



Federal Motor Carrier Safety Administration: Proposals for Comprehensive Reform: Prioritizing Investments in Core Safety Mission

I. Executive Summary

The Federal Motor Carrier Safety Administration (FMCSA) is charged with overseeing one of the largest and most consequential regulated transportation populations in the federal government, yet it remains one of the smallest operating administrations within the U.S. Department of Transportation (USDOT). FMCSA regulates hundreds of thousands of interstate motor carriers, millions of commercial drivers, and the vehicles that move a substantial share of the nation’s freight and passengers. Despite the scale of that responsibility and the persistent public-safety risks associated with large-truck and bus operations, the agency continues to operate with limited staffing, constrained resources, outdated regulatory structures, and fragmented oversight tools. The result is a regulatory system that is too often reactive rather than preventive, too dependent on episodic enforcement rather than continuous risk identification, and too poorly aligned with the modern safety challenges of interstate commercial transportation.

FMCSA’s current institutional design is not commensurate with the size of its mission or the magnitude of the safety risks it is expected to manage. Large-truck and bus crashes continue to kill and injure thousands of people each year, with the overwhelming share of fatalities borne by occupants of other vehicles. Yet FMCSA’s core regulatory mechanisms remain outdated and incomplete. Carrier registration and vetting processes are still divided across legacy systems and inconsistent statutory frameworks. New entrant oversight often occurs only after a carrier has already begun operating. Safety fitness determinations remain heavily dependent on labor-intensive investigations and stale ratings, even though the agency now possesses far timelier operational and inspection data. At the same time, FMCSA has not fully modernized its data integrity systems, has not implemented long-

directed programs such as Beyond Compliance, and still lacks a sufficiently timely and policy-usable crash-causation capability.

The reforms proposed in this paper are designed to reorient FMCSA toward a more effective and more accountable safety model. First significant increase in safety staffing levels commensurate with the regulated population is essential to the success of all reforms proposed in this paper. Structural reform cannot succeed without a corresponding reassessment of FMCSA's resources and statutory portfolio. Congress should increase appropriations for core safety functions, establish staffing benchmarks tied to workload and regulated population, authorize sustainable fee-based funding for registry and vetting programs, and narrow the agency's portfolio to focus on activities most directly tied to crash prevention and safety oversight. FMCSA's principal challenge is not a lack of statutory ambition, but a mismatch between congressional expectations and the institutional tools provided to meet them.

Second, Congress and the agency should modernize the front end of motor carrier oversight by fully implementing a unified registration system, harmonizing commercial and safety registration requirements, requiring meaningful pre-operational vetting for all applicants, and ensuring that applicants demonstrate baseline regulatory competence before receiving authority to operate. Registration should function as a genuine safety gatekeeping system rather than an administrative intake process. New entrant oversight should likewise be restructured so that provisional authority is conditioned on meaningful review, including onsite examination and enforceable knowledge requirements.

Third, FMCSA's safety fitness framework should be modernized to reflect current operational realities. The agency should replace the current investigation-dependent ratings structure with a single integrated oversight lifecycle that uses all available operational data—including registration disclosures, roadside inspection information, crash data, warning letters, and targeted investigations—to produce timely, reviewable, and public fitness determinations. That modernization must be accompanied by a stronger and more consistent data challenge process, improved accountability for data quality, and meaningful recognition for carriers that make verified investments in crash-prevention technology and superior safety-management practices.

Fourth, Congress should adopt targeted reforms to strengthen the broader commercial motor vehicle safety system. These include simplifying and improving the Motor Carrier Safety Assistance Program, requiring real-time employer notification of material commercial driver licensing events, strengthening federal oversight of State licensing agencies and third-

party testers, restoring FMCSA’s administrative enforcement authority over commercial regulatory violations, replacing self-certification-only registry models with verification-based systems, modernizing drug and alcohol testing policy, expanding the utility of the Drug and Alcohol Clearinghouse, and improving the speed, transparency, and utility of large-truck crash-causation analysis. Together, these reforms would reduce regulatory blind spots, improve accountability, and better align the federal framework with actual safety risk.

With these reforms, a simpler, better resourced, more data-driven, and more accountable FMCSA is achievable and can improve motor carrier safety, strengthen supply-chain reliability, and reduce the human, societal, and economic costs of large-truck and bus crashes.

II. Introduction

Generally, the Federal Motor Carrier Safety Administration (FMCSA) has complex jurisdictional oversight over large trucks and buses operating in interstate commerce and the drivers and vehicles conducting that transportation. Commercial truck and bus operations are by far the most common mode of transport for goods, services, and people and critical to the supply chain and U.S. economy.

FMCSA is by far the smallest Agency within the United States Department of Transportation (USDOT), in both employees and budget, but is responsible for safety oversight of the largest most diverse regulated population.¹ For example, FAA’s 2026 budget request is a little more than 27 billion dollars supporting over 46,000 full time employees with a regulated population of roughly 1.725 million (working out to roughly 1 employee for every 37.5 regulated entities). In contrast, FMCSA’s 2026 budget request is just a little over 1 billion dollars with only 1,118 full time employees with a regulated population of nearly 8 million carriers, drivers, and vehicles (working out to roughly 1 employee for every 7,155 regulated entities).² In 2022, the last year of finalized available crash data, approximately 5,936 people

¹ FMCSA 2026 Budget Estimate. FAA’s budget request is roughly 27.02 billion supporting over 46,000 full time employees with a regulated population of roughly 1.725 million. In contrast, FMCSA’s budget request is just a little over 1 billion dollars with only 1,118 full time employees with a regulated population of nearly 8 million.

² Of the 1,118 employees only roughly 300 or so are safety investigators with roughly another 300 or so employees assigned to other safety roles relating to work performed by investigators, e.g., Division Administrators, federal program specialists, attorneys assigned to legal sufficiency review and prosecution of enforcement cases.

were killed and 160,000 people injured in large truck and bus accidents.³ Approximately 70% of fatalities in large truck crashes were occupants of other vehicles highlighting the public facing risk of large truck and bus operations. In the same year, no people were killed in commercial plane accidents.⁴

In the United States, large truck crashes present a far greater routine safety risk to the public than commercial aviation crashes. Highway crashes involving large trucks injure and kill tens of thousands of people annually, while commercial aviation injuries and fatalities are rare, episodic, and typically associated with non-crash events such as turbulence. Given the commensurate risk, oversight responsibilities, and key supply chain role of interstate transportation by truck and bus, FMCSA is critically under-resourced and suffers from overly complex statutory constraints, increased oversight responsibilities and unfunded functions, non-safety related functions, and inadequate oversight and enforcement resourcing.

There is no other single USDOT modal administration that regulates a population as diverse and challenging as the companies and people FMCSA is charged with overseeing. In 2010, a little more than ten years after the Motor Carrier Safety Improvement Act of 1999 created FMCSA, there were roughly 540,000 registered interstate truck and bus companies and intrastate hazardous materials companies and 6,800,000 commercial motor vehicle drivers.⁵ In 2026, that population has exploded to more than 700,000 registered carriers (approximately 30% increase) and 9.2 million interstate drivers (36.1% increase) while staffing resources have remained relatively stagnant.⁶

This proposal addresses the challenges FMCSA is facing and recommends reforms to course-correct oversight for large trucks and buses to reduce the number of large truck and

³ Data represents 2022 data; the last year FMCSA has published final fatality counts. Although NHTSA has estimated a reduction in crashes for 2025, it has not finalized fatality numbers in its FARS system.

