

preview of proposed enhancements to the SMS website, responded to comments to the June 2015 **Federal Register** notice, and advised of additional enhancements.

As a result, the preview reflected six potential changes to the SMS methodology for calculating percentiles.

1. SMS Intervention Thresholds were adjusted to better reflect correlation to crash risk.

2. Changes to the HM Compliance BASIC to segment by CT and non-CT carriers and to post motor carrier percentile rankings under the HM Compliance BASIC to the public.

3. Reclassifying violations for operating while OOS under the Unsafe Driving BASIC rather than the BASIC of the underlying OOS violation.

4. Increasing the maximum vehicle miles traveled used in the Utilization Factor to more accurately reflect the operations of high-utilization carriers.

5. Increasing the minimum number of crashes in the Crash Indicator BASIC from two to three.

6. Assigning BASIC percentiles only to carriers that have had an inspection with a violation in the past year.

Only 25 comments were received on the preview from 11 individuals, five trucking or bus companies, nine associations and one safety consultant. Eight commenters posted comments regarding determining the preventability of crashes; therefore, these comments were outside of the scope of the notice. Four other commenters made broad comments about the Agency that were not applicable to this notice. In addition, the Insurance Institute of Highway Safety provided a copy of their report titled "Crash Risk Factors for Interstate Large Trucks in North Carolina" as support for the Agency's correlation of vehicle maintenance to crashes.

#### **FAST Act Correlation Study**

Section 5221 of the FAST Act, titled "Correlation Study," required FMCSA to commission the National Research Council of the National Academies to conduct a study of FMCSA's CSA program and SMS.

On June 27, 2017, NAS published the report titled "Improving Motor Carrier Safety Measurement." The report is available at <https://www.nap.edu/catalog/24818/improving-motor-carrier-safety-measurement>. In preparing the report, NAS collected and analyzed all the quantitative data available to FMCSA in its databases, which contain information on the safety of commercial motor carriers and drivers subject to the Federal Motor Carrier Safety Regulations and the HM Regulations. In

addition, NAS held three public meetings to engage stakeholders from the truck and bus industry, safety advocates, researchers, and other government organizations. The meeting agendas are included in an appendix to the report. FMCSA accepted the NAS report's recommendations, including the recommendation to develop a new statistical model to support the SMS, and is working to implement the recommended changes. The NAS cautioned the Agency against making changes to the algorithm based on ad hoc analysis and instead to rely on the Item Response Theory model.

#### **SMS Preview Site**

As a result of the ongoing implementation of the NAS recommendations, FMCSA removed the preview from the SMS website and will not be proceeding with the proposed changes at this time.

Issued on: July 10, 2018.

**Raymond P. Martinez,**

*Administrator.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2018-0189]

#### **Agency Information Collection Activities; New Information Collection: Truck and Bus Maintenance Requirements and Their Impact on Safety**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This new request titled "Truck and Bus Maintenance Requirements and Their Impact on Safety" will allow for a study that focuses on vehicle maintenance and aims to determine the impact of vehicle maintenance requirements on overall motor carrier safety. This information collection supports the DOT Strategic Goal of Safety.

**DATES:** We must receive your comments on or before September 14, 2018.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2018-0189 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Public Participation:** The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Quon Y. Kwan, Program Manager, Technology Division, Department of Transportation, OA, West Building 6th

Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202-385-2389; email [quon.kwan@dot.gov](mailto:quon.kwan@dot.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** FMCSA's core mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. To aid in accomplishing this, the Agency uses the Compliance, Safety, Accountability (CSA) enforcement program to prioritize and target interventions of those motor carriers who are most likely to be involved in a future crash. As part of the CSA program, the Agency deploys the Safety Measurement System (SMS). SMS uses inspection, crash, and investigation data captured in the Motor Carrier Management Information System (MCMIS) to calculate a percentile for each motor carrier. A motor carrier's SMS percentile is based on its past compliance with a complete range of safety-based regulations (such as driver safety, hours of service, driver fitness, and vehicle maintenance, among others). The survey described in this notice focuses on the vehicle maintenance component of those safety regulations. The study goal is to determine what improvements, ranging from better compliance interventions to better vehicle maintenance requirements, would enhance motor carrier safety.

In 2014, the John A. Volpe National Transportation Systems Center (Volpe) conducted a study to assess the effectiveness of SMS in identifying the highest risk motor carriers to be targeted for interventions. One finding from the study was that motor carriers targeted for intervention due to "vehicle maintenance" issues (*i.e.*, violations) had a 65 percent higher crash rate compared to the national average. These violations are based on Federal and state inspections of components critical to the safe operation of the vehicle. It is important to recognize that proper and regular preventative maintenance (*i.e.*, systematic maintenance programs) among carriers—rather than Federal and state inspections, which are by nature limited to the most visible or obvious safety-related components—should be the primary activity applied to ensure safe equipment operation.

