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DOT Docket No. FMCSA-2024-0313

U.S. Department of Transportation
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue, SE,
Washington, D.C. 20590-0001
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**Agency Information Collection Activities; Revision of an Approved Information Collection
Request: National Consumer Complaint Database # FMCSA-2024-0313**

These comments are filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (PATT), and our volunteers, who are the family and friends of truck crash victims and survivors seeking truck safety advances, in response to the Federal Motor Carrier Safety Administration's (FMCSA) Notice and request for public comment on its Information Collection Request (ICR) to revise information collection efforts for the "National Consumer Complaint Database."

Truck crash deaths have surged by nearly 75 percent over the last thirteen years.¹ In 2022, NHTSA estimates roughly 6,000 people lost their lives in crashes involving large trucks, with another 160,000 sustaining injuries.² According to the Insurance Institute for Highway Safety, in fatal two-vehicle crashes involving a large truck and a car, 96 percent of the deaths are the occupants of the passenger vehicle.³ A truck crash fatality crisis is occurring on our highways.

For FMCSA to execute its safety mission, it is essential to have a robust and highly functioning NCCDB to help the general public, drivers, and others in the commercial trucking industry file safety complaints. The NCCDB offers an important ability for stakeholders to report potential safety violations without fear of reprisal from their employer and improves FMCSA's capability to better monitor and conduct enforcement and investigations activity against non-compliant entities.

The National Consumer Complaint Database (NCCDB) was intended to assist FMCSA efforts to collect and respond to complaints against motor carriers, specifically to report potential

¹ Overview of Motor Vehicle Traffic Crashes in 2022, NHTSA, Apr. 2024, DOT HS 813 560.

² Id.

³ <https://www.iihs.org/topics/fatality-statistics/detail/large-trucks#comparison-of-large-truck-and-passenger-vehicle-crashes>

violations of Federal Motor Carrier Safety Regulations. The NCDDDB should be a helpful tool in this regard. The GAO found that the majority of filed complaints are made against truck companies and a majority of those complaints included allegations of unsafe truck company or driver actions, such as speeding, reckless driving, deceptive business practices, or drug and alcohol violations, such as not following drug testing regulations.⁴ Targeting high-risk motor carriers plays a key role in FMCSA efforts to improve safety. The USDOT OIG 2021 Management Report explicitly stated FMCSA “**must stake steps to ensure it has the quality data needed to support its assessment of motor carrier safety performance** (emphasis added).”⁵

However, it was deeply disturbing to find that the NCCDB, according to GAO’s recent report, lacks priority within FMCSA, does not follow federal best practices regarding design, use and transparency, and critically “**lacks controls to achieve objectives and respond to risks.**” It is unacceptable that the only public-facing tool in existence to assist FMCSA in its enforcement activities has largely been ignored. The GAO noted that zero case files used in its review had any record by FMCSA officials documenting if the complaint met the agency thresholds to be considered a “substantial violation.”

The proposed information collection is unequivocally essential to the performance of FMCSA’s functions. As “the lead government agency responsible for regulating and providing safety oversight of commercial motor vehicles (CMVs)” the NCCDB represents a vital and necessary repository for stakeholders to confidentially report actions that compromise safety. The Truck Safety Coalition is pleased to see FMCSA revising this ICR in light of the highly critical 2023 GAO Report.

FMCSA can enhance the usefulness of the collected information in the following ways:

- *Complaints must be made public (GAO Recommendation 1):* There is no reason for FMCSA to hide complaints made against motor carriers. This only protects unsafe carrier at the public’s expense. The FAST Act already prohibits detailed motor carrier safety data from being available to the public. The fact that FMCSA has voluntarily additionally been hiding publicly generated motor carrier complaints is unwarranted and highly concerning.
- *FMCSA officials must adjudicate and ACT on complaints to improve motor carrier safety in a timely matter (GAO Recommendation 6):* The GAO report detailed complaints automatically closing complaints that clearly merit further scrutiny and action, such as trucking companies not screening drivers for drug use. This is unacceptable. FMCSA is the agency of record and responsibility to reduce large truck crashes, injuries and fatalities and was ignoring complaints about drug use.⁶

FMCSA must establish clear standards and accountability requirements for staff to quickly assess and act on complaints made against carriers, regardless of the source

⁴ US GAO, 2023. Motor Carrier Operations: Improvements Needed to Federal System for Collecting and Addressing Complaints against Truck, Moving, and Bus Companies. GAO-23-105972

⁵ US DOT OIG, 2020. DOT’s Top Management Challenges, FY2021. Report No. PT2021002

⁶ US GAO, 2023. Motor Carrier Operations: Improvements Needed to Federal System for Collecting and Addressing Complaints against Truck, Moving, and Bus Companies. GAO-23-105972

(drivers, motorists, carriers, etc.). The GAO report found that FMCSA had not documented the status for 35 percent of the 75,000 complaints submitted from January 2017 through December 2021. One can only wonder how many crashes, injuries and fatalities could have been prevented had these complaints been properly vetted and acted upon.⁷

Lastly, FMCSA Managers must require their staff to use the NCCDB's reporting capabilities for the status of safety complaints. Shockingly, staff interviewed for the report stated they were only expected to use this reporting capability for household goods complaints, **but not do so for safety complaints**.⁸ It makes zero sense that the agency in charge of motor carrier safety would not care to require its staff to use the system's capabilities to assess and track their performance in responding to safety complaints and this must change as soon as possible.

- *Produce an Annual Report:* The Truck Safety Coalition strongly recommends a high-level annual report be issued by FMCSA that summarizes the NCCDB's complaints and provides key insights: details how many complaints were received, categorizes the number received by type (i.e. household goods carriers, hazardous material carriers, property carriers, etc.), how many investigations were conducted as a result of complaints made, and some analysis of the broad nature of allegations (coercion, requests to operate unsafe vehicles, companies not following drug testing regulations, etc.) made by type. The report should include how many complaints resulted in follow-up action to the carrier, such as an investigation, audit, an Out of Service Order, and/or uncovered a pattern of non-compliance with Federal Motor Carrier Safety Regulations (FMCSRs).

It is critical that this data is properly incorporated into assessing a motor carrier's safety performance. Lastly, the report must document how many complaints were not assessed and remain outstanding from the current year being reported as well any still outstanding from previous years. The report should also list carriers that received safety complaints and the number of reportable crashes they were involved in, including the number of injuries and fatalities that occurred **AFTER** the complaint was submitted, as well as the status of the complaint (open, in progress or closed). Simply put, the public deserves to know if FMCSA was alerted to carrier safety issues, if the complaint was ignored and/or improperly assessed and resulted in otherwise preventable deaths or injuries.

The report as proposed would provide accountability to FMCSA by requiring a self-assessment of how timely action was taken in response to allegations reported, transparency to the public-at-large, and most importantly, a report would increase confidence to those who may be considering filing complaints that they will be thoughtfully and rigorously reviewed and acted upon by FMCSA.

The Truck Safety Coalition appreciates FMCSA's thoughtful and deliberate review of these comments.

⁷ US GAO, 2023. Motor Carrier Operations: Improvements Needed to Federal System for Collecting and Addressing Complaints against Truck, Moving, and Bus Companies. GAO-23-105972

⁸ Id.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach Cahalan', with a stylized, flowing script.

Zach Cahalan
Executive Director, Truck Safety Coalition (TSC)