⁴ Although a single plane commercial plane crash may result in a significant number of fatalities each year, that number is still far less than those killed in truck and bus crashes. In fact, the January 29, 2025, American Eagle Flight 5342 crash with a black hawk helicopter in Washington, DC is recognized by NTSB, IATA, and aviation-safety databases as the only fatal U.S. scheduled commercial airline accident of 2025, and the first fatal U.S. airline crash since 2010.

⁵ December 2010 FMCSA Large Truck and Bus Facts.

⁶ <https://ai.fmcsa.dot.gov/RegistrationStatistics> (Snapshot April 24, 2026). Although states have responsibility for intrastate motor carrier oversight, FMCSA nevertheless exercises and is responsible for certain authorities relating to those intrastate carriers, such as providing and maintaining USDOT#s for intrastate carriers. When intrastate motor carriers are included in the population calculation, the number of carriers swells to 2,000,000. Staffing levels in 2016 were 1,147 and FMCSA's 2026 budget request reflects 1,118 employees.

bus fatalities and injuries, reduce oversight and compliance complexity, and ensure successful and continued supply chain operations. The high cost of litigation arising from accidents increases costs for every person in the supply chain ecosystem including shippers, carriers, and consumers.⁷ Not only is a safe commercial trucking and bus industry good for society; it is also good business.

III. Reform Recommendations

A. Resourcing Reforms

1. Money and People

Problem. FMCSA is severely under-resourced relative to the scale, complexity, and public-safety consequences of its statutory mission. The agency is responsible for overseeing one of the largest and most diverse regulated populations in the Department of Transportation—including more than 700,000 registered carriers, millions of commercial drivers, and the vehicles and operations that move most of the nation’s freight and a substantial share of its passenger transportation—yet its budget and staffing remain extraordinarily small compared with both the scope of that mission and the level of risk it is expected to manage. As the Executive Summary explains, FMCSA’s FY 2026 budget request is only a little over \$1 billion and supports just 1,118 full-time employees, despite a regulated population approaching 8 million entities and individuals.

Grant Funding versus Operational Funding Imbalance

Of the 1 billion dollars in funding, more than half (roughly 660 million) is allocated to Motor Carrier Safety Assistance Program (MCSAP) program and other smaller grant programs leaving only roughly 40% of its overall budget to fund investigators, auditors and field staff directly involved in safety oversight, high risk carrier interventions and enforcement, SMS, DataQs, Crash data programs, registration systems,⁸ identity verification and anti-fraud screening, regulatory development and research.

That imbalance leaves the agency without enough investigators, auditors, attorneys, analysts, and technology resources to conduct timely vetting, perform sufficient onsite reviews, maintain current safety fitness determinations, address fraud, oversee State

⁷ ATRI, *Trucking Litigation: A Forensic Analysis* (December 2025), ATRI, *Operational Costs of Trucking: 2025 Update*.

⁸ Parts of FMCSA’s registration system are funded directly through fees collected during operating authority registration process.

programs, and modernize its information systems. The result is a structural mismatch between congressional expectations and institutional capacity. Congress has steadily expanded FMCSA's oversight responsibilities, but the agency's funding and staffing have not kept pace and in fact remained stubbornly stagnant, forcing it to administer a vast national safety regime with resources that are plainly inadequate to the task.

Recommended Reforms.

Congress should substantially increase FMCSA's appropriations and require the agency to establish minimum staffing benchmarks for core safety functions, including registration and vetting, new entrant examinations, carrier investigations, enforcement litigation, State program oversight, data-quality review, and information-technology modernization. Those benchmarks should be expressed as staffing-to-workload ratios tied to the size of the regulated population and the volume of safety-sensitive activity—for example, investigators per active carrier population, attorneys per enforcement caseload, and auditors or analysts per State program and data-review workload—so that Congress can measure whether FMCSA has enough personnel to perform timely safety oversight. Further those benchmarks should consider how FMCSA will leverage new and rapidly evolving machine learning tools to exercise its oversight responsibilities. Moreover, funding should be consistent and targeted to safety areas. Congress should also authorize FMCSA to generate additional dedicated safety funding through user fees attached to existing regulatory programs and registries, including listing, renewal, audit, and enforcement-related fees for the Entry-Level Driver Training provider registry, the Electronic Logging Device provider registration system, and the National Registry of Certified Medical Examiners. Those fee revenues should be retained by FMCSA and dedicated to the administration, auditing, and integrity enforcement of the programs that generate them, while also supporting broader safety-system modernization and fraud detection. A resourcing reform that combines targeted staffing ratios with dedicated fee-based revenue streams would better align FMCSA's institutional capacity with the scope of its mission and reduce the agency's dependence on static annual appropriations alone.

Recommended Staffing Levels

FMCSA currently employs roughly 300 safety investigators responsible for conducting investigations of motor carriers including Congressionally mandated investigations of motor

carriers identified as high risk carriers.⁹ Of the roughly 700,000 motor carriers,¹⁰ FMCSA's leverages its Safety Measurement System (SMS) to identify motor carriers as high risk and prioritizes them for investigation as these carriers have an associated crash risk that is more than double the national average crash rate.¹¹

Yet, each year FMCSA conducts less than 7,300 investigations and, in 2025, of those investigations only 1,356 were comprehensive investigations of the carrier's overall compliance under FMCSA's safety fitness rating methodology.¹² The remainder were "focused" onsite or "focused" offsite investigations (looking at only a part of the carrier's operation). In sum, notwithstanding FMCSA's leveraging of technology to assist with investigations, FMCSA simply does not have enough people to conduct the investigations necessary to adequately or appropriately oversee the population of motor carriers it regulates.

Given these disparities, minimum safety focused personnel must be increased to ensure adequate oversight. As identified by position below, the increase in these positions will substantially increase FMCSA's safety oversight capacity and yet, these increases will still leave FMCSA substantially under-resourced relative to regulated population and crash, fatality, and injury risk than other DOT safety oversight modalities such as FAA. These resource increases must therefore also be accompanied by other reforms as outlined in this paper including increased support for technology that can identify patterns of unsafe behavior, target resources, and increase efficiency and productivity for safety personnel.

FTE	Duties	Current	Total Adjusted	Increase Percentage
Safety Investigators	Focus on high-risk and new entrant motor carrier investigations	300	900	200% increase
Senior Motor Carrier Investigators	Complex investigations (chameleon carriers,	≤10	40	>300% increase (est.)

⁹ Section 5305(a) of the FAST Act required FMCSA to prioritize motor carriers for reviews if they are among the highest risk carriers for 4 months. Pub. L. 114-94, 129 Stat. 1312 (2015).

¹⁰ Note this number includes interstate property and passenger carriers and intrastate HM and interstate HM carriers.

¹¹ FMCSA does not currently publish the number of carriers identified as high risk but based on enforcement data trends the number of carriers identified is likely 2,400-2,700 per year.