While these initial findings are important, they raise additional questions. One such question is prompted by the stipulation in 49 CFR 396.3(a), which states that every carrier must have a program to "systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its

control." Though this regulation provides some direction, there is no supporting definition of the word "systematic," and because this term is subjective, it is likely to vary from one carrier to another. The lack of specificity regarding standard intervals for preventative maintenance makes it difficult for federal and state personnel to evaluate the effectiveness of and compliance with a carrier's maintenance program. Furthermore, the lack of specificity may make it difficult for carriers to ascertain and therefore comply with the regulation's intent.

The current research effort, augmented by the proposed survey, is necessary to improve FMCSA's understanding of the safety impact of preventative vehicle maintenance and to clarify the requirements of section 396.3(a). The study objectives are as follows:

1. Develop an operational definition of "systematic maintenance."
2. Evaluate whether current regulations and the intervention process could be modified to improve compliance with vehicle maintenance requirements. Examples of such requirements are as follows: (i) Preventative maintenance intervals, (ii) preventative maintenance inspections with adequately trained/equipped mechanics, and (iii) adequacy of motor carriers' maintenance facilities. [However, the results of the survey will be used only to explore what areas of rulemaking and/or other areas, such as policy guidance and training, might be useful in the future; the results of the survey will not be used for rulemaking, per se.]
3. Gather information to assist in establishing minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

FMCSA is authorized to conduct this research under 49 U.S.C. 31108, Motor Carrier Research and Technology Programs. Under section 31108(a)(3)(C), FMCSA may fund research, development, and technology projects that improve the safety and efficiency of commercial motor vehicle operations through technological innovation and improvement. This information collection supports the U.S. Department of Transportation (USDOT) strategic goal of Safety.

Under contract to FMCSA, the Virginia Tech Transportation Institute (VTTI) at the Virginia Polytechnic Institute and State University (VT) will use online surveys to obtain the data required to address the study objectives. The information collection will be administered in two phases:

**Phase I: Online Recruitment Survey.** This voluntary, seven-question survey will screen carriers and verify their eligibility for Phase II participation. To be eligible for Phase II participation, carriers must fall into one of two groups: (a) The Recommended Practices (RP) Group, which includes carriers with the lowest Vehicle Maintenance and Crash Indicator Behavior Analysis and Safety Improvement Categories (BASIC) percentiles (*i.e.*, less than or equal to the 33rd percentile); or (b) the Intervention Effects (IE) Group, which includes carriers that have experienced Federal or State interventions in the last 24 months due to vehicle maintenance violations. The BASICs are Unsafe Driving, Crash Indicator, Hours-of-Service (HOS) compliance, Vehicle Maintenance, Controlled Substances/Alcohol, Hazardous Materials (HM) Compliance, and Driver Fitness. More information on the SMS methodology can be found at <https://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>.

**Phase II: Carrier Maintenance Management Survey.** This voluntary, 106-question survey will include questions about demographics; maintenance practices, intervals, personnel, and facilities; and State and Federal inspections, among other things. The Phase II survey will employ branch logic; as such, carriers will be prompted to complete different sections based on their survey group (and for one section, carrier size). Consequently, no participating carrier will be asked to complete all 106 questions.

In the Phase II survey, carriers (of all sizes) in the RP Group will be asked to provide additional information about maintenance personnel and facilities (*e.g.*, mechanic training levels, tools required for adequate inspection, and certification of facilities) and vehicle maintenance issues that may impact safety. Information from the RP Group will seek to address Objective 1, relating to development of an operational definition of "systematic maintenance," Objective 2, and Objective 3, relating to establishment of minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

Carriers in the IE Group will be asked to complete the section on intervention effects, which includes questions about the status of active interventions or investigations; results of closed interventions or investigations; interactions with State versus Federal agencies; intervention activities experienced; the accuracy of violations leading to interventions; actions taken in response to interventions; changes in

carrier vehicle maintenance practices as a result of an intervention; significant benefits of interventions; and ways the intervention process could be improved. Information provided by the IE Group will address the portion of Objective 2 regarding sufficiency of regulations and where interventions need to be improved to facilitate complying with these regulations.

