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NOMINATION OF ANNETTE SANDBERG TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

MAY 8, 2003

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ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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NOMINATION OF ANNETTE SANDBERG TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

THURSDAY, MAY 8, 2003

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

The Committee met, pursuant to notice, at 10:05 a.m. in room SR–253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

The CHAIRMAN. The Committee meets this morning to consider the nomination of Annette Sandberg to serve as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). Ms. Sandberg has served as the FMCSA's Acting Administrator since January and as the Deputy Administrator since last November.

Having also served as the Deputy Administrator of the National Highway Traffic Safety Administration, (NHTSA), and as Chief of the Washington State Patrol, she is uniquely qualified to lead the agency charged with preventing commercial motor vehicle related fatalities and injuries. The Federal Motor Carrier Safety Administration was established in January 2000 with the strong bipartisan support of this Committee. The remainder of my statement will be included in the record.

I am hopeful the Administration will finally submit its proposal to reauthorize the Transportation Equity Act of the 21st century, known as TEA-21, including the highway safety programs in the Act which expires in September.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA

The Committee meets today to consider the nomination of Annette Sandberg to serve as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). Ms. Sandberg has served as FMCSA's Acting Administrator since January and as the Deputy Administrator since last November. Having also served as Deputy Administrator of the National Highway Traffic Safety Administration (NHTSA) and as Chief of the Washington State Patrol, she is uniquely qualified to lead the agency charged with preventing commercial motor vehicle-related fatalities and injuries.

The Federal Motor Carrier Safety Administration was established in January 2000 with the strong bipartisan support of this committee. Truck-related crashes and fatalities had been growing at an alarming rate, and it was determined that specific focus apart from the Federal Highway Administration could help promote

truck and bus safety improvements. In 2002, the number of fatalities in accidents involving large truck declined 3.5%, while highway fatalities for all vehicles increased slightly compared to 2001.

FMCSA administers the Motor Carrier Safety Assistance Program, which provides grants to the states for truck inspections and other safety enforcement activities, and the Commercial Driver's License (CDL) Program. It also is responsible for inspectors and regulations that will govern the operation of Mexico-domiciled motor carriers in the U.S. once the border is opened with Mexico. Further, FMCSA oversees other aspects of commercial vehicle and driver safety and has just issued the first substantive modifications to the hours-of-service rules for motor carriers since 1939.

The Committee has scheduled a hearing on motor carrier safety issues for later this month. By that time, I am hopeful the Administration will finally have submitted its proposal to reauthorize the Transportation Equity Act for the 21st Century, known as "TEA-21, including the highway safety programs in the Act, which expires in September.

I would like to welcome Annette Sandberg and thank her for being here today. I know your nomination is a great honor, and that your family is very proud. I understand your parents are here today and would also like to welcome them and other special guests in the audience.

I am hopeful that the Committee and the full Senate will move this nomination quickly. Several important matters await agency action and Ms. Sandberg's capable leadership. I want to thank her in advance for her willingness to serve in this important position.

The CHAIRMAN. I would like to welcome Annette Sandberg and thank her for being here today. I know your nomination is a great honor and that your family is very proud. I understand your parents are here today. I would like to welcome them and other special guests in the audience, and if you would care to introduce them, Ms. Sandberg, we will be glad to welcome them before the Committee.

Ms. SANDBERG. Yes, thank you, Senator. My parents, Jim and Shirley Sandberg from Washington State are here, and a couple of friends, Greg Keith and Harvey Stein, and a number of friends from NHTSA and Motor Carriers.

The CHAIRMAN. Great. Welcome to your parents, it's a very proud moment for you, thank you for being able to attend and I know you're very proud of your daughter.

As you can see by the significant presence of members of the Committee, your nomination is the subject of great controversy.

[Laughter.]

The CHAIRMAN. Except I want to say that Senator Lautenberg is here, he's at every hearing, so don't take that as an indication.

I know that we have two of our distinguished colleagues from your home State of Washington here to say a few words on your behalf or in opposition to your nomination. We would like to begin with our senior colleague from the State of Washington. Welcome, Senator Murray.

STATEMENT OF HON. PATTY MURRAY, U.S. SENATOR FROM WASHINGTON

Senator MURRAY. Thank you very much, Mr. Chairman, and Senator Lautenberg. I am truly delighted to be here this morning to introduce Annette Sandberg, who is President Bush's nominee to be the Federal Motor Carrier Safety Administrator.

As you well know, Mr. Chairman, the Federal Motor Carrier Safety Administration is just 3 years old and so it's a relatively new agency within the Department of Transportation, but this

agency has an extremely important mission in overseeing our Nation's commercial motor vehicle industry.

We know there are many safety issues that need attention, from the commercial driver's license program to the transportation of hazardous materials. Annette Sandberg is uniquely qualified to be the FMCSA Administrator. She comes with a strong background in law enforcement, including over 17 years with the Washington State Patrol.

In fact, in 1995, Annette became the first woman in the country to lead a State police agency when she was appointed chief of the Washington State Patrol, a position that she held for 6 years. Annette holds a law degree from the University of Puget Sound, and a master's in business administration from City University in Bellevue, Washington.

She also brings experience in the executive branch. In March of 2002, the President appointed her Deputy Administrator of the National Highway Traffic Safety Administration. In December, she was named Acting Administrator of the Federal Motor Carrier Safety Administration.

Under Annette's leadership at the Federal Motor Carrier Safety Administration, the final rule revising the hours of service in the motor carrier industry was finally released just a few weeks ago. This was the first major change in this critical area to be finalized in nearly 65 years. And whether one agrees or disagrees with all parts of the final rule, it is quite impressive that Annette could get the job done while performing in an acting capacity.

Mr. Chairman, I just want to say personally, I have known and worked with Annette for many years. When I talk with young girls at elementary and middle schools throughout the State of Washington, I always encourage them to think about non-traditional careers, from being a pilot to working in construction or law enforcement, and Annette is the example I mention around our State because she is not only one of the few women to make it to the top of her field, but along the way she has earned the respect of everyone who's worked with her.

Today she mentioned, she is joined by her parents, Jim and Shirley Sandberg, who are from Moses Lake, but I also want to mention her siblings who couldn't be with her today. Her sisters Laurie Garrett, also from Moses Lake, and Cindy Harrison, from Chelan, and her brother Scot Sandberg, from Bonney Lake, Washington.

Mr. Chairman, I strongly support Annette Sandberg's nomination to be Administrator of the Federal Motor Carrier Safety Administration and I urge this Committee to approve her nomination expeditiously.

Mr. Chairman, I thank you for your courtesy, and I do have to leave. We have a Transportation Appropriations Committee hearing with the Secretary of Transportation, but I really want to thank you for this hearing and for considering Annette Sandberg.

The CHAIRMAN. Thank you, Senator Murray, thank you for being able to be here on behalf of this fine candidate. I know it means a lot to her that you were here. Thank you for taking the time.

Senator Cantwell, welcome.

STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for giving me this opportunity to join with my senior Senator in praising the work that Annette Sandberg has done and for nominating her for this position as Administrator of the Federal Motor Carrier Safety Administration.

Many of the Committee members will probably know her or got to know her in her role as the Deputy Administrator of the National Highway Traffic Safety Administration, or as the Acting Director of the Federal Motor Carrier Safety Administration. But for us in Washington State, as Senator Murray said, we've known this woman, she's had a long and distinguished career.

