establishment of a drug and alcohol positives database and requiring motor carriers to check this before hiring.

The prioritization of the Agency's CSA 2010 program will result in more motor carriers receiving contacts by FMCSA and our partners. In addition, the Agency is developing a new Safety Fitness Determination rulemaking that will change how carriers are rated and will make carriers more accountable for their safety history and practices. If confirmed, I will be committed to ensuring all these programs stay on track and reap safety benefits for the American people.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK WARNER TO  
ANNE FERRO

*Question 1.* With the long and congested stretches of Interstates 95 and 81 that traverse the state of Virginia, safety conditions for the trucks traveling our roads are of great importance to my constituents. Some stretches of I-81 in particular have as many trucks on the road as cars and, as a result, the likelihood that an accident will result in fatalities is nearly twice as great on I-81 as it is on I-95. You have in the past offered your support for 2004 rules governing hours of service (HOS) requirements. The Federal Court of Appeals, however, has twice remanded the Hours-Of-Service rule back to the FMCSA with questions about the reasoning and logic behind them. No major changes have been made. What changes do you think need to be made to current HOS rules? If confirmed, would you open a new rulemaking proceeding to change the HOS rule?

Answer. I am deeply committed to safety. It has been my primary goal throughout my career and, if I am confirmed, it will be my mission at FMCSA. My principal objective would be to reduce the number of people injured or killed in truck and bus crashes and to pursue enforcement strategies that get unsafe carriers and drivers off the road.

One of my top priorities at FMCSA would be to improve the hours-of-service rules, starting with stakeholder input, sound analysis, and use of the best available research and data. I believe that electronic on-board recorders (EOBRs) could improve the safety of the commercial vehicle industry, while also improving its efficiency. Fatigue has a profound impact on commercial vehicle operators in every mode of transportation. I would pursue strategies to identify the sources and remediate and reduce the incidence of fatigue in motor carrier operations. I will go where the evidence leads me.

*Question 2.* If confirmed, what position will you take on efforts to increase current limits on truck weight and size? Do you support increasing the truck weight limit on Interstates to 97,000 pounds?

Answer. FMCSA has no direct role in the regulation of vehicle size and weight. If confirmed, however, I would ensure that any discussions concerning size and weight policy include a thorough analysis of the safety impact on the Nation's highways.

*Question 3.* In 1999, the Secretary of Transportation set an FMCSA goal to reduce large truck crash fatalities by 50 percent in 10 years, by 2008. That goal was never met. What performance goal does Ms. Ferro think FMCSA can achieve, and to what specific actions will she take to substantially reduce annual deaths and injuries in order to meet her goal?

Answer. If confirmed as Administrator, I will work with the Secretary, the Federal Highway Administrator, and the National Highway Traffic Safety Administrator to reconsider the highway safety goal in general, and to consider a more aggressive truck and bus safety goal. While truck and bus safety has improved since the Agency was established, I believe there is more than can be done.

*Question 4.* Finally, violations of hours of service requirements among truck drivers are a common problem and we now have the technology, through the use of electronic on-board recorders (EOBRs), to address this safety hazard. How will you implement the increased use of EOBRs? Do you believe these should be mandated?

Answer. I share your concerns about hours of service violations among truck drivers. I am familiar with FMCSA's EOBR proposed rulemaking which focused on only a very small percentage of interstate motor carriers. Given the frequency with which state enforcement personnel cite truck drivers for violations of the hours-of-service regulations during roadside inspections, I firmly believe the Agency should consider additional actions to bring about increased compliance with the safety regulations.

If confirmed, I will work with the senior executives in FMCSA and the Office of the Secretary to consider a new rulemaking to expand the EOBR mandate to a much larger population than the Agency proposed in 2007. I would work with the appropriate legal and economic experts to identify the data necessary to support any regulatory options identified for a rulemaking, including a regulatory option for a universal mandate for interstate carriers to install EOBRs on all their vehicles.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO ANNE FERRO

*Question 1.* This Committee has long enjoyed a close and productive working relationship with the agencies within its jurisdiction. We rely on the legal and technical expertise of agency staff when developing or reviewing proposed legislation. Can all members of the Committee, and the staff on their behalf, count on this cooperative relationship continuing?

Answer. Yes, I look forward to working with the all Members of the Committee on any legislation impacting motor carrier safety.