¹² In 2025, FMCSA conducted only 7,145 investigations and this follows a downward trend seen since 2022.

	affiliations, principal place of business)			
Safety Investigator – Entry-Level Driver Training Specialists*	ELDT provider investigations	0	10–15	New positions
Safety Investigator – CDL Investigation Specialists	State CDL compliance and investigative oversight	~25	35+	≥40% increase
Safety Investigator – Registration Investigations*	Registration related investigations	0	20	New positions
Safety Investigator – ELD Specialists*	ELD technical compliance and investigations	0	10–15	New positions
Safety Investigator – Commercial Enforcement Specialists	Household goods and broker oversight	0	10	New positions
Safety Investigator – Hazardous Materials Specialists	Hazmat and cargo tank facility reviews	~7	10	≈43% increase
Safety Investigator – Passenger	Passenger carrier investigations (motorcoach, school bus)	~4	10	150% increase
Safety-Related Support Positions	Training, supervision, legal review, enforcement support	~250	350	40% increase
TOTAL		~600	1,330	≈196% increase

Notes

* Positions marked with an asterisk constitute newly created functions with no current staffing baseline; percentage increases are therefore not applicable.

2. Distractions from Core Safety Missions

Problem. FMCSA’s limited resources are diluted by non-core missions and unfunded mandates that detract from its core safety work. Congress and DOT have assigned FMCSA a growing mix of responsibilities, not all of which are tightly tied to its central crash-prevention mission of vetting carriers, overseeing drivers and vehicles, targeting unsafe operations, and reducing fatalities and serious injuries. Some functions are legacy administrative programs, grant-management burdens, credentialing oversight obligations, reporting systems, and statutory implementation tasks that may be important but do not directly prevent crashes in the near term. Others are new mandates imposed without the staffing, technology, or dedicated funding necessary to execute them well. The result is that FMCSA must spread a very small workforce across too many programmatic fronts: investigators, auditors, attorneys, analysts, policy staff, grant managers, and information-technology personnel are diverted into compliance administration, reporting, intergovernmental coordination, system maintenance, and other responsibilities that compete with core enforcement, registration vetting, safety fitness work, data integrity, and fraud control. In a severely resource-constrained agency, every unfunded or marginally related mandate carries an opportunity cost. Time and money spent maintaining non-core functions or implementing mandates without dedicated support are time and money not spent identifying high-risk carriers, conducting investigations, modernizing safety systems, or building tools that more directly reduce crashes. FMCSA’s statutory portfolio has therefore become misaligned with its institutional capacity: the agency is expected to do more, including functions that are only indirectly related to safety, without the resources required to perform those tasks without sacrificing core mission performance.

Recommended Reforms.

Congress and DOT should narrow FMCSA’s portfolio by discontinuing, simplifying, or transferring responsibilities that consume scarce resources without materially improving crash prevention such as consumer protection regulations, broker transparency, and driver pay and detention. Congress should also adopt a general rule that any new statutory duty imposed on FMCSA must be tied directly to crash reduction and core CMV safety oversight and be accompanied by dedicated funding, staffing authority, and a clear explanation of why the function belongs at FMCSA rather than elsewhere in DOT or the States. The agency should not continue serving as the default home for every transportation-related compliance or reporting function merely because it already regulates motor carriers and buses. A more disciplined allocation of functions would allow FMCSA to focus its limited workforce on carrier vetting, safety fitness, fraud control, investigations, crash analysis, and enforcement—the functions most closely connected to reducing deaths and injuries on the road

B. Registration and Vetting Related Reforms

1. Unified Carrier Registration System

Problem. Although FMCSA has progressed the implementation of the Unified Carrier Registration system (currently proposed as the Motus system by FMCSA) required under 49 USC 13908, progress has been exceedingly slow. FMCSA has announced Phase II of implementation in which Motus is expected to assign a USDOT#, obtain operating authority registration, and implement some business verification and vetting processes. But its second phase will not end the MC# or implement safety registration process required under 49 USC 31134. and it will not change fee structure for operating authority registration. It is unclear whether a second phase rollout will vet all companies seeking a USDOT#. Implementation of meaningful vetting processes is key to identifying pre-operational safety status of applicant motor carriers. Finally, maintaining both legacy systems and the new system is costly and does not resolve long-standing identified security vulnerabilities.

Recommended Reforms.

Fully deploy single secure registration system for all FMCSA required registrations, with meaningful pre-operational vetting and dedicated fees (to be retained by FMCSA) sufficient to support maintenance of registration platforms, vetting, and safety oversight functions. Require periodic renewal of registration to allow for re-verification of safety operational information. Eliminate redundant registration processes including elimination of dual registration system and retire legacy registration systems as quickly as possible.

2. Filing Fees

Problem. For-hire property and passenger carriers, property and household goods brokers, and freight forwarders are the only companies required to pay a \$300 filing fee for commercial registration.¹³ The fee was established before FMCSA existed and has not been changed since. The fee is indexed as a “cost recovery” which limits the amount FMCSA can assess. Fees collected are earmarked to support staffing and services for commercial registration processes. Limiting their use to those purposes does not allow FMCSA flexibility to use the fees for other safety programs within the Agency.

Recommended Reforms.

De-couple the commercial registration fee from the cost recovery model recognizing the fee plays an important and critical safety gatekeeping role. Allow fees collected to continue to be retained by FMCSA to support vetting, registration costs, and new entrant

¹³ The fee pre-dates establishment of FMCSA and has not been increased since that time. See 49 USC 13908.

safety assurance processes. Consider adopting and increasing other fees collected to support registration modernization and unified registration system implementation. Increasing the fees assessed will deter fraudulent registration and increase available resources use in other safety oversight functions. Requiring renewal fee will efficiently clean out stale data in FMCSA's systems and if require re-verification of data at time of renewal it will support safety oversight.

3. Safety Registration

Problem: All motor carriers operating in interstate commerce (and most carriers operating in intrastate commerce) must get and update a USDOT# under 49 USC 31134.¹⁴ The proposed Motus registration system should implement the fit, willing, and able, safety registration requirements in 31134 and did propose a safety registration fee, but it's not clear that FMCSA intends to follow through with that proposal. Because there is no filing fee to obtain a USDOT#. Carriers obtain multiple USDOT#s to avoid or evade regulatory oversight including reincarnating, improper affiliations, and fraud.

Recommended Reforms.

Require all property and passenger carriers seeking safety registration and issuance of a USDOT# to pay a filing fee by amending 49 USC 31134 to authorize fee assessment for safety registration.

4. Commercial and Safety Registration Vetting

Problem. Both commercial and safety registration have specific, but slightly different requirements and standards. The commercial/safety registration distinction has existed since before FMCSA existed arising from the split in functions between the Interstate Commerce Commission and the Office of Motor Carriers within the Federal Highway Administration. Both the commercial and safety registration statutes contain specific pre-operational requirements for motor carriers. These requirements and differing standards are not sufficiently explained in FMCSA's regulations and make compliance and enforcement challenging.

Recommended Reforms.

¹⁴ Brokers and freight forwarders are required to obtain FMCSA operating authority under 49 USC §§ 13904 and 13903, respectively, but are not required to obtain a USDOT number unless they operate commercial motor vehicles. The USDOT number requirement arises from 49 U.S.C. § 31134, which applies only to persons operating CMVs for safety regulation purposes, not to entities that solely arrange transportation.

Harmonize and simplify registration requirements (including required vetting) in 49 USC 13902, 13908, and 31134. Authorize use of fees generated by safety registration to support registration processes and safety functions including but not limited to registration, enforcement of safety requirements, and IT safety systems (including systems used by enforcement personnel) modernization. Standardize registration terminology including rejection, grant, denial, suspended, inactive, and other terms used in all registration processes. Standardize and harmonize registration regulations into one comprehensive registration section of the CFR.