And Senator Murray mentioned that she was the first female chief of the State Patrol, and was the first female chief of any State patrol in the country, and she did so at the wise old age of 33, so she has been blazing a trail for some time.

As a State trooper, she earned both her law degree and master's degree, so she accomplished a lot while holding down that responsibility. And in the 6 years as the chief of the patrol, Annette Sandberg's achievement in approving a new canine dog unit to sniff out drug importation into our State, which is very important for us. Being on the Canadian border, we've had a lot of activity, and that program has been a great success, actually more successful than actually having more manpower on the border, having these canine dogs because they do a very efficient job.

She also served on the Department of Justice Task Force on Racial Profiling. She made sure that Washington was among the first States to be collecting data on traffic stops and implementing officer training in this area, so again, groundbreaking work.

But as Annette has told many people, including her colleagues, she believes that road safety is one of her big passions and she would like to continue that work. So that's why I'm proud here today to recommend her to the Committee with all the highest regards from her work in the State and her most recent work in this position. I know that in this position of the Federal Motor Carrier Safety Administration, she will do a tremendous job in serving the country, and I am so excited that she is here before the Committee, and maybe in light of the Committee attendance, I will ask to try to ask a not so hard question, but something that would bring out some of the issues that Annette has gained such expertise and that our country will benefit from.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell. I know you have other responsibilities, but I thank you for taking the time to be here to introduce the witness. Thank you.

Senator Lautenberg.

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

Senator LAUTENBERG. Thanks, Mr. Chairman. I'm happy to be able to be here to hold up another side to this important issue.

The State of New Jersey gets more than its share of truck traffic, even though it doesn't get its fair share in my view of federal dollars, but that's something we will work on at other meetings.

I understand and we are pleased to have such a qualified candidate for a position like this, it's an important responsibility. If one sees these 58–foot trucks, and I wrote some legislation years ago to limit the access of triple trailers to our roads in New Jersey, and to keep them from any other State that at that moment didn't have them.

Now, I understand that FMCSA is committed to reducing the truck, large truck fatality rate by 41 percent by the year 2008, and I think that's a worthy goal. We know that almost 5,000 people died in accidents involving trucks in 2001, and, including 71 large trucks involved in fatal crashes in New Jersey.

Now, there are a number of proposals from the trucking industry and others to increase the size and weight of the trucks on the interstates including lifting the freeze on LCVs, triples, doubles, and Miss Sandberg, I realize that trucks play an important role in our national transportation system. But how do you—and we will be looking to you for advice and perhaps enforcement of the laws that exist now, so that we can make more sense for our propositions to improve safety.

Is your agency considering any changes to the freeze on LCVs and would the Agency under your jurisdiction entertain any proposals to change the current LCV freeze?

The CHAIRMAN. Senator Lautenberg, could I just ask that perhaps Ms. Sandberg could give an opening statement, if that would be okay, and then I will go right back to you for your questions.

Senator LAUTENBERG. I'm sorry. Not a problem.

The CHAIRMAN. Thank you.

Welcome, Ms. Sandberg, and then we will go, if you could right after your statement, perhaps respond to Senator Lautenberg's question. I will recognize him after your opening statement. Welcome.

STATEMENT OF ANNETTE M. SANDBERG, ADMINISTRATOR-DESIGNATE, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Ms. SANDBERG. Thank you. Thank you, Mr. Chairman and members of the Committee. I want to thank Senator Murray and Senator Cantwell for their kind introductions.

I am honored to have been nominated for this position by President Bush with the concurrence of Secretary Mineta. If confirmed, I look forward to working closely with the members of this Committee and your staff to administer the programs of the Federal Motor Carrier Safety Administration.

As Secretary Mineta has said many times, safety is the top transportation priority in this Administration, and one I share both personally and professionally. I have spent the majority of my career seeking to improve the safety of our Nation's citizens, first as a commissioned officer with the Washington State Patrol, and now in the Federal Government.

As a police officer, I have witnessed the tragic life-altering consequences of motor vehicle crashes. It is from these experiences

that I have developed a passion for improving highway safety. If confirmed for this position, my goal is to insure all the programs of the Federal Motor Carrier Safety Administration work to achieve our goal, that of reducing commercial motor vehicle-related deaths and injuries.

I believe that creating a separate agency 3 years ago was a great step towards achieving this goal. However, as a young agency, Federal Motor Carrier Safety Administration has a tremendous challenge ahead. Every program in the Agency must be performance-driven and show that it contributes to achieving the goal of reducing fatalities and injuries on our Nation's highways.

Having come from State government, I understand the importance of our State partners. I understand that if we are to make real progress towards reducing injuries and deaths, it will be done at many levels, most importantly through education coupled with strong enforcement. If given the honor to serve in this position, I will work closely with our State partners and other stakeholders to improve highway safety.

I believe the most important thing we need to remember in the Federal Motor Carrier Safety Administration is that every fatality and injury statistic we deal with is someone's mother, father, sister or brother. I have had the opportunity as Deputy Administrator of NHTSA to talk to staff about the tragedy I saw as a law enforcement officer. Those tragic scenes will be forever imprinted in my mind. If confirmed as Administrator, I commit to you, I will never let Federal Motor Carrier Safety Administration lose sight of the fact that we were created to ensure those fathers, mothers, sisters and brothers go home safely at the end of every trip.

I want to thank this Committee for the opportunity to be here today and for consideration of my nomination. I would be happy to answer questions, and if you would like, I could go directly into the answer for Senator Lautenberg's question.

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

PREPARED STATEMENT OF ANNETTE M. SANDBERG, ADMINISTRATOR-DESIGNATE, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Mr. Chairman and Members of the Committee: Thank you for the opportunity to appear before you today as you consider my nomination for the position of Administrator of the Federal Motor Carrier Safety Administration (FMCSA). I am sincerely honored by the trust and confidence that President Bush has shown in nominating me for this position, and am deeply appreciative of the support from Secretary Mineta in his concurrence with the President's action.

I thank the members of this Committee in advance for their consideration of my nomination. Should you choose to confirm me, I will look forward to the privilege of working with the Committee, each of you, and your staff to further the critical mission and goals of the Federal Motor Carrier Safety program.

Safety clearly is the top transportation priority of this Administration and, as Secretary Mineta consistently reminds us, guaranteeing the safety of the traveling public is the "number one job at the Department of Transportation (DOT)." The FMCSA is at the very heart of that Departmental mission and, in turn, safety is at the heart of the FMCSA's name and mandate. This safety orientation is one I share both personally and professionally. As a police officer and now in the Federal Government, I have spent the overwhelming majority of my career seeking to improve highway safety. I have had the distinct privilege to serve as Deputy Administrator of FMCSA for the past six months and can attest, first-hand, to the agency's devotion to and success in reducing commercial motor vehicle crashes and saving lives. I would welcome this Committee's decision to entrust me with the role of leading that crucial and rewarding effort as FMCSA Administrator.

When Congress created the FMCSA in January 2000, it wisely elevated a critical safety oversight function and provided tangible assurance of a national commitment to improved highway safety. The ongoing support provided to FMCSA by this Committee has enabled the agency to make notable strides on several safety fronts, including increased enforcement and compliance activity and enhanced border operational safety. We have seen fatalities in crashes involving large trucks reduced in each of the years FMCSA has been in existence, including an estimated 3.5 percent decline in 2002, the most recent year for which data are available. Nonetheless, there is more that needs to and can be done to reduce the almost 5,000 fatalities that result annually from highway crashes involving large trucks. We believe the safety focus of the last few years on developing regulations, strengthening enforcement activities, and seeking to educate partners and stakeholders on safety countermeasures has contributed to improved safety performance.