*Question 2.* One of the most controversial issues faced by FMCSA in recent years has been the hours-of-service provisions for commercial motor vehicle drivers. The Agency's rules have been overturned in Federal court multiple times, and the current rule is also under legal challenge. What can FMCSA do to develop a rule that will not be overturned by the courts?

Answer. With the new Administration in place, FMCSA has an opportunity to take a fresh look at the research and data that led to the current hours-of-service (HOS) rule. Since the current rule is now 5 years old, the Agency is in a position to examine what effect the current rule has had on overall safety, driver health and wellness, and crash involvement. The outcome of this examination should, of course, lead to improvements that continue to place the health and welfare of the driver and general safety concerns as our foremost objectives.

*Question 3.* Most oversight and licensing of commercial drivers is done at the state level, and there are some inadequacies with the current oversight framework. What can FMCSA do to improve communication between states and improve medical oversight of drivers?

Answer. Every state (and the District of Columbia) manages its own CDL licensing processes individually. They are connected by way of the Commercial Driver's License Information System (CDLIS). Congress has mandated an upgrade in both the system itself as well as improvements in the consistency and accuracy of information exchanged among the jurisdictions. This modernization process is underway and I will ensure it is implemented as quickly as possible if I am confirmed.

With my experience as Maryland's Motor Vehicle Administrator, I will personally reach out to the enforcement and motor vehicle agency leadership in state agencies and their national association AAMVA to elevate the importance of motor carrier safety to achieving their safety missions.

In addition, if confirmed, I will ensure that FMCSA continues to conduct regular compliance reviews of each state to assure they are adhering to the regulations and to direct our field staff to work with the states to assure the required improvements are made. I will also direct FMCSA staff to provide regular opportunities for the states to discuss common issues and problems through our coordinator meetings, regularly scheduled conference calls, and bulletin updates.

*Question 4.* On April 30, Secretary LaHood ordered a departmental review of commercial bus safety, in response to a string of fatal bus accidents across the country in the past few years that was expected to be completed in August. What is the status of that review?

Answer. It is my understanding that immediately upon receiving the order from Secretary LaHood, the FMCSA began working with its sister agencies to develop the Motorcoach Safety Action Plan. The draft Plan was delivered to the Secretary in July. Secretary LaHood then requested that additional stakeholder meetings take place to ensure that the final Plan is comprehensive and that it fully addresses motorcoach safety concerns. The first stakeholder meeting took place on September 15. I have been told that additional meetings with the NTSB and others are being scheduled. At the conclusion of these meetings, any needed revisions to the Plan will be made and the Secretary will issue the final Plan.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
ANNE FERRO

*Question 1.* South Dakota, like our neighboring states, plays a vital part in the national transportation system. Our highways serve as connectors for traffic and commerce that benefit citizens from other states. In fact, more than two thirds of the truck traffic on highways in South Dakota neither begins nor terminates in the state. What do you believe is the most important action Congress could take to improve truck and bus safety in rural America?

Answer. The rural road fatality rate is more than twice as high as the urban road fatality rate, and more than 55 percent of highway fatalities occur on rural roads. The Federal Motor Carrier Safety Administration has implemented several programs to improve commercial motor vehicle (CMV) safety on rural roads. Specifically, rural road CMV safety is currently an emphasis area for the FMCSA's Motor Carrier Safety Assistance Program (MCSAP), and in Fiscal Year 2009, FMCSA awarded \$2 million in High Priority discretionary grant funds to six states to conduct high-visibility CMV traffic enforcement initiatives in high-crash corridors along rural roads. Also, it is my understanding that FMCSA has encouraged its MCSAP State partners to incorporate a range of rural road CMV safety initiatives into their core MCSAP programs. Additionally, FMCSA has established a Rural Road CMV Safety Workgroup, comprised of national and state law enforcement and highway safety officials. This Workgroup develops training videos and other outreach materials to promote the importance of rural road CMV traffic enforcement to those state and local law enforcement agencies not accustomed to stopping large trucks as part of their traffic enforcement efforts.

If confirmed, I will ensure that FMCSA focuses on additional actions that would further improve CMV safety on rural highways.

*Question 2.* What are your views on how to best ensure that the transportation needs of rural America are not overlooked at the Department of Transportation—specifically the Federal Motor Carrier Safety Administration—as it develops policy proposals?

