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CSA 2010

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Transport Topics Special Report: CSA 2010

Safety Program Road Map

Dear Reader:

The government's new truck safety regime known as CSA 2010 is upon us, and it's stirring up a fury in the industry. While the date for full implementation has slipped a bit lately, the Federal Motor Carrier Safety Administration still intends to ramp up the program around the nation this fall.



TT File Photo

In the eyes of many, CSA 2010 could turn out to be a major benefit to trucking, as it helps standardize safety requirements and ensure that all motor carriers meet them. Many executives we talked with are hopeful that this approach to safety enforcement will weed out companies that aren't living up to expectations and make our highways safer for all.

It's understandable that the launch of a major initiative of this kind would create confusion and misinformation. This special report is TRANSPORT TOPICS' effort to help spell out in detail what CSA 2010 will and won't do, and provide industry officials with information they need to prepare for its full implementation.

Thank you for your support, and let us know if this special report is helpful.

— Howard S. Abramson

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Important Web Addresses

- ❖ CSA 2010's main door (for carrier data review until Nov. 30, and responses to frequently asked questions)
<http://csa2010.fmcsa.dot.gov>
- ❖ American Trucking Associations' Truckline
www.truckline.com/advisories/safety/pages/csa2010.aspx
- ❖ Safety Measurement System methodology, with BASICS
<http://csa2010.fmcsa.dot.gov/about/basics.aspx>
- ❖ SafeStat scores and FMCSA databases (Compass Portal)
<https://portal.fmcsa.dot.gov/>
- ❖ Challenge safety data (DataQs System)
<https://dataqs.fmcsa.dot.gov/login.asp>
- ❖ Driver Pre-employment Screening Program (to be launched at a later date; fees charged)
www.psp.fmcsa.dot.gov

Reassessing Safety Performance

FMCSA Wants to 'Touch' More Fleets With New Analysis

By **Thomas M. Strah**
Editor, *TT Magazines*

With the rollout of the Comprehensive Safety Analysis, *aka* CSA 2010, the long arm of the law will grow a bit longer in an attempt to reach more truckers. The Federal Motor Carrier Safety Administration's implementation schedule is slipping into 2011, and that gives industry a bit more time than originally planned to get ready for a completely redesigned safety enforcement methodology.

But there is no point in fleets' putting off preparation, industry safety experts said. Even though some details are likely to be modified, the overall principles and functions of CSA will stay the same:

Each trucking operation's safety standing will rise or fall with changes in its monthly CSA scores.

Scores will be updated routinely in seven safety performance categories, called BASICS — as in golf, the lower the score, the better — and each carrier will be ranked with other fleets that have similar exposure to risk of accidents.

And for the first time, under this new regimen, drivers will be held directly accountable for their safety performances through continuously updated scores. However, drivers will not receive safety fitness ratings, as motor carriers do.

Every recorded violation, citation and warning — even the most trivial or inaccurate — will count in calculating safety scores.

Good, clean inspections will have a positive balance.

The goal, in the words of FMCSA, is to reduce the number of truck-involved crashes, injuries and fatalities by identifying and correcting specific safety problems before they contribute to a crash.

This requires a more efficient deployment of enforcement resources, which up to now have been concentrated on a relatively small number of labor-intensive, time-consuming safety audits at carrier facilities.

The bottom line: Enforcement authorities want to interact with a much greater number

of trucking operations to nip safety problems in the bud.

John Hill, a former FMCSA administrator and one of the architects of CSA, said that under the existing SafeStat system, federal or state investigators examine only 1% or 2% of commercial truck and bus operations in a year.