The agency's commitment to safety now is exercised as part of a Departmental effort among transportation modes that would yield a 41 percent reduction in the fatality rate by the year 2008. FMCSA's targeted contribution to the DOT goal is set at a reduction of 1.65 commercial vehicle crash fatalities per 100 million miles of truck travel. I recognize that achieving this goal will present the FMCSA, in particular, with increasing challenges in view of the trend that shows commercial vehicle travel miles increasing at a considerably faster rate than passenger car travel miles. On average, over the past 15 years, truck and bus travel has increased by 3.4 percent annually, while passenger car travel increases have been running at 2.8 percent. This trend is projected to continue.

With full recognition of the challenges faced by DOT and FMCSA in addressing commercial motor vehicle (CMV) and highway safety, I come before this Committee to share my enthusiasm for and commitment to the opportunity my nomination presents. If confirmed, I pledge not only to continue the momentum of FMCSA's formative years to reduce CMV-related fatalities, but also to encourage new initiatives toward that end. I believe that my wide range of public and private sector experience—and particularly my background in law enforcement—equip me well to assume the challenges inherent in that commitment.

During my career, I have developed a passion for highway safety. That passion is grounded in my 18 years of experience in a variety of enforcement, supervisory, and administrative posts with the Washington State Patrol (WSP). In fact, I started my career with the WSP in commercial motor vehicle enforcement and, in that capacity; I have been witness to the tragic, life-altering consequences of motor vehicle compliance breaches and departures from operational safety. No one can witness first-hand the aftermath of highway crashes and fatalities without developing the commitment to seek ways to reduce their number and tragic consequences.

During my last six years with the WSP, the State's lead Motor Carrier Safety Assistance Program (MCSAP) agency, I had the privilege to serve as Chief. In that position, I participated fully in the State's Commercial Vehicle Information Systems and Networks (CVISN) development program. That experience impressed upon me the value of forging effective partnering relationships and leveraging valuable collaborations that capitalize upon the working strengths of both Federal and State partners. With that understanding, if confirmed as the FMCSA Administrator, I am poised to ensure that FMCSA works with its State partners and other stakeholders to share information, exchange knowledge, and provide technology assistance in order to expand and improve our working partnerships.

During my tenure at the U.S. Department of Transportation—first as Deputy Administrator of the National Highway Traffic Safety Administration (NHTSA) and more recently in the equivalent capacity at FMCSA, I have witnessed the value of and encouraged trans-modal partnering to further common safety goals. As FMCSA continues to pursue its goal to meet the Department-wide fatality reduction target, it will be critical that the agency extend partnering relationships with NHTSA, as well as the Federal Highway Administration (FHWA) and the Research and Special Programs Administration (RSPA), to achieve optimal benefit from their mutually aligned safety initiatives.

My experience within the Department has afforded me the opportunity to establish highly productive working relationships with the FMCSA's companion modal agencies. Secretary Mineta has insisted on modal administrations working collaboratively to establish comprehensive transportation safety programs and to break down any programmatic stovepipes. With this direction, I have formed very effective working partnerships with my colleagues in the other DOT modes.

As Acting Administrator, I have become familiar with the FMCSA financial and personnel resources, as well as the agency program delivery process. I believe my management and program experience will help me lead the agency to find improvements in agency productivity and responsiveness. During its first three years,

FMCSA has witnessed a significant increase in programmatic and management responsibilities. These include new initiatives such as preparing to open the United States-Mexico border to long-haul commercial motor vehicle traffic and designing and conducting Security Sensitivity Visits and related outreach in response to the events of September 11, 2001. In confronting these heightened performance expectations, the agency has grown more fully into its organizational capacity and has identified innovative responses to ever increasing regulatory and enforcement demands.

Having survived three tumultuous formative years and the "growing pains" inherent in any organization's initial development, the FMCSA now is poised to meet the challenges of the President's Management Agenda through human capital management, improved financial performance, competitive sourcing, performance based budgeting, and E-government. If confirmed to lead the agency, I would actively promote such initiatives and would require a full commitment to these agenda items on the part of agency management and staff.

I already have had the opportunity to assist the agency in re-engineering its rulemaking development process in a manner that will ensure the improved quality and timeliness of rules. The revised team-based rule development process, as described in an agency directive I recently issued, is designed to build agency consensus through early involvement by senior managers, extensive staff and inter-agency collaboration, early and thorough evaluation and analysis of alternatives, and adherence to clear, well-articulated, goal-oriented milestones. As you know, a number of rulemakings are in process at FMCSA, and I assure you that I am personally involved in reviewing the relevance, timeliness, progress, and status of each one on an ongoing basis to ensure that the agency is focused on the right things and that each regulatory initiative will make a positive difference to commercial vehicle safety and compliance. If confirmed by this Committee, I anticipate overseeing an invigorated and streamlined regulatory development process that will ensure more efficient and expeditious regulatory responses to legislative initiatives.

My optimism about the FMCSA and it's potential are grounded in FMCSA's recent record of progress in several major safety and enforcement initiatives, including the New Entrant Program, Southern Border Enforcement, and Hazardous Materials (HAZMAT) Safety and Security.

The agency now is implementing the New Entrant Program Rulemaking that became effective on January 1, 2003. This initiative will ensure that new motor carriers know what it takes to be a safe carrier and have performance systems in place to improve operational safety on our roads and highways. The program includes a registration application process to confirm a new entrant's fundamental knowledge of the Federal Motor Carrier Safety Regulations, as well as a follow-up, on-site audit within the carrier's first 18 months of operation. Carriers that fail to demonstrate basic safety management controls during this period will be denied permanent operating authority.

This program places FMCSA's safety spotlight squarely on the segment of the commercial motor carrier industry where inexperience has the potential to significantly compromise regulatory compliance and safety. The initiative also presents a crucial opportunity to partner with States in conducting the 40,000 to 50,000 new entrant safety audits that will be required annually. By working in partnership with the States to provide the majority of the personnel needed to conduct the new entrant audits, we will entrust those closest to the new entrant population with a significant share of this Federal/State partnership expected to yield critical safety results.

As you know, the FMCSA's New Entrant Program meets the requirements of Section 350 of the FY 2002 DOT Appropriations Act as a precondition to opening the Southern Border to Mexican long-haul commercial traffic. This program, along with other agency initiatives, provided the basis for the President's lifting of the moratorium on granting authority for Mexican carriers to operate in the interior United States. The Southern Border remains closed to Mexican long-haul commercial traffic at this time, however, due to a Ninth Circuit Court of Appeals ruling that requires the Department to conduct more in-depth environmental analysis before implementing a series of rules that set compliance and safety monitoring standards for Mexican carriers seeking to operate in the United States. Opening the Southern Border pursuant to the terms of the North American Free Trade Agreement (NAFTA) remains a major priority of the Department. I can assure you that the FMCSA is working vigorously to see that all legal impediments to this critical initiative are removed. The agency remains poised to ensure both operational safety and security at the Southern Border as soon as entry of Mexican long-haul carriers can become a commercial reality.

Another key enforcement focus area for FMCSA is that of HAZMAT Safety and Security. Each day, more than 800,000 HAZMAT shipments move in this country;

94 percent of them by highway. The FMCSA has established a goal of 20 percent reduction in truck-related HAZMAT incidents by 2010, as compared with the year 2000 baseline. Targeted enforcement and compliance efforts currently are underway to achieve this goal.