5. Safety Data Verification

Problem. During the current commercial registration and USDOT# process, FMCSA collects and verifies only limited data and operational characteristics about an applicant. This information is insufficient to allow FMCSA to verify minimum operational safety standards.

Recommended Reforms.

Increased safety information collection in all FMCSA motor carrier registration processes. At time of registration or renewal, motor carriers must disclose key safety officials and information including (1) safety director (2) maintenance director (3) ELD provider (4) and allow voluntary identification of any third-party systems or technology supporting safe operations (See Beyond Compliance Section B.3.).

6. Inadequate and Incomplete Pre-operational Vetting

Problem. FMCSA lacks sufficient resources to conduct appropriate vetting of all motor carriers seeking commercial registration, so it conducts vetting on a limited basis on a small percentage of motor carriers applying for operating authority. Currently, no significant vetting is conducted of applicants seeking a USDOT#. And because a USDOT# is viewed as the gateway to motor carrier operations, it is often used as a tool to commit fraud or other criminal activities.

Currently, USDOT#s are issued with no pre-issuance vetting.¹⁵ Although registrants for a USDOT# are placed into FMCSA's New Entrant Safety Assurance Program, the Agency has 12 months to conduct the reviews and carriers remain in "new entrant status" for 18

¹⁵ FMCSA recently implemented identity verification for its existing legacy registration systems and has indicated it will also be adopting business verification services, but these valuable screening tools are not the equivalent of a motor carrier vetting process.

months.¹⁶ But as a practical matter, motor carriers operate without any additional scrutiny or oversight. 49 USC 31134(b) requires FMCSA to fully vet every motor carrier applicant seeking safety jurisdiction before issuing USDOT# (including fit, willing, and able, disclosure of affiliated relationships, and failure to submit to a new entrant safety review).

Recommended Reforms.

Adopt stricter consistent standards for vetting commercial and safety registration applicants.

- Vet every applicant for safety registration or issuance of USDOT# (until safety registration is fully implemented in Motus).
- Adopt stricter U.S. principal place of business requirements for all U.S. carriers.
- Require safety management functions to be performed in the United States.
- Assess compliance before issuing USDOT# instead of post-issuance assessment during the new entrant safety audit.
- Harmonize vetting requirements for commercial and safety registrations. 49 USC 13902 has similar (but slightly different minimum standards than 31134 and harmonization of both structures would simplify not only registration but also vetting requirements. Moreover, standardization would eliminate confusion in the application process for the industry and public. (See Section A.4)
- Assign provisional safety and other registrations until carrier passes New Entrant Examination¹⁷ and onsite new entrant review. Modify statutory authority to allow FMCSA to revoke provisional authority granted before notice and opportunity for proceeding based on identified safety criteria. Expand suspension/revocation criteria to include evidence that carrier has misrepresented its identity or principal place of business, misrepresented authorized officials, falsified any document required to be prepared or submitted to FMCSA. Authorize post-deprivation administrative process to challenge revocation.
- Eliminate operating authority protest provisions in 365 part 201. They have limited relevance in the current operational environment, have not served as a useful tool to establish the qualifications of motor carriers, and represent are administratively obsolete. See 49 CFR 365 part 200.

7. New Entrant Reviews

¹⁶ 49 CFR Part 385, Subpart D.

¹⁷ Motor Carrier Safety Improvement Act of 1999, Pub. L. 109-159.

Problem. FMCSA’s new entrant review (where 98% of reviews are conducted off-site by state MCSAP partners and 93% of carriers pass) is a weak and belated substitute for real pre-operational vetting. The agency allows carriers to begin operating first and operate for up to 12 months while awaiting a safety audit, meaning a company can spend nearly a year on the road before FMCSA performs any meaningful review at all.¹⁸ Even then, the audit is not a true fitness determination or a comprehensive investigation of the carrier’s operations; it is a limited compliance screening focused on whether certain basic safety management controls exist on paper. Many audits are conducted remotely or through document review rather than through a rigorous onsite examination of the carrier’s actual business, drivers, vehicles, and safety practices. And the results speak for themselves: FMCSA reported 58,551 new entrant safety audits in 2023 with a 91.3% pass rate, underscoring that the current system functions less as a serious safety gate and more as a routine paperwork exercise that most carriers clear with ease.

Recommended Reforms.

Require onsite new entrant reviews treat that examination as a true gatekeeping event rather than a remote paperwork audit. Establish meaningful and simplified metrics, audits and oversight functions over new entrant processes. Carriers seeking to begin operations should receive only provisional safety registration and provisional operating authority pending completion of the onsite examination and a finding that the carrier has the personnel, vehicles, records, insurance, and safety management controls necessary to operate safely. Strengthen and streamline new entrant revocation procedures such that if the carrier fails the examination or does not submit to it, FMCSA should be authorized to suspend or revoke the provisional registration immediately, subject to a prompt post-deprivation administrative review. This approach would make new entrant oversight a meaningful front-end screening mechanism, align registration with actual safety readiness, and prevent unsafe carriers from obtaining full operating privileges before FMCSA has verified that they can operate safely.

8. New Entrant Proficiency Examination

Congress required FMCSA to implement a front-end knowledgeability check for new entrant applicants, but the agency still has not done so. Section 210 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) directed the Secretary to revise the new entrant system so that an applicant’s registration would depend not only on a post-entry safety audit, but also on an assurance that the applicant is knowledgeable about applicable Federal motor carrier safety requirements. That mandate survives as a statutory note to 49 U.S.C. § 31144

¹⁸ As a practical matter, new entrant reviews may be delayed and there is no automatic suspension of authority based on a delay in the review process.

and is distinct from the general duty in 49 U.S.C. § 31144(b) to maintain a methodology and timeframes for safety fitness determinations.

FMCSA acknowledged this obligation in its 2009 Advance Notice of Proposed Rulemaking, when it stated that it was considering a proficiency examination or similar mechanism to ensure that new applicants were knowledgeable about safety rules before being granted new entrant authority. But the agency never promulgated a final rule implementing that requirement. As a result, FMCSA continues to rely on the post-entry audit process in 49 CFR Part 385, Subpart D and the general new entrant program described in the New Entrant Safety Assurance Program, while leaving unimplemented Congress's separate directive that new entrants demonstrate knowledge of applicable federal safety requirements before receiving authority.¹⁹

Recommended Reforms

Make passage of a mandatory FMCSA or state administered proficiency examination a statutory condition precedent to the issuance of any USDOT number, safety registration, operating authority, or provisional registration. No applicant should be permitted to begin operations, even on a provisional basis, until it demonstrates baseline knowledge of the Federal Motor Carrier Safety Regulations (FMCSRs), registration and insurance requirements (as applicable), recordkeeping duties, and core safety management obligations. Applications that do not satisfy the examination requirement within a defined period should be denied or administratively closed. This reform would finally enforce Congress's original command that new entrants prove regulatory competence before entering the industry and would end FMCSA's current practice of granting operating privileges before confirming that an applicant understands the rules it is legally bound to follow.

B. Safety Fitness Determination

1. Safety Fitness Determination Process

Problem. 49 USC 31144 requires FMCSA to establish a process to determine whether a carrier is fit to operate safely, periodically update those determinations, make final determination, make those determinations public, and establish time frames for making fitness decisions. More than 25 years ago, FMCSA established the current safety fitness rating methodology in 49 CFR part 385, Appendix B. Roughly 94% of carriers have no rating, and of those that have a rating, most are stale having been issued years ago. Using the 2024

¹⁹ In 2012, the examination requirement was made applicable to other entities (brokers and freight forwarders) by Map 21, Section 32101(b) and 32916.