Survey responses will be summarized and reported using plots, tables, content analysis, and calculated summary statistics. Plots and tables will provide a visual comparison of multiple choice and checkbox survey responses for successful carriers (*i.e.*, carriers in the RP Group) and those receiving interventions in the last 24 months (*i.e.*, carriers in the IE Group). These methods will also allow researchers to summarize responses by carrier operation type (*i.e.*, truck or bus) and size. Bar charts will be used to plot responses to many survey questions. Some survey responses may be summarized with tables with rows for each of the carrier operation types (truck or bus) and each carrier-size subgroup. To explore and summarize responses to open-ended survey questions, researchers will use content analysis methods. An illustration of an open-ended question in the survey is "List examples of critical safety-related maintenance activities for trailer vehicle milestones." The goal of content analysis of open-ended questions will be to identify common answers.

The results of this information collection will be documented in a technical report to be delivered to and published by FMCSA. In addition, the results will be used to create a "recommended best practices" report that will outline minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities. Finally, VTTI is required under the contract with FMCSA to compile and analyze the collected information and develop a public-use data set.

This ICR is for a one-time data collection. If this data collection does not take place, the truck and bus industry would continue to operate with the uncertainty of what a "systematic maintenance" program, as currently worded in section 396.3(a), consists of. This term's ambiguous definition makes it difficult for federal and state inspectors to evaluate the effectiveness of a carrier's maintenance program or its compliance with this provision. Furthermore, this uncertainty may make it difficult for carriers to ascertain and therefore comply with the regulation's intent.

*Title:* Truck and Bus Maintenance Requirements and Their Impact on Safety.

*OMB Control Number:* 2126-XXXX.

*Type of Request:* New information collection.

*Respondents:* Freight motor carriers and passenger carriers.

*Estimated Number of Respondents:* 578 respondents [578 respondents will complete the Online Recruitment Survey. Of those 578 respondents, 289 will also complete the Carrier Maintenance Manager Survey].

*Estimated Time per Response:* Varies [Online Recruitment Survey: 5 minutes. Carrier Maintenance Manager Survey: 45 minutes].

*Expiration Date:* 3 years after approval.

*Frequency of Response:* Once.

*Estimated Total Annual Burden:* 265 hours [Online Recruitment Survey: 578 respondents  $\times$  (5 minutes  $\div$  60 minutes) = 48 hours; Carrier Maintenance Manager Survey: 289 respondents  $\times$  (45 minutes  $\div$  60 minutes) = 217 hours].

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: July 10, 2018.

**Kelly Regal,**

*Associate Administrator for Office of Research and Information Technology.*

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## DEPARTMENT OF VETERANS AFFAIRS

### Notice of Intent To Prepare a Programmatic Environmental Impact Statement of the Department of Veterans Affairs Housing Loan Program

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of intent.

**SUMMARY:** Under the authority of the National Environmental Policy Act (NEPA) and its implementing regulations, VA intends to prepare a Programmatic Environmental Impact

Statement (PEIS) to evaluate the potential direct, indirect, and cumulative environmental consequences of continued operation and administration of VA's Housing Loan Program (HLP). VA's reference to the HLP includes federal assistance, administered by the Veterans Benefits Administration (VBA), in the form of loans made, insured, or guaranteed by VA. It also includes housing benefits that can be used in conjunction with the HLP (*e.g.*, the Specially Adapted Housing program). Under the HLP, VBA is also responsible for the management, marketing, and disposition of real estate owned (REO) properties that VA acquires following the foreclosure of certain VA-guaranteed loans and loans held in VA's portfolio. This notice opens the public scoping phase and invites interested parties to identify potential issues, concerns, and reasonable alternatives that should be considered in the PEIS. Following the scoping meeting referenced below, a Draft PEIS will be prepared and circulated for public comment.

**DATES:** All written comments should be submitted by August 15, 2018.

VA invites federal, state, tribal, and local entities; non-profit organizations; businesses; interested parties; and the general public to comment on the proposed scope and content of the PEIS. VA will consider all scoping comments in developing the PEIS. VA will conduct a public scoping meeting on Thursday, August 2, 2018, from 6:00 to 8:00 p.m. at the Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, Rockville, Maryland 20852. The scoping meeting will afford the public an opportunity to learn more about the project and provide input on the environmental analysis process. During the meeting, VA will provide an overview of the project, as well as details regarding the PEIS scope, purpose, and need. VA will also outline the overall NEPA process. Additionally, VA will post a scoping presentation on a publicly available website during the 30-day scoping period. Such presentation will be available at [http://www.benefits.va.gov/homeloans/environmental\\_impact.asp](http://www.benefits.va.gov/homeloans/environmental_impact.asp).

**Proposed Actions and Alternatives:** VA's Proposed Action is to continue administering the HLP and incorporating programmatic changes as necessitated by amendments to program authorities, Veteran need, market conditions, and factors not foreseen at the time of this publication.

VA's No Action Alternative refers to a scenario wherein VA operates the HLP in a manner consistent with policies