In sum, confirmation as the FMCSA Administrator would allow me the opportunity to manage an agency with an agenda that I have enthusiastically pursued throughout my entire career—safety. As I tell the agency staff, FMCSA is a safety agency that does enforcement. Our focus is to reduce the unnecessary suffering caused by commercial motor vehicle involved crashes. We also seek to obtain compliance by motor carriers with the safety regulations. Fines and penalties assessed through our enforcement program are not the objectives of the safety program; it is compliance with the regulations, which leads to improved safety. In my view, there is no higher calling in public service than the opportunity to save lives.

Thank you for the opportunity to appear here today. I appreciate your consideration of my nomination and will try to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name: Annette Michelle Sandberg

2. Position to which nominated: Administrator—Federal Motor Carrier Safety Administration

3. Date of nomination: March 24, 2003

4. Address: Office: 400 Seventh Street, SW, Suite 8202, Washington, D.C. 20590

5. Date and place of birth: November 14, 1961, Klamath Falls, Oregon

6. Marital status: Single

7. Names and ages of children: None

8. Education: Big Bend Community College, Sept 1979–June 1981, Associate of Arts (6/81)

Central Washington University, Sept. 1981–June 1983, Bachelor of Arts-Law and Justice (6/83)

City University, Sept. 1986–Dec. 1988, Master of Business Administration, (12/88)

University of Puget Sound School of Law, Doctor of Jurisprudence, (12/93)

9. Employment record: Trooper Cadet, Trooper, Sergeant, Lieutenant/Washington State Patrol-State of Washington/Wenatchee, Washington; Bellevue, Washington; Olympia, Washington; Tacoma, Washington/July 1983–August 1994.

Associate-Attorney-at-Law/The Law Office of Will Aitchison/Olympia, Washington/September 1994–March 1995.

Chief/Washington State Patrol-State of Washington/Olympia, Washington/April 1995–February 2001.

Expert Witness/City of Tukwila, Washington/Olympia, Washington/February 2001.

Of Counsel-Attorney-at-Law/Maple Valley Law Group/Olympia, Washington/June 2001–January 2002.

Consultant/Lockheed Martin/Tri-Cities, Washington/September 2001–January 2002.

Consultant/U.S. Department of Justice/Olympia, Washington/November 2001–January 2002.

Deputy Administrator-National Highway Traffic Safety Administration-U.S. Department of Transportation/February 2002–November 2002.

Deputy Administrator/Acting Administrator-Federal Motor Carrier Safety Administration/U.S. Department of Transportation/December 2002–Current.

10. Government experience: Reserve Police Officer-City of Ellensburg, Washington—1983

State Employee Benefits Board Member-State of Washington—1986–1988

Law Enforcement and Firefighters Plan 1-Disability Board-Citizen Member-City of Lacey, Washington—1997–2001

Member-U.S. Drug Enforcement Agency Committee on National Pointer System, 1996–1998

Member-U.S. Department of Justice Committee on Racial Profiling in Law Enforcement, 1999–2000

Executive Board Member-Western States Information Network, 1995–2001

Washington Reading Corp-Thurston County School District, Lacey, Washington—2000–2001

Consulted a number of City Governments in my position with the Maple Valley Law Group

11. Business relationships: Consultant/Lockheed Martin-Technology Services/Sept. 2001–Jan. 2002

12. Memberships:
Member, American Bar Association, 1995–present
Member, Washington State Bar Association, 1994–present
Member, Alaska State Bar Association, 1995–present
Member, National Executive Institute, Federal Bureau of Investigation, 1998–present
Executive Board Member, United Way of Thurston County, Washington, 1999–2002
Member, Women Executives in State Government, 1998–2002
Member, Police Executive Research Forum, 1995–2002
Member, International Association of Chiefs of Police, 1995–2002
Member, Advisory Board, National Center for Women in Policing, 1998–2002
Member, National Association of Women in Law Enforcement, 1998–2002
Executive Board Member, Washington Association of Sheriffs and Police Chiefs, 1995–2002
Executive Board Member, Campfire Boys and Girls Club-Orca Council, 1996–2000
Vice-President, Washington State Patrol Troopers Association, 1990–1992
Executive Board Member, Washington State Patrol Troopers Association, 1989–1990
Executive Board Member, Washington State Patrol Lieutenants Association, 1994

13. Political affiliations and activities: (a) List all offices with a political party which you have held on any public office for which you have been a candidate; (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years; (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years.

(a)-None
(b)-None
(c)-Political Contributions:
People for Chris Gregoire (2000-Washington State Attorney General's race) $530
Locke 2000 (Washington State Governor's Race) $2,400
Republican National Committee-2002 $1,000

14. Honors and awards:
Athletic Scholarship-Big Bend Community College, 1979–1981
Rotary Scholarship-Moses Lake Rotary Club, 1980
Highest Academic Award-Washington State Patrol Academy, 1984
Chief's Award for Professional Excellence, 1988–1989
Chief's Award for Distinguished and Devoted Service, 1994
Merit Scholarship Recipient-University of Puget Sound School of Law, 1990–1991
John B. Pickett Fellowship Recipient-Harvard University-Program for Senior Executives in State and Local Government, 1996
Woman of the Year by the Women in Communications, Inc., 1996
National Public Service Award, American Society for Public Administration and the National Academy of Public Administration, 1999
Breaking the Glass Ceiling Award, National Center for Women in Policing, 2000
Alumni of the Year-American Association of Community Colleges, 2002

15. Published writings: None.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.

17. Selection: (a) Do you know why you were selected for the position to which you have been nominated by the President? (b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

(a) I believe I was selected for the position of Administrator of the Federal Motor Carrier Safety Administration because of my background of over 17 years in law enforcement and management as well as my on-going professional commitment to transportation safety. Additionally, my background in management of a large government agency was well established and a benefit for this position.

(b) I served as a member of the Washington State Patrol for over 17 years. My primary role in the agency was in the area of highway safety. Additionally, I served in a wide capacity of positions in the agency—eventually advancing to the Chief of the agency. As a trooper my experience was primarily in the area of traffic safety and developing budgets and policy. In my tenure with the WSP I served as Chief for 6 years. In my role as Chief, I commanded over 2,300 people statewide in a variety of disciplines. Over half of the personnel in the agency were enforcement personnel. Commissioned activities included traffic law enforcement, narcotics, organized crime, fraud investigations and other criminal investigations. My other public

safety responsibilities included the State Fire Marshal's office, State Toxicologist, Fire Training Academy, state crime laboratory system, state police training academy, criminal telecommunications, and the state's repositories for fingerprints and criminal records. During my tenure with the agency I received numerous awards and honors for the work in the area of highway safety and management. In addition to this experience I have a Master's of Business Administration and a Juris Doctorate—both contribute to my management abilities in all positions I have held.

I began my career with the Washington State Patrol in the area of commercial vehicle enforcement and then moved to general traffic enforcement duties. As a trooper and Sergeant I worked in positions in Headquarters developing budgets and policy for the agency. Later as Chief, I had the opportunity to lead the agency in employing a variety of technologies, such as the Commercial Vehicle Information Systems and Networks (CVISN) project, to improve our enforcement of commercial vehicle laws. As Chief, one of my primary roles was to work closely with the Washington State Legislature on the Governor's priorities and other public safety issues. These efforts included work on the state budget and passage of legislation. I have a good working understanding of the roles of the executive and legislative branches of government.