Pocket Guide to Large Truck and Bus Statistics, the table below represents FMCSA-regulated carriers by safety rating for 2023.

Safety Rating	Interstate Freight Carriers	Intrastate HM Carriers	Interstate Passenger Carriers	All Carriers
Conditional	10,996	476	146	11,618
Satisfactory	28,460	1,645	2,385	32,490
Unsatisfactory	891	118	6	1,015
No Rating	670,299	39,229	7,030	716,558
Total	710,646	41,468	9,567	761,681

Currently, FMCSA has multiple streams to assess the fitness of motor carriers. A new carrier is subject to a new entrant review within 12 months of entry. During operation, roadside inspection, violation, and crash data are collected and entered into FMCSA’s Safety Measurement System (SMS). That data can result in issuance of warning letters, identification of the carrier as a “high risk” carrier for additional investigation, other investigation statuses and eventually a compliance review that may result in a safety fitness determination.

These processes are all separate, distinct, disconnected work processes with distinct workstreams and resource requirements under FMCSA’s regulations. Moreover, public reliance on the fitness determination for safety information has waned in favor of the more comprehensive and current SMS performance data and analytics – even though the SMS system is specifically disclaimed as a fitness determination process.²⁰

Further, although the SMS system collects, analyzes, and assigns risk categories for observed behaviors based on collected data, this data and analysis is not used in the current safety fitness rating methodology. Moreover, FMCSA does not have the resources to conduct enough onsite investigations (required to assign a safety fitness determination) to adequately assess the safety fitness of motor carriers let only periodically review those ratings. To ignore available data generated by operations when new technology is available to assist investigators with determinative analysis is hopelessly outdated, absurdly inefficient, and indefensible in light of the number of people killed each year in truck crashes.

²⁰The FAST Act required FMCSA to undertake significant reformation of SMS data. To date however, although changes have been proposed to the methodology those changes have not been fully implemented and data visibility on the SMS site is still restricted to third parties. FAST Act (Pub. L. 114-94, 2015)

Recommended Reforms

Complete safety fitness determination rulemaking (consider a negotiated rulemaking) to replace outdated, investigation-driven fitness regime with a single integrated oversight lifecycle that uses all available operational data to generate timely, reviewable, and public fitness determinations. FMCSA should modernize Part 385 so that new entrant reviews, SMS data, warning letters, and focused or comprehensive investigations operate as one single continuous system rather than separate processes. The agency should issue provisional fitness statuses at entry, update them dynamically as new data arrives and issue provisional determinations based on data contingent on investigator verification, and reserve onsite investigations for the highest-risk carriers and material disputes. Carrier investments in safety and safety technology (beyond compliance) should be considered as part of the fitness determination when those investments are verifiable and aligned with reductions in crash risk. Ratings should be fit to operate or not fit – eliminating conditional ratings. This would allow FMCSA to meet 49 USC 31144 (and FAST Act reform requirements) with a current, scalable methodology while reducing duplication and targeting scarce investigative resources where they matter most.

This lifecycle illustrates the core reform: continuous, data-driven oversight should replace episodic, investigation-dependent fitness determinations.

2. Data Qs

Problem. As FMCSA drives towards a modernized methodology for evaluating carrier fitness, it must ensure that carrier and driver data is accurate. FMCSA's DataQs process must be streamlined and provide better administrative process mechanisms to challenge inaccurate data collected during roadside inspections and challenge crash preventability. Although FMCSA has recently announced additional appellate-like procedures for challenging data, those procedures remain delegated to states and are likely to remain stubbornly inconsistent across states. FMCSA must take ownership of the data within its systems and approach resolution of data challenges to protect the right of companies and drivers to challenge alleged violations. Recently, states have begun to see volumes of frivolous DataQs challenges that impair their ability to timely process valid DataQs challenges.

Recommended Reforms.

FMCSA must have the final say on data challenges to ensure consistency in its data systems. To defray reported abuse of the DataQs systems, FMCSA should enact specific procedures for all states to follow for initial reviews (to initially be conducted

by the states) and should implement a nominal filing fee (much like a court filing fee) to challenge an inspection or violation within the DataQs system. That fee, along with leveraging data analytic tools and AI analysis support, will create a better more sustainable data accuracy process, resulting in increased confidence in data as that data will be used in FMCSA's safety fitness rating methodology in the proposed future state.

C. Other Safety Related Reforms

1. Motor Carrier Safety Assistance Program

Problem. FMCSA's MCSAP grants represent roughly half of FMCSA's overall budget, impose unnecessary bureaucratic barriers, weakens state participation, and does not provide sufficiently rigorous accountability for results. MCSAP is FMCSA's largest grant program and its principal mechanism for financing state commercial motor vehicle (CMV) enforcement, but the formula structure requires every state to navigate a complex annual planning and reimbursement process through a multi-year Commercial Vehicle Safety Plan, annual updates, federal grant forms, maintenance-of-effort rules, matching-fund requirements, and federal eligibility conditions before resources can be deployed. That administrative burden consumes time and staffing that could otherwise be directed to inspections, traffic enforcement, investigations, data quality, and new entrant safety work. The matching-fund requirement is an additional structural barrier: states must supply their share of program costs and maintain historical spending levels to remain eligible, which disadvantages jurisdictions with budget constraints and limits FMCSA's ability to ensure that federal funds reach the places where additional enforcement capacity is most needed. At the same time, FMCSA does not appear to impose sufficiently outcome-focused oversight on how those funds are used. Although the statute and regulations emphasize performance standards, measures, and benchmarks, the current framework allows substantial variation in how states allocate effort among inspections, traffic enforcement, investigations, and other eligible activities, and it does not ensure that grant-funded activity is consistently aligned with the highest-risk behaviors and carriers. The result is a grant system that is administratively heavy on the front end, financially exclusionary for some states, and insufficiently disciplined on the back end—precisely the wrong design for the agency's primary safety-enforcement funding stream.

Recommended Reforms.

Congress and FMCSA (through overhaul of part 350 rules) should simplify MCSAP administration, reduce financial barriers to participation, and impose stronger performance accountability on the use of grant funds. FMCSA should streamline the planning and reimbursement process by standardizing and shortening required

submissions, accelerating approvals, and tying funding to a smaller set of clear national safety priorities. Congress should reduce or eliminate the current matching-fund and maintenance-of-effort requirements for fiscally constrained states so that federal safety dollars can be directed to jurisdictions with the greatest enforcement need rather than only those best able to absorb the administrative and financial burden. At the same time, FMCSA should condition continued funding on measurable outputs and outcomes, including investigations of high-risk carriers, traffic-enforcement activity focused on unsafe driving behavior, data-quality performance, and demonstrable alignment of state activity with the highest-risk crash factors. Grant oversight should become more rigorous, more transparent, and more uniform, with periodic audits, corrective-action requirements, and consequences for states that fail to direct federal resources to core safety functions.

2. Employer Notification System

Problem. FMCSA has not required States to implement employer notification systems that automatically alert motor carriers when one of their employed drivers receives a ticket, conviction, suspension, crash entry, or other adverse licensing event in another jurisdiction. This leaves motor carriers vulnerable to increased litigation risk in a nuclear verdict rich environment.

