



# National Transportation Safety Board

Washington, DC 20594

## Safety Recommendation

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**Date:** October 22, 2014

**In reply refer to:** H-14-26 through -29  
H-03-2 and H-12-31  
(Reiterations)

Mr. T. F. Scott Darling III  
Acting Administrator  
Federal Motor Carrier Safety Administration  
Washington, DC 20590

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On October 8, 2014, the NTSB adopted its report concerning the May 28, 2013, accident in which a Mack Granite three-axle roll-off straight truck carrying a load of debris to a recycling center was struck by a freight train at a highway–railroad grade crossing in Rosedale, Maryland.<sup>1</sup> Additional information about this accident and the resulting recommendations may be found in the report of the investigation, which can be accessed at our website, [www.nts.gov](http://www.nts.gov), under report number NTSB/HAR-14/02.

As a result of this investigation, the NTSB issued 12 new recommendations—to the Federal Railroad Administration; the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico; the Association of American Railroads; the American Short Line and Regional Railroad Association; the National Fire Protection Association; and CSX Transportation Company—including the following four recommendations to the Federal Motor Carrier Safety Administration (FMCSA):

### H-14-26

Modify Title 49 *Code of Federal Regulations* Part 392.82 to prohibit any use of a hands-free portable electronic device by a commercial driver's license holder while the driver is operating a commercial vehicle, except in emergencies.

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<sup>1</sup> See *Highway–Railroad Grade Crossing Collision, Rosedale, Maryland, May 28, 2013*, Highway Accident Report NTSB/HAR-14/02 (Washington, DC: National Transportation Safety Board, 2014).

H-14-27

Require a full compliance review of new entrants that fail their safety audits, fail their corrective action plans, or are issued expedited action letters.

H-14-28

Establish criteria for revoking the certification of any new entrant that demonstrates a pattern of safety deficiencies.

H-14-29

Develop a system whereby the authority responsible for issuing commercial driver medical certification will be notified when Federal Motor Carrier Safety Administration investigators discover violations that could result in a driver's medical disqualification.

The NTSB also reiterated the following two previously issued recommendations to the FMCSA:

H-03-2

Require all new motor carriers seeking operating authority to demonstrate their safety fitness prior to obtaining new entrant operating authority by, at a minimum: (1) passing an examination demonstrating their knowledge of the Federal Motor Carrier Safety Regulations; (2) submitting a comprehensive plan documenting that the motor carrier has management systems in place to ensure compliance with the Federal Motor Carrier Safety Regulations; and (3) passing a Federal Motor Carrier Safety Administration safety audit, including vehicle inspections.

H-12-31

As a component of your new entrant safety audits, review with each new entrant motor carrier a structured process, such as the Safety Management Cycle, to (1) identify the root cause of safety risks and (2) maintain an effective safety assurance program.

In addition, the NTSB reclassified two previously issued recommendations to the US Department of Transportation.

These safety recommendations are derived from the NTSB's investigation and are consistent with the evidence we found and the analysis we performed. Acting Chairman HART and Members SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying,

please refer to the safety recommendations by number. We encourage you to submit your response electronically to [correspondence@ntsb.gov](mailto:correspondence@ntsb.gov).

[Original Signed]

By: Christopher A. Hart  
Acting Chairman