Additionally, I have served the last year in various positions in the federal government. I served for 10 months as the Deputy Administrator of the National Highway Traffic Safety Administration. In this role I was responsible for a wide range of managerial functions. I also represented the agency and the U.S. Department of Transportation at functions around the nation. Most recently I have served as the Deputy and Acting Administrator of the Federal Motor Carrier Safety Administration. These federal positions have assisted my understanding to the federal government and the workings of the Department of Transportation.

My background, experience and proven leadership ability make me well qualified for the position of Administrator of the Federal Motor Carrier Safety Administration.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate? Not Applicable.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

Please refer to the Deputy General Counsel opinion letter.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. None.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. As Chief of the Washington State Patrol one of my primary responsibilities was to work for the passage, defeat, or modification of certain legislation that directly applied to public safety or the Washington State Patrol. This work included testifying on many occasions before various committees of the legislature. Prior to being Chief I served for one year as an assistant legislative liaison (a lieutenant) for the agency. In this role I also worked for passage, defeat, or modification (including testimony) of legislation that applied to public safety and the Washington State Patrol.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) Please refer to the Deputy General Counsel opinion letter.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

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

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

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain. I was involved in a number of administrative proceedings in my representational capacity as a Board member and the Vice President for the Washington State Patrol Troopers Association. These were all actions brought by or against the Troopers Association in its official capacity.

I was named in numerous civil suits and administrative proceedings in my capacity as Chief of the Washington State Patrol. I was named in these suits against the agency as a result of the necessary performance of duties associated with the agency. Some of these suits are still pending and are being handled by the State of Washington. I am not a party to any other legal actions than those mentioned above.

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

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

E. RELATIONSHIP WITH COMMITTEE

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

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

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

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. In my role as Administrator I would ensure that rulemaking undertaken by the agency has carefully considered the underlying statutory construction that gave rise to the rulemaking. Additionally, I would welcome any input allowed under the Administrative Procedure Act from the Committee. If requested, I would keep the Committee informed as to the timetable and substance of the rulemaking, as allowed by the APA. The Federal Motor Carrier Safety Administration is fortunate to have a regulatory ombudsman to help insure that the process moves efficiently. I as Administrator would work closely with the Ombudsman in this process.

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

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

I served as a member of the Washington State Patrol for over 17 years. My primary role in the agency was in the area of highway safety. Additionally, I served in a wide capacity of positions in the agency—eventually advancing to the Chief of the agency. As a trooper my experience was primarily in the area of traffic safety and developing budgets and policy. In my tenure with the WSP I served as Chief for 6 years. In my role as Chief, I commanded over 2,300 people statewide in a vari-

ety of disciplines. Over half of the personnel in the agency were enforcement personnel. Commissioned activities included traffic law enforcement, narcotics, organized crime, fraud investigations and other criminal investigations. My other public safety responsibilities included the State Fire Marshal's office, State Toxicologist, Fire Training Academy, state crime laboratory system, state police training academy, criminal telecommunications, and the state's repositories for fingerprints and criminal records. During my tenure with the agency I received numerous awards and honors for the work in the area of highway safety and management. In addition to this experience I have a Masters of Business Administration and a Juris Doctorate—both contribute to my management abilities in all positions I have held.

I began my career with the Washington State Patrol in the area of commercial vehicle enforcement and then moved to general traffic enforcement duties. As a trooper and Sergeant I worked in positions in Headquarters developing budgets and policy for the agency. Later as Chief, I had the opportunity to lead the agency in employing a variety of technologies, such as the Commercial Vehicle Information Systems and Networks (CVISN) project, to improve our enforcement of commercial vehicle laws.

As Chief, one of my primary roles was to work closely with the Washington State Legislature on the Governor's priorities and other public safety issues. This included work on the state budget and passage of legislation. I have a good working understanding of the roles of the executive and legislative branches of government.

I have also worked as an attorney representing labor unions and representing small to medium size cities in the state of Washington in employment law. These duties included negotiating labor contracts, representing clients in grievances and arbitration hearings. This work broadened my experience base in that I represented Unions in three states and cities and counties in Washington of various sizes. This expanded my understanding of the working of government at the local level.

I also worked as a consultant for a private company (Lockheed Martin) thus giving me experience with the private sector.

Additionally, I have served the last year in various positions in the federal government. I served for 10 months as the Deputy Administrator of the National Highway Traffic Safety Administration. In this role I was responsible for a wide range of managerial functions. I also represented the agency and the U.S. Department of Transportation at functions around the nation. Most recently I have served as the Deputy and Acting Administrator of the Federal Motor Carrier Safety Administration. These federal positions have assisted my understanding to the federal government and the workings of the Department of Transportation.

My background and experience qualify me for the position of Administrator of the Federal Motor Carrier Safety Administration.

2. Why do you wish to serve in the position for which you have been nominated?

I have been in the public sector for most of my adult life. I have served at the local, and state level of government and most recently in positions in the federal government. I consider it an honor to advance to the role of Administrator of the Federal Motor Carrier Safety Administration and work on safety issues as they relate to commercial vehicles.

3. What goals have you established for your first two years in this position, if confirmed?

The Federal Motor Carrier Safety Administration was established just three years ago—to give increased visibility to the area of Motor Carrier Safety. Within the next two years I would ensure the agency remains focused on our core mission of reducing traffic fatalities involving commercial vehicles. This would be done by reviewing the effectiveness and efficiency of current programs, and identifying new programs, that would contribute to the safe operations of commercial vehicles. This includes making sure every employee of the Federal Motor Carrier Safety Administration understands the agency's goals and works towards achieving them.

Additionally, I would focus the agency on meeting deadlines given by the President, Congress and the Secretary of Transportation in the area of programs and rulemakings. This includes reviewing existing regulations and ensuring they are updated to meet current conditions and technologies. Current research underway would assist us in understanding the causation of commercial vehicle crashes and identifying countermeasures to mitigate the damage and injuries from those crashes. I would also strive to work closely with stakeholder organizations to ensure their input was considered and to work with them to meet the goal of reducing injuries and fatalities.

I also would work closely with the National Highway Traffic Safety Administration and the Federal Highway Administration and other modes in the Department of Transportation to find ways to make surface transportation safer and more secure for the citizens of this country.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

I have limited experience with the federal government. However, I have now been in an executive position in the federal government for one year and believe this experience has assisted me in understanding the federal system. Likewise this year has given me the opportunity to develop a network of individuals with experience in the federal system that I can rely on for advice.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

There is a very specific role for government in our society. Given my prior background—clearly one of these roles is that of the police powers of government. In many respects the mission of the Federal Motor Carrier Safety Administration's enforcement function falls within this essential role of government. However, just as I found in law enforcement, it is important in carrying out the enforcement mission to involve the stakeholders in setting priorities and determining when certain issues should be left to the private sector. This means involving industry, state and local government, Congress and others to examine the appropriate role government should play.

During my tenure in the public sector I have seen many types of government functions that eventually shift from the public sector to the private sector. These transitions make it imperative that as leaders of government we constantly reexamine our programs. These transitions are simply good management and also support the President's Management Agenda.

Additionally, programs should be reexamined not just for transition to the private sector but also for elimination. If there is a role that government has historically played—and the reason for that role no longer exists—we need to shift the scarce resources we have to those activities that will reap the best benefit. I have personally recommended the elimination of a program, which was no longer necessary and was eventually successful in shifting those funds to higher priority public safety needs, during my tenure as Chief of the Washington State Patrol.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The Federal Motor Carrier Safety Administration's mission is to save lives and reduce injuries by preventing/reducing truck and bus crashes on our nation's highways.