Answer. I believe that the Department of Transportation is already focused on the importance of rural community transportation needs to the Nation. Specifically, in addition to those commercial motor vehicle (CMV) safety efforts undertaken by FMCSA within its MCSAP grants program (described above), FMCSA staff also currently participates in the Department's Livability—Rural Focus Group Initiative, a multi-modal working group established by the Office of the Secretary of Transportation to identify current challenges faced by rural communities in the areas of transportation access/connectivity and safety, and to identify new programs and initiatives that would further improve access and safety in rural communities. If confirmed, I look forward to working on these and other efforts and I can assure you that FMCSA will not overlook the transportation needs of rural America.

*Question 3.* What do you believe is the most important action Congress should take in our efforts to reauthorize FMCSA as part of the highway bill?

Answer. I fully support the Administration's efforts to work with Congress on developing a comprehensive reauthorization bill that includes key reforms, including safety improvements. I believe that an extension of SAFETEA-LU that lays the groundwork for this reform would provide a good opportunity for the new Administration to reach out to stakeholders such as safety advocacy groups, organized labor, state agencies, and the truck and bus industries to provide input on the contents of a reauthorization bill.

If confirmed, I look forward to working with the Committee to meet the safety goals of FMCSA through the reauthorization process.

*Question 4.* What do you consider to be the most pressing issue facing the agency today, and how do you hope to address that issue, if confirmed?

Answer. I consider the most pressing policy issues for the new Administrator to be:

- Pursuing strategies to remediate and reduce the incidence of fatigue on motor carrier operations.
- Improving the Hours of Service Rule; and
- Considering a strengthened mandate for using electronic on board recorders.

Additionally, among my most pressing issues if confirmed would be to implement organizational strategies that enable the Agency's managers and employees to focus on our core safety mission. As the former head of a state licensing agency, I believe strong enforcement is an important part of the Agency's current approach to improving safety. I would continue the Agency's efforts to implement an enhanced high-

risk carrier identification and intervention program through the Comprehensive Safety Analysis 2010 initiative.

FMCSA also needs to place a greater emphasis on working with safety advocacy groups, state enforcement agencies, and the industry to achieve improved levels of compliance with important safety regulations. FMCSA must encourage motor carriers to adopt, on a voluntary basis, best safety practices, such as those recommended by FMCSA's Motor Carrier Safety Advisory Committee.

*Question 5.* In addition to truck and bus safety, FMCSA is responsible for safeguarding consumers when they are using interstate household goods carriers. Household goods shipments are unique in that families entrust their entire household and most cherished possessions to a motor carrier. The existing FMCSA regulatory scheme is intended to provide consumers protection from incompetent or unscrupulous movers.

Unfortunately, unscrupulous "rogue" movers remain a problem. This is particularly troublesome for legitimate small moving companies struggling to survive during the current housing crisis and weak economy. Would you support strengthening entry requirements to keep unqualified movers off the road? Would you support committing additional resources for an enhanced FMCSA enforcement program that better protects consumers? How can we improve consumer education to better help them protect themselves from rogue movers?

Answer. The new entrant requirements that take effect in December this year will help ensure that new carriers are knowledgeable of the regulations and compliant with them or face penalties including having their DOT registration revoked.

Balancing the safety mission of the Agency with the responsibility of regulating household goods (HHG) carriers will be one of the challenges I will face as Administrator if confirmed. If confirmed, I will work to ensure staff assigned to HHG oversight focus on where the consumer complaints are most prevalent. I would prioritize FMCSA's compliance and enforcement efforts on rogue HHG carriers who hold consumers goods hostage. Finally, I would strengthen the relationship with the Office of Inspector General (OIG) and seek its assistance in carrying out the provisions of SAFETEA-LU, where it gives the OIG statutory authority to seek criminal penalties against HHG carriers who hold goods hostage.

If confirmed, I would want to improve FMCSA's outreach efforts with consumers by working closer with the states, consumer entities, and the HHG industry. Currently states have the authority to enforce regulations against interstate HHG movers in Federal court. For various reasons they choose not to. FMCSA needs to work closer with them so that they enforce these regulations. Consumer entities such as the Better Business Bureau receive thousands of HHG complaints each year. In addition, the American Moving and Storage Association has programs (arbitration and hostage goods recovery) that assist consumers.