Instead, the current framework relies largely on delayed reporting through State licensing systems and on driver self-reporting to employers within 30 days under 49 C.F.R. § 383.31, even though States must transmit conviction information to the licensing State within 10 days under 49 C.F.R. § 384.209. FMCSA itself acknowledges that employer notification services remain only partially deployed and voluntary, with only a limited number of States offering automatic “push” notification systems and others offering only periodic record access. This creates a serious safety and compliance gap: motor carriers may continue using drivers whose licenses have been suspended, withdrawn, or compromised by out-of-state violations before the employer learns of the event, particularly where the driver fails to self-report or where the employer’s annual record check under 49 C.F.R. § 391.25 is the only backstop. In a nationwide industry where drivers routinely cross state lines, FMCSA’s failure to mandate universal employer notification leaves carriers, enforcement officials, and the public dependent on fragmented State systems and after-the-fact discovery rather than real-time risk control.

Recommended Reforms.

Require every State driver licensing agency to implement a real-time employer notification system as a statutory condition of participation in the CDL program and receipt of related Federal safety funds. The law must require same-day or near-real-time

transmission to enrolled motor carriers whenever a CDL holder receives a citation, conviction, suspension, disqualification, license downgrade, crash entry, or other material licensing event in any jurisdiction. FMCSA should be directed to establish uniform national technical standards, mandate carrier enrollment and driver matching, and audit both State and carrier compliance, with grant consequences and corrective-action requirements for noncompliance. No State should remain free to rely on delayed, fragmented, or purely voluntary notification practices in an interstate industry where unsafe drivers can continue operating before their employers learn of disqualifying conduct.

3. State Driver Licensing Agency Oversight and Credential Reliability

Problem. Recent FMCSA and DOT oversight actions have exposed serious weaknesses in State Driver Licensing Agency credentialing practices that undermine the reliability of commercial driver’s license (“CDL”) and other commercial driving credentials as evidence that a driver is qualified to operate a CMV. FMCSA’s 2025–2026 rulemaking and compliance reviews on non-domiciled CDLs were expressly framed as efforts to “restore the integrity” of the CDL issuance process after the agency identified licensing patterns and state practices that were not consistent with federal requirements, including the risk that unqualified individuals could obtain commercial credentials. At the same time, the DOT Office of Inspector General opened an audit of FMCSA’s oversight of State CDL knowledge and skills testing programs, underscoring concern that FMCSA has not adequately verified whether States and State-approved third-party testers are ensuring that only qualified applicants pass the tests required for issuance. These findings create a fundamental safety and compliance problem: if employers cannot reliably treat a CDL or similar CMV credential as trustworthy evidence that the driver has been properly tested, lawfully licensed, and screened in accordance with federal standards, then the entire credentialing system stops functioning as a dependable safety gate. Motor carriers are then forced to absorb greater verification burdens and liability risks themselves, while unsafe or improperly credentialed drivers may continue operating in interstate commerce behind the appearance of regulatory legitimacy.

Recommended Reforms.

Make strict State compliance with federal CMV credentialing standards a condition of participation in the CDL program and receipt of related federal funds and should direct FMCSA to enforce that condition through mandatory audits, corrective-action orders, and meaningful sanctions. The statute should require periodic federal audits of State knowledge and skills testing programs, tighter federal control of third-party testers, uniform national verification standards for domicile, identity, English language proficiency, testing eligibility, and issuance records, and immediate suspension of noncompliant credentialing

practices that compromise safety. FMCSA should also be required to adopt a national validation system that automatically notifies employers if a driver's credential has been downgraded, suspended, or otherwise modified through State or FMCSA action. FMCSA should discourage different state CDL licensing schemes that create confusion and inconsistent interstate operational rules. Employers must be able to rely on the CDL as presumptive evidence of qualification and that the driver has been properly tested, lawfully licensed, and is qualified to operate a CMV.

4. Commercial Regulatory Enforcement

Problem. FMCSA's ability to enforce household goods and other commercial regulatory violations has been significantly weakened since the *Riojas* decision because the agency has said it no longer has clear authority to assess many civil penalties through its own administrative process. Instead, FMCSA often must rely on the Department of Justice to bring enforcement actions in federal court, which is slower, more resource-intensive, and far less effective as a routine deterrent. As a result, violations involving household goods consumer protections, unauthorized brokerage, and similar commercial regulations are harder to detect, punish, and prevent.

Recommended Reforms.

Congress should expressly restore and clarify FMCSA's authority to administratively assess civil penalties for violations of commercial regulations, including household goods consumer protection rules and unauthorized brokerage. Further, related registration and disclosure requirements impacted by the lack of authority are directly tied to safety. The agency should not have to depend on Department of Justice litigation in federal court as its primary enforcement mechanism for routine commercial misconduct. Legislation should authorize FMCSA to issue notices of claim, impose civil penalties by final agency order subject to administrative review, and seek immediate corrective action for repeat or egregious violators. Congress should also pair that authority with stronger front-end registration tools including clearer principal-place-of-business requirements, enhanced identity and business verification, authority to withhold or deny registration where fraud indicators are present, and stronger consequences for reincarnated or affiliated entities that attempt to evade enforcement. Restoring direct administrative enforcement would make commercial regulation credible again, improve deterrence, and give FMCSA a practical means to combat household goods fraud, unlawful brokerage, registration penalties, and similar misconduct before it causes broader consumer and market harm.

5. Self-Certification Program Failures

Problem. FMCSA relies too heavily on self-certification in several safety-critical programs, including the Entry-Level Driver Training Provider (ELDT) Registry, the Electronic Logging Device (ELD) registry, and the National Registry of Certified Medical Examiners. In each of these systems, applicants are generally permitted to represent that they satisfy federal eligibility or technical requirements without meaningful pre-listing validation by the agency. That model may expedite registry placement, but it also creates obvious integrity risks: non-compliant providers can obtain a federal listing, operate for extended periods before review, and continue to affect drivers and carriers even after deficiencies emerge. FMCSA's post-listing oversight tools are also too weak. Audits are limited, removal processes are often slow, and the agency lacks a reliable fee-supported structure to fund continuous verification and enforcement. The result is a registry architecture that depends on representations first and meaningful verification later, even where the registry itself is meant to function as a safety gatekeeping tool. Finally, these registration platforms do not charge any fees for use, resulting in significant resource gaps and costs for the agency.

Recommended Reforms.

Modify self-certification-only listing models with a verification-based framework for safety-critical registries – but should not dismantle existing systems. FMCSA should require periodic registration renewals for any listed provider. For each registry, the agency should require meaningful pre-listing validation of identity, business legitimacy, and program-specific qualifications before a provider, examiner, or technology vendor is publicly listed or allowed to serve regulated parties. Listings should be conditioned on continuing compliance, supported by periodic audits, mandatory record retention, and authority for FMCSA to impose immediate proposed removal or suspension where credible evidence shows falsification, noncompliance, or risk to safety and post removal administrative review process. Congress should also authorize fee-based registration, renewal, and audit structures so these programs can fund continuous oversight and system maintenance and improvements rather than relying on unfunded post-listing enforcement. This reform should apply across the ELDT Registry, the ELD registry, and the National Registry of Certified Medical Examiners, with tailored standards for each system.

Entry-Level Driver Training Provider Registry.