The agency accomplishes this mission in many ways. We look not only to vehicle safety but also operation safety and performance through regulations—such as those for commercial drivers licenses. The major programs include the following:

(1) Partnering with the states through the Motor Carrier Safety Assistance Program grants to provide funding for roadside inspection activities. Additionally, providing enforcement personnel with the necessary data to determine driver and vehicle qualifications.

(2) Ensuring all trucks and buses entering the United States from Mexico and Canada meet the necessary safety standards and operate safely on our highways.

(3) New Entrant Program—where the FMCSA and state partners will audit new entrants in the commercial operation to ensure compliance with all safety regulations within the first 18 months of operation.

(4) Conducting compliance reviews on commercial carriers in the United States to ensure safe operation and correct any deficiencies or failure to comply with existing regulations.

(5) Provide broad based consumer information about commercial vehicles and their operation. Including selecting an appropriate safe carrier for people and household goods.

(6) Working closely with the Transportation Security Administration on security of commercial vehicles.

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

(1) Implementation of opening the border for NAFTA. This is a challenge in that to date there have been many issues surrounding opening the southern border for NAFTA. The agency met the challenge to hire and staff sites across the border. Additionally, numerous regulatory actions were taken to ensure all trucks crossing the border would comply with U.S. safety standards. However, there are still on-going challenges—and the border has yet to be opened. The agency's primary challenge is to ensure all trucks crossing into the United States are as safe as possible, once the border is open. This means on-going training for personnel, proper screening

and inspections to name a few. This safety work includes both northern and southern border traffic.

(2) Reauthorization. This is a challenge for the entire Department of Transportation, not just FMCSA. However, this is a particular challenge to FMCSA since the agency is only three years old and this will be the first time the agency has gone into the beginning of a reauthorization cycle. It will require that the agency have good justification and data for programs we would like funded in this reauthorization cycle. We will also need to establish good performance measures to show progress on our various safety goals.

(3) Outreach to stakeholders. As an enforcement agency often times the agency sees itself in only a regulatory! enforcement role. Being a new agency within the Department of Transportation, the FMCSA is many respects sees itself this way. The agency's challenge is to move beyond simply a regulatory role—to a role of working with stakeholder groups to use their capacity to help us achieve our safety goals. This is a challenge in that it requires a philosophical shift in how we do business. The agency does not have all the answers—we need to work with stakeholders on the front end of regulations and programs—get their buy—in and then use the synergy of these partners to help implement the programs and regulations. This increases the reach of the safety mission of the agency exponentially.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

The Federal Motor Carrier Safety Administration is only three years old. During this time the agency spent a tremendous amount of time trying to stand up a new structure under very trying circumstances. Additionally, as the agency was trying to meet the mandates of the legislation under which it was created, additional requirements of NAFTA were imposed. While the agency has done a tremendous job of meeting all these mandates it has not yet been given the opportunity to settle in and examine in detail business practices and programs to look for opportunities of improvement.

The environment of today's transportation system overlies this. Freight movement and movement of people has become increasing important to the nation's economy. This is reflected by the actual increase in vehicle miles traveled. Commercial vehicle miles traveled are increasing at a rate of 3.4 percent per year compared to the overall increase in vehicle miles traveled of 2.8%. Even in this ever-increasing environment the goal of FMCSA is to reduce truck and bus related fatalities and crashes. As congestion and other factors impact this goal, we must find ways to create a safe transportation system.

9. Who are the stakeholders in the work of this department/agency?

Agency stakeholders are the Congress, state and local elected officials, the traveling public, commercial transportation businesses, traffic safety advocates, and the workers in commercial vehicle transportation industry. Most importantly every American citizen is a stakeholder.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

Secretary Mineta has stressed to all modes the importance of accessibility and accountability as a core obligation. I am ultimately accountable to the American public for ensuring the safe movement of commercial vehicles. In carrying out this obligation I would listen carefully to all stakeholders remembering first and foremost the mission of the agency.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

(a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

In my past role as Chief of the Washington State Patrol my responsibility was to ensure the same types of fiscal accountabilities. While the federal accounting system is somewhat different from that of a state—the principals are the same—that is to ensure proper accountability for all monies appropriated to the agency and insure that those monies are spent on the authorized activities. This means that certain checks and balances need to be in place for this accountability. I would work with the Department's CFO to ensure all necessary accountability measures are in place and being practiced by the FMCSA.

(b) What experience do you have in managing a large organization?

For 6 years, as Chief of the Washington State Patrol I managed a statewide public safety agency with over 2,300 employees and a biennial budget of $330 million. This agency had a very wide range of employees from sworn police officers, forensic scientists, state fire marshals, fingerprint technicians, two training academies, criminal telecommunications networks and the state's repositories for fingerprints and criminal history records.

As Chief, one of my primary roles was to work closely with the Washington State Legislature on the Governor's priorities and other public safety issues. This included work on the state budget and passage of legislation.

I have served the last year in various positions in the federal government. I served for 10 months as the Deputy Administrator of the National Highway Traffic Safety Administration. In this role I was responsible for a wide range of managerial functions. I also represented the agency and the U.S. Department of Transportation at functions around the nation. Most recently I have served as the Deputy and Acting Administrator of the Federal Motor Carrier Safety Administration. These federal positions have assisted my understanding to the federal government and the workings of the Department of Transportation.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

(a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

I think there are tremendous benefits in identifying performance goals and reporting progress in achieving those goals. These benefits carry throughout the agency and add to the credibility of why the agency even exists. All employees need to understand how they contribute to the overall safety of the United States transportation system. This can only be done by clearly identified goals and in turn reported progress on those goals. Additionally, the goals help decision makers decide the effectiveness or ineffectiveness of programs.

(b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

If the agency fails to meet its goals, there should be a thorough evaluation of the reasons for the failure and a course of action to correct the failure. There may be many reasons for the failure including, poor strategy, a change outside the control of the agency, or flawed leadership. In determining a course for correction any of the above steps could be appropriate.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

The overriding performance goal that should be applicable to my performance is to save lives on our nation's highways. This is the core mission of the Federal Motor Carrier Safety Administration and the Department of Transportation. I believe the programs of the Federal Motor Carrier Safety Administration should be directed to this goal.

Additionally, I believe that I should be held to the highest ethical and management standards as the head of the agency. Thus I would expect to be held accountable for the overall management of personnel and funds of the agency.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

In an enforcement agency all employees must have the highest level of ethical conduct. To meet this goal I set manageable goals and treat everyone with respect. I give employees the responsibility and authority to do the job—yet at the same time hold them accountable for results. I value open and honest communication and expect every manager in the organization to do the same. I am a hands-on manager—meaning I like to get out and actually go to the work environment and see the challenges and opportunities that we as an agency have. Managers need to understand the work environment of their employees and understand how program and policy changes impact that work environment. Decisions from headquarters should not be made in a vacuum. I believe in engaging employees in the process as much as possible so that change is more readily accepted. However, I will not accept business as usual—unless I can see that it produces measurable gains in achieving the agencies mission.

As Chief of the Washington State Patrol, various employee complaints were brought against me. In the Patrol we dealt with 17 separate and distinct labor unions—this meant that at times some were unhappy with management decisions that impacted the entire agency. These actions were brought against the agency and against me as the final decision maker in personnel and contractual matters, and were a result of the legal and necessary performance of duties.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

I have not worked for the federal government for very long and thus have not developed a working relationship with Congress. If confirmed, I would expect to work

closely and regularly with Members of Congress and their staffs, on both sides of the aisle.