End pure self-certification pathway for ELDT providers but do not dismantle existing registry. Require pre-listing vetting of every training provider and location before issuing or maintaining a registry number, including verification of state authorization, physical location, instructor qualifications, vehicles, facilities, and recordkeeping capability. The current model largely relies on provider attestations, even though federal regulations permit FMCSA audits, and the agency has recently had to remove large numbers of inactive or noncompliant providers from the registry. A reformed system should require periodic

renewals, biennial re-verification, risk-based onsite audits, and faster removal procedures for providers that falsify training records, fail to maintain required curricula or instructor qualifications, or refuse to produce records. FMCSA should be authorized to charge registration and renewal fees to support vetting and registration, auditing and enforcement, and system maintenance.

Electronic Logging Device Registry.

End pure self-certified pathway for listing ELDs by requiring meaningful technical and corporate vetting before a device appears on the registered list but does not immediately dismantle ELD registry. Providers should be required to demonstrate product conformity, security controls, version control, edit-trace integrity, data-transfer reliability, and responsible corporate ownership before listing, and material software changes should trigger re-validation. Recent device removals show that post-listing revocation alone is not enough when carriers and drivers may rely on a listed device for months before deficiencies are identified. Congress should authorize FMCSA to impose provider registration, testing, and renewal fees and maintain a dedicated compliance-testing program that supports ongoing audits, rapid suspension of noncompliant devices, prompt industry notice, and system maintenance. The goal should be to prevent defective devices from reaching the market rather than merely removing them after widespread deployment.

National Registry of Certified Medical Examiners.

Strength front-end qualification checks and continuous monitoring for medical examiners, particularly because defects in this program can invalidate thousands of driver medical certificates at once. The agency should verify professional licensure, training completion, testing status, disciplinary history, and identity before listing or renewal, and it should use data analytics to identify anomalous examination volume, suspicious certification patterns, and other indicators of noncompliance. Where credible evidence shows that an examiner is not applying the physical qualification standards correctly, FMCSA should have clear authority to impose immediate restrictions, expedited removal procedures, and rapid notice to affected drivers, carriers, and State licensing agencies. Congress should authorize examiner registration and renewal fees to fund audits, data monitoring, and enforcement, so the integrity of the medical certification system is not dependent on ad hoc enforcement efforts after large-scale harm has already occurred.

6. Drug and Alcohol Testing Deficiencies

Problem. FMCSA's drug and alcohol testing framework is lagging behind known safety risks. First, the Department does not permit motor carriers to rely on hair testing as a compliant DOT drug-testing method, even though hair specimens are materially harder to tamper with

than conventional urine testing and can reveal a longer pattern of drug use relevant to hiring and return-to-duty oversight. Second, although DOT amended Part 40 in 2023 to authorize oral fluid testing as an alternative methodology, that reform has not become operational because the required HHS-certified oral fluid laboratory infrastructure still has not been fully established. As of 2026, DOT has acknowledged that oral fluid testing remains unavailable unless at least two HHS-certified laboratories are in place, and it recently had to adopt an interim rule preserving directly observed urine collections because the promised oral-fluid pathway cannot yet function in practice. That delay matters because oral fluid testing is better suited to directly observed collections and recent-use detection, and it reduces opportunities for specimen substitution and other cheating concerns associated with urine testing. Third, the rescheduling of marijuana creates significant compliance and safety risk even if DOT testing rules formally remain unchanged. Any federal move that appears to soften marijuana's legal status is likely to create confusion among drivers, applicants, employers, medical providers, and state actors about whether marijuana use is now compatible with safety-sensitive driving. In a regime that still tests for marijuana use and still prohibits covered drivers from using it, that mismatch between evolving drug policy and existing transportation safety rules creates a substantial risk of misunderstanding, inconsistent enforcement, avoidable litigation, and impaired-driver exposure unless Congress and DOT provide a clearer and more durable regulatory framework.

Recommended Reforms.

Congress and DOT should modernize the federal drug- and alcohol-testing framework so that it better matches current operational risk and can be implemented in practice.

First, DOT should be required to complete full implementation of oral fluid testing by ensuring that the necessary HHS-certified laboratory capacity, split-specimen procedures, collection-site standards, and information-technology updates are in place on a defined timetable rather than allowing the program to remain authorized on paper but unavailable in practice. Once operational, FMCSA and DOT should treat oral fluid testing as a routine, fully usable alternative to urine testing for pre-employment, random, post-accident, return-to-duty, and follow-up testing where permitted by Part 40. Second, Congress and DOT should authorize hair testing for FMCSA regulated employees as an additional testing protocol. Third, adopt a clear and durable federal marijuana policy for safety-sensitive transportation work. The governing rule should be explicit that, regardless of any change in marijuana's scheduling under the Controlled Substances Act or its legality under state law, covered drivers remain prohibited from using marijuana and from performing safety-sensitive functions with a prohibited drug test result. DOT should be required to issue uniform guidance to employers, drivers, medical review officers, and State partners confirming that marijuana remains incompatible with safety-sensitive CMV operation and explaining how

that prohibition applies notwithstanding state medical or adult-use laws. A clear federal rule is necessary to reduce confusion, prevent inconsistent employer practices, and preserve the deterrent value of the testing program while broader federal drug policy continues to evolve.

7. Drug and Alcohol Clearinghouse Safety Gaps

Problem. FMCSA’s Drug and Alcohol Clearinghouse is a repository for DOT drug testing results for CDL drivers. The Clearinghouse allows employers to verify prior drug and alcohol violations for a CDL driver before allowing the driver to perform a safety sensitive function. Currently, only DOT test results are authorized to be included in the Clearinghouse. And current FMCSA drug and alcohol testing regulations do not authorize hair testing. Moreover, the Clearinghouse is only accessible to verify CDL driver status. Many CDL drivers prohibited in the Clearinghouse are turning to non-CDL CMV driving for employment. Employers hiring these drivers do not have access to important information regarding the driver’s prior drug and alcohol use.

Recommended Reforms.

Congress should expand the Clearinghouse from a CDL-only repository of DOT test results into a broader safety-screening tool for commercial motor vehicle employers.

First, the law should authorize inclusion of specified non-DOT drug- and alcohol-testing results in the Clearinghouse (such as hair testing) when those results are generated under defined reliability and due-process standards. Second, Congress should authorize motor carriers and other covered employers to query the Clearinghouse when hiring or supervising non-CDL drivers who operate commercial motor vehicles in safety-sensitive functions, not just CDL holders to ensure that prohibited conduct drug and alcohol risk is not being transferred into non-CDL CMV population. A driver who is prohibited in the Clearinghouse should not be able to evade scrutiny merely by moving from CDL-regulated driving into non-CDL CMV work. Access rules should therefore be expanded to permit pre-employment and ongoing checks for non-CDL CMV drivers, with appropriate consent, privacy protections, audit trails, and penalties for misuse. These reforms would make the Clearinghouse a more complete safety tool, close a known migration gap, and allow employers to identify serious drug- and alcohol-related safety risks across a broader segment of the CMV workforce.