My professional experience in working with Congress is very limited to a couple of hearings and meetings I attended as the Deputy Administrator of the National Highway Traffic Safety Administration. However, in my role as Chief I worked closely with members and committees of the Washington State legislature. In that role, I was responsive to legislative inquiries and requests. I would strive to have the same type of relationship with committees and members of Congress.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

I consider the Inspector General to be comparable to the Internal Affairs of a police department. This is a very necessary function within the agency to ensure accountability and performance of the agency. This function is critical to the credibility of the agency in meeting the expectations of the Congress and the public at large. In my various roles inside the Department of Transportation to date, I have worked to develop a good relationship with the Inspector General. Understanding the critical role the IG must play—but also understanding the value it brings to the agency. If confirmed I would continue to work closely with the Inspector General.

17. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

Reauthorization is one of the biggest priorities Congress should consider. This essentially provides the roadmap for the agency for the next reauthorization cycle. The theme for the Department for this reauthorization cycle is "Safety". With this "safety" emphasis the reauthorization will set the tone for years to come. Likewise, Congress should consider the agency's safety programs as a high priority. It is only through these programs that we will achieve our goal of reducing fatalities on our nation's highways. This includes the implementation of NAFTA safety initiatives.

18. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

Yes. FMCSA has very little discretionary spending available. Most of our funding is in the form of formula grants to the states or is directed to specific programs required by Congress. However, on what little discretionary funding is available, the Department has publicly stated criteria applicable to such spending, and it is my intent to comply with those policies.

The CHAIRMAN. Thank you.

Ms. SANDBERG. Senator, with regard to the LCV freeze, the Administration and DOT has not considered lifting the freeze on LCVs at this point in time. And you know, I can't say as far as what's going to happen during the reauthorization period, but I do know one of the things that the Department has begun to look at is how we're going to handle the increase in capacity of freight on our nation's highways.

We know that the statistics show that freight will increase as much as 43 percent over the next 10 years. And with the congestion that we already see on our highways, we know that we have to find an adequate way to handle that freight without increasing the congestion and increasing the exposure. And as you said in your question, safety is our number one priority in the Federal Motor Carrier Safety Administration, and one of the things I stress every time I sit in a departmental meeting when we discuss the whole issues of size and weight, LCVs or any other issue that we have.

And so, that would be actually handled in a much broader context as we look at multi-modal access to freight and how we are going to handle this increase in freight capacity.

Senator LAUTENBERG. Do you think that truck size and weight is a safety issue?

Ms. SANDBERG. Clearly, there are potentially some safety issues with LCVs—and I know we have been working with Mary Peters in Federal Highways with regard to roadway infrastructure, and size and weight can be a problem with regard to infrastructure, as well as stopping distances and those kinds of things. And so I think that we need to take into consideration in any discussion on lifting the freeze of routes, whether they are on specific routes, what kind of damage they're going to do to the infrastructure, what kind of other traffic they're going to be mixed in with. And so there are a number of factors that need to be taken into consideration that are safety related.

Senator LAUTENBERG. Do you sense any politicizing of this safety issue? Because it appears to be that case, a lot of pressure coming from the trucking industry to get larger trucks out there. And I can tell you that speaking for New Jersey, who has more than, as I mentioned, its fair share of the truck traffic, because we are the north-south direct route, and our highways constantly are up for rehab, repair, and it's a mess. And we've had, as I mentioned to you earlier, a 2–hour wait to cross the George Washington Bridge that goes from New Jersey to New York, but yet the pressure exists.

And I hear your message. We want to accommodate growth and efficient movement of goods, but then we've got to make changes way ahead of the arrival of those days, and put the appropriate funds into highways. But we also have to put the appropriate thinking into that.

And I know that our New Jersey Turnpike, which is our busiest road, has a separation of cars and trucks for much of its distance, and it's a more comfortable feeling, I've driven on that road, not to have some giant behind you breathing down your back at 80 miles an hour. So I just hope that we're going to be very cautious about making any recommendations to increase weight and size on any road that doesn't clearly have the safety structure to accommodate it.

Ms. SANDBERG. Yes, Senator, thank you.

Senator LAUTENBERG. Thank you.

The CHAIRMAN. Thanks, Senator Lautenberg.

Ms. Sandberg, don't answer these questions if you think it's going to jeopardize your nomination.

[Laughter.]

The CHAIRMAN. Should there be criminal penalties for failure to use seat belts? Don't answer if you——

Ms. SANDBERG. Having come from NHTSA and having been involved as an officer, I know one of the things that this Administration is strongly encouraging is primary laws for seat belts, not necessarily criminal penalties, these would be civil penalties. We know that States that passed primary laws increased their seat belt usage by 10 percentage points, and for every one percentage point of seat belt usage that we have increased in this country is 270 lives saved.

So I think we need to do anything we can towards moving States towards primary laws, that would be the first step. We think that if all States would pass primary laws, and currently there are only 17 States and the District of Columbia that have primary laws,

that we would see a significant increase in seat belt usage as well as lives saved, which definitely moves us towards our goal.

The CHAIRMAN. Should law enforcement officers stop people for the sole reason that they're not using seat belts?

Ms. SANDBERG. That's the primary seat belt law, that's the emphasis behind that. I know there has been a tremendous amount of controversy about whether that should be the sole reason. In Washington State I can give you an example. We actually had seat belt usage with a secondary law in Washington State at about 84 percent. When Washington State passed their primary seat belt law last year, which gave law enforcement officers the ability to stop somebody solely for not having a seat belt, their percentage of usage of seat belts went up to 93 percent, which is now the highest in the country. And I think that the lives that we save far offset any concerns about potential civil liberty problems. As long as there's insight given to those officers around the traffic stop issue, those kinds of things, the most important goal is that we save these lives. We lose far too many people on our highways.

The CHAIRMAN. Roadblocks to apprehend drunk drivers.

Ms. SANDBERG. All I can speak from there is my experience in Washington, where we weren't allowed to do roadblocks.

The CHAIRMAN. You were not?

Ms. SANDBERG. No, we were not. The State constitution prohibited it. But clearly, I know that States that have used roadblocks, that that is an effective tool of getting drunken drivers off the road.

The CHAIRMAN. We do it in Arizona.

Ms. SANDBERG. A number of States do. And I know that between the lack of seat belt usage and drunk drivers, that makes up about 70 percent of the motor vehicle fatalities that we have in this country and I think we need to do something to make sure that we reduce those fatalities.

The CHAIRMAN. We had a terrible scandal in the State of Illinois where the Secretary of State's office was bribed in return for issuance of licenses for people to drive trucks all around the country. What do you do about that?

Ms. SANDBERG. Actually, over the last few years we've really shored up our commercial driver's license program. One of the grants that we're giving the States is to make sure that the data that we have in the commercial driver's license database is the most accurate. The other things is that we have trained our division administrators and our staff in the States to go in and do compliance reviews of the systems that the States have set up to make sure that these kinds of sales aren't going on. We also look to the Inspector General's office.

Additionally, you will see in our 2004, the Administration's 2004 budget request, we are asking for an additional $11 million for the CDL program to address these kinds of things and to make sure that we have the safest commercial driver's license program across the United States.