8. Crash Causal Understanding

Problem. FMCSA still lacks a timely and policy-usable understanding of what is actually causing serious large-truck crashes notwithstanding 30 million dollars in funding allocated by the Infrastructure Investment and Jobs Act (IIJA) beginning in 2022. The agency’s last major national causation study—the Large Truck Crash Causation Study—was based on crashes investigated from 2001 to 2003 and published in 2006, which means the best

nationwide causation evidence FMCSA has relied on is now roughly two decades old. That is a serious problem in an industry that has changed materially since then, including widespread use of electronic logging devices, changed freight patterns, increased roadway congestion, evolving vehicle technology, different driver demographics, and new forms of distraction and impairment. FMCSA is now building a new Crash Causal Factors Program, and that effort is important, but it will not generate sufficiently timely policy intelligence on its own. The agency's current Heavy-Duty Truck Study is expected to collect data over two years beginning in 2026, with a final report and public anonymized database to follow after analysis; FMCSA has also already begun planning later phases for other vehicle classes. That means the federal government may still be years away from fully usable nationwide results, even as fatalities continue to occur at current levels. A crash-causation program that produces insights only after multi-year study cycles is not enough for an agency that is supposed to drive current prevention policy. FMCSA needs a more continuous and transparent crash-learning system that identifies emerging causal patterns quickly, shares anonymized crash-causation data with the public, and makes the resulting information available in usable form to researchers, States, Congress, safety advocates, and policymakers. Without faster public-facing causal analysis, FMCSA will continue to regulate one of the nation's deadliest transportation modes with incomplete, stale, and insufficiently shared knowledge about the factors driving crashes.

Recommended Reforms.

FMCSA should move beyond reliance on its own episodic causation studies and reconcile its work with NHTSA's crash analysis work (which received roughly 150 million from IIJA in funding for crash related analysis) re-focusing its effort on making its data consistent and available to NHTSA, researchers, and others to support effective and quicker crash causal analysis. FMCSA should require participating States and its own enforcement partners to capture standardized digital crash packets for serious CMV crashes, including police reports, inspection findings, scene photographs, reconstruction materials, vehicle and carrier information, and other electronically available records in a format that can be analyzed quickly across jurisdictions and modes. The agency should also make greater use of available operational technologies—including electronic logging device records, telematics and fleet-management data where lawfully obtainable, post-crash engine and onboard-system downloads, and other digital evidence that can reveal vehicle movement, hours-of-service status, braking, speed, location, and driver activity immediately before a crash. The agency should retain data analytics tools supported by modern data tools and machine-learning-assisted pattern detection, so the agency can identify emerging crash factors and patterns in near real time rather than waiting years for a single retrospective report. Congress should direct FMCSA to publish recurring anonymized

datasets, dashboards, and analytical summaries that allow researchers, State partners, safety advocates, and policymakers to evaluate trends, test interventions, and independently assess the causes of fatal and serious-injury truck crashes. Public release should occur under a structured data-governance framework that protects personal privacy, preserves investigative integrity, and standardizes data definitions so that outside users can reliably compare results over time. The goal should be a permanent public crash-intelligence infrastructure: FMCSA should continuously learn from crashes as they occur, use that information to target enforcement and rulemaking, and share usable causal information broadly enough that the public and the research community can help drive better safety policy. Moreover, once FMCSA improves its understanding of the relationship between regulatory compliance and crash prevention and causation, it would be able to eliminate overly cumbersome regulatory requirements unrelated to safety.

IV. Conclusion

FMCSA's central challenge is not the absence of statutory authority or safety ambition, but the mismatch between the scale of its mission and the structure, tools, and resources Congress has given it to carry that mission out. A modern motor carrier safety system should screen unsafe actors before they begin operating, use current operational data to make timely and reviewable fitness decisions, recognize verified investments in crash-prevention technology, and generate usable public knowledge about the causes of serious truck and bus crashes. It should also be funded and staffed in proportion to the size of the regulated population and disciplined enough to focus agency effort on the functions most closely tied to preventing deaths and injuries. The reforms proposed here are designed to move FMCSA toward that model: a simpler, better resourced, more data-driven, and more accountable agency that is organized around its core public-safety mission and better equipped to reduce the human, economic, and societal costs of large-truck and bus crashes.

V. Identified Recommended Reforms Summary

1. Substantially increase FMCSA appropriations, establish staffing benchmarks tied to workload and regulated population, and authorize dedicated fee-based funding for core safety programs and registries.
2. Narrow FMCSA's statutory portfolio by discontinuing, simplifying, or transferring responsibilities that consume resources without materially improving crash prevention, and require dedicated funding for any new statutory mandates.

3. Fully deploy a single secure registration system for all FMCSA registrations, with meaningful pre-operational vetting, periodic renewal, and retirement of legacy systems.
4. Decouple commercial registration filing fees from the cost-recovery model, increase and expand fee authority, and allow FMCSA to retain those fees to support registration modernization, vetting, and safety oversight.
5. Require all property and passenger carriers seeking safety registration or a USDOT number to pay a filing fee through amended statutory authority.
6. Harmonize and simplify commercial and safety registration requirements, terminology, and regulations into one comprehensive framework.
7. Increase safety-information collection during registration and renewal, including disclosure of key safety personnel and operational safety systems.
8. Adopt stricter and consistent pre-operational vetting standards for all commercial and safety registration applicants, including full vetting before issuance of a USDOT number.
9. Issue only provisional registration or authority until applicants pass a new entrant examination and onsite review, with stronger revocation authority for fraud, misrepresentation, or noncompliance.
10. Require onsite new entrant reviews and treat them as true gatekeeping events rather than remote paperwork audits.
11. Make passage of a mandatory FMCSA- or State-administered new entrant proficiency examination a condition precedent to any USDOT number, safety registration, operating authority, or provisional registration.
12. Replace the outdated investigation-driven safety fitness regime with a single integrated oversight lifecycle that uses all available operational data to generate timely, reviewable, and public fitness determinations.
13. Reform the DataQs process by giving FMCSA final authority over data challenges, standardizing State review procedures, and adopting a nominal filing fee to discourage abuse.
14. Simplify the Motor Carrier Safety Assistance Program, reduce financial barriers to State participation, and impose stronger, more transparent performance accountability for grant-funded enforcement activities.
15. Require every State driver licensing agency to implement a real-time employer notification system for material CDL and licensing events as a condition of federal participation and funding.
16. Make strict State compliance with federal commercial driver credentialing standards a condition of participation in the CDL program, supported by mandatory audits, corrective-action orders, and meaningful sanctions.

17. Restore and clarify FMCSA's authority to administratively assess civil penalties for commercial regulatory violations, including household goods consumer protection and unauthorized brokerage violations.
18. Replace self-certification-only listing models in safety-critical registries with verification-based frameworks, periodic renewal, audits, and fee-supported oversight.
19. End pure self-certification for the Entry-Level Driver Training provider registry by requiring pre-listing vetting, biennial re-verification, and risk-based audits.
20. End pure self-certification for the Electronic Logging Device registry by requiring pre-listing technical and corporate vetting, re-validation after material changes, and ongoing compliance testing.
21. Strengthen front-end qualification checks and continuous monitoring for medical examiners through verification, analytics, expedited removal authority, and fee-supported oversight.
22. Modernize the drug and alcohol testing framework by fully implementing oral fluid testing, authorizing hair testing, and adopting a clear federal marijuana policy for safety-sensitive transportation work.
23. Expand the Drug and Alcohol Clearinghouse to include specified non-DOT testing results and permit checks for non-CDL commercial motor vehicle drivers in safety-sensitive functions.
24. Improve crash-causation analysis by creating a continuous, public-facing crash-intelligence system with standardized digital crash data, stronger coordination with NHTSA, and recurring anonymized public datasets.