The CHAIRMAN. As you know, the U.S. Court of Appeals, a Ninth Circuit Court, prohibited the entry of Mexican trucks into the United States pending a full environmental impact statement, and the Court denied a DOT request for a rehearing. Do you think the Administration should appeal that decision to the Supreme Court?

Ms. SANDBERG. The Department is planning on appealing that decision.

The CHAIRMAN. Suppose that the Supreme Court overturned the Ninth Circuit Court, which is more normal than not, I suppose. Would you be prepared at that time to implement sufficient rules, regulations, inspections, et cetera, in regards to Mexican trucks, do you have that confidence?

Ms. SANDBERG. Yes, I do. I have had the opportunity since I've been the Acting Administrator, to go down and visit the border and talk to our border staffing. Actually, if the border were to open today, we would be ready. We have staff on the border, they have been built up over the last year. I've been working with the Inspector General's office in DOT to ensure that we've met all the required congressional mandates. And having talked to my staff down there, I looked at the plan that we have. We are prepared to open the border as we speak.

The CHAIRMAN. You have more of a challenge now that the war on terror has complicated all of our border situations. That's not an additional problem?

Ms. SANDBERG. As far as the war on terrorism, we're working closely with the Transportation Security Administration, as well as U.S. Customs. One of the things I was very pleased to see when I visited the border site at Laredo was that we actually are on the Customs inspection lot, and so we work carefully with Customs.

And so anything that our inspectors see as they are inspecting the truck, they can refer over to the Customs officers to further investigate. We have had a number of instances where Customs have actually trained our staff in what to look for as far as hidden compartments and other things, suspicious activity of drivers, as well as concerns about paperwork. And so, we are working closely with Customs at all those border sites right now, and I think that we are prepared for any potential situation that could happen down there.

The CHAIRMAN. I recommend you take some more visits down to the border, our southern border as well as the northern border. We do have enormous challenges as commerce continues to increase and a backup of both goods and services, particularly as far as commercial vehicles are concerned. It continues to increase and we're going to have to employ, I think, additional technology development, if we are going to resolve these problems. I invite you down to see the situation in Arizona, as well as Texas and California.

I know that Senator Cantwell has some very hard-hitting difficult questions for you, so I will ask her to proceed.

Senator CANTWELL. Thank you, Mr. Chairman, thank you for bringing up the war issues, because they are important to both of our States and to the country in the sense of security is only as good as the efficiency that goes along with it. Thank you for mentioning how technology might play a role in helping that effort.

I'm encouraged, Miss Sandberg, as to some of the efforts at the northern border. My understanding is we have added more inspectors. Do you think that it's helped, do you think that we need to add more inspectors, what should that process be?

Ms. SANDBERG. We have added some more up on the northern border and actually in our 2004 budget request, in the Administra-

tion's 2004 budget request, we're asking for additional ones for northern border security, specifically around hazardous material shipments.

We know that there are a tremendous number of hazardous material shipments that come across from Canada into the United States every day, and with the money that we have requested for 2004, it's going to increase the number of hazardous materials inspection stations at what we view as the main sites as well as what we consider off sites, those that are less frequently used, not staffed as heavily. We estimate with the money that we have requested, we could do 200,000 additional inspections at the border for hazardous materials.

So we do think there needs to be some additional funding for the northern border, and specifically around hazardous materials.

Senator CANTWELL. What does that increase look for as far as manpower?

Ms. SANDBERG. Most of the money goes to the States. Most of our programs, particularly when it comes to roadside inspections, is money that we pass through our agency to the States and then the States perform those inspections. I can't give you a specific number, but I would be happy to provide that for the record later.

Senator CANTWELL. And then looking at some of the—I know you talked very specifically, but if you were going to categorize your broad goals as the new Administrator, how would you categorize them?

Ms. SANDBERG. My broad goal is first and foremost safety, and one of the things that I reiterate to staff every day is everything we do has to focus on the goal of reducing fatalities and injuries on our Nation's highways as related to commercial vehicles.

I share a goal with Dr. Runge of the National Highway Traffic Safety Administration and Mary Peters of the Federal Highway Administration, of reducing the overall highway fatality goals to 1.0 per 100 million vehicle miles traveled, by the year 2008. And the three of us together have to work together to hope to hit that goal, so that's the overarching goal.

Senator CANTWELL. Is that a new target?

Ms. SANDBERG. No, that's the target that the Department's had. The Motor Carrier target is different; we have recently changed our target to match with the Department's target, which is the 41 percent reduction that we mentioned earlier.

And then we have some subgoals under there. The first is to meet a number of congressional mandates. When the Agency was formed in 1999, there were a number of programs that were required under that authorizing legislation and we are working on completing all of those, as well as some old rulemakings. The hours of service was really a landmark since it had been close to 65 years since that rule had been changed.

We have a number of other rulemakings that are well overdue and we are putting additional emphasis in the Agency on getting those done.

Senator CANTWELL. So where would this border safety issue fall?

Ms. SANDBERG. Border safety is in the overall safety goal, the overall programmatic, you know, reducing injuries and fatalities, and looking at the hazardous materials instructions.

Senator CANTWELL. And so how does the Agency comment on the newest technology, what is the process? Because you have some challenges, some of the technology from the Customs side that has been implemented and not been as successful as we would like. So as I mentioned, the efficiency of the system obviously impacts the economy of the country as well, certainly impacts the economy of our state as well, but what's the process?

I'm concerned because we employed some of these technologies and we found that they worked really well on the southern border, probably related to the conditions and circumstances of the southern border, not so well in the wet and windy Northwest, so some of that technology hasn't been too successful.

Ms. SANDBERG. I can't speak for Customs. I can speak for some of the technology that we have applied to commercial motor vehicles in the Federal Motor Carrier Safety Administration, actually through a joint project with what we call the joint ITS committee inside the Department of Transportation as a whole.

We have a project called the Commercial Vehicle Systems Information Network, and actually Washington State was one of the pilot States. It is to deploy roadside technology to both weight and motion, where a truck can actually cross the scales at freeway speed, it measures each individual axle, it measures the overall length of the truck, it measures the overall weight. And actually, you can set parameters inside the computer that will flag the truck into the scale. Those that aren't overweight and meet the standards can simply bypass.

There is also some additional technology that we put into the roadside that actually reads whether they have paid for their permits, their licensing fees, and there are transponders that are on the sides of the truck that we can read what the load is, when was the last time the truck was inspected. That type of technology gives the officers at the roadside an opportunity to bypass those trucks that are doing what they need to do, and it gives those roadside inspectors an opportunity to focus on the more problematic areas.

So that technology has been very effective in the States that we have deployed it, and we have money requested in our 2004 appropriations to actually continue to increase that across the United States beyond the pilot States.

Senator CANTWELL. That decisionmaking process, is that within the Agency or do you involve the larger IT group within DOT?

Ms. SANDBERG. We involve the larger IT group within DOT because it really does impact Federal Highways with regard to roadway infrastructure and the money they need to give to the States.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Ms. Sandberg, we will move your nomination to the floor as quickly as possible, and we want you to be able to get to work with some job security. And we thank you for your willingness to serve the country and we look forward to working with you on issues of great importance to the nation in the future. Again, congratulations.

Senator CANTWELL. Mr. Chairman, if I could add, I understand Ms. Sandberg is climbing Mt. Rainier later this summer, so I wish you well for your own personal safety on that.

The CHAIRMAN. Yes. Come to Arizona and climb Camel Back Mountain, it's much easier.

This hearing is adjourned.

[Whereupon, at 10:35 a.m, the hearing was adjourned.]

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