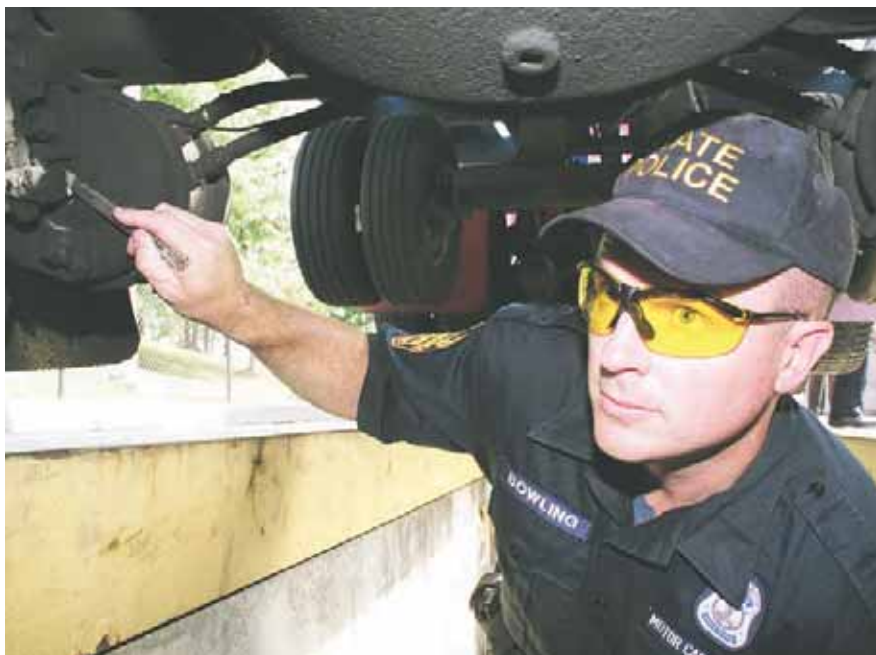
"You're really not getting out there and evaluating safety performance," he said. "You're being very reactive in terms of how you go after" the bad actors.

FMCSA currently interacts with 16,000 to 17,000 carrier entities each year. Officials said that number is expected to grow exponentially under CSA.

The new approach homes in on the causes of safety faults, drawing on a wider range of data than used by SafeStat. All roadside inspections — including moving violations, warnings and other non-out-of-service events — will figure in the scoring.

And the higher a score, the more likely it will be noticed.

"If you get any type of interaction with an agency, you are [going to show up] on the radar screen," said Stephen Keppler, interim executive director of the Commercial Vehicle Safety



Good, clean roadside inspections should result in better safety scores under the Comprehensive Safety Analysis, says FMCSA.

TT File Photo

Alliance. CVSA represents state officials charged with overseeing trucking safety on the road.

“That’s one of the big benefits of CSA 2010: the ability to ‘touch’ more carriers,” Kepler said.

Moving Targets, Fluid Details

This publication is designed to help truck operators sift through the far-reaching changes in regulatory oversight headed their way.

The sheer scope of the new safety regimen all but guarantees there will be a certain amount of misunderstanding by carriers and shippers. Rumor and myth have attached themselves to CSA.

“Part of the confusion stems from the fact that CSA 2010 is an evolving operational model,” said Dave Kraft, senior manager of government affairs for Qualcomm Inc., a vendor of onboard fleet communication systems. “Although there’s been a tremendous amount of work done, there are still some gray areas that haven’t been finalized or haven’t been as effectively communicated as they could have been.”

The grayness of key sections is extending the rollout of CSA — and the “2010” tag needs a new calendar.

FMCSA had aimed for state-by-state rollout from September through December 2010. CSA is now operational in nine test states, but intervention programs will not be ready in the 41 other states until as late as spring or summer 2011, FMCSA said in early April.

The agency also has put off posting carrier scores online until Nov. 30, when they will be made available to carriers and the public simultaneously. These scores will be based on SafeStat reports until CSA data starts to flow in.

In the meantime, FMCSA is “likely to tweak” numerous details in the plan, such as the severity weighting that will affect the scoring of individual violations, said Rob Abbott, American Trucking Associations’ vice president of safety policy.

Scoring Formula

CSA is built around new techniques for quantifying on-the-road safety performance. Scoring will be determined by the

Safety Measurement Systems (SMS) — one for carriers and one for drivers — which assigns weights to each carrier and driver violation in each BASIC category.

A more recent violation counts more heavily than an older one; and a more severe violation scores higher than a lesser violation.

To derive a score, the sum of all the weight values for all the violations in a given BASIC is divided by the number of fleet power units or the number of vehicle or driver inspections in that category, depending on the BASIC.

This yields a percentile ranking of all the members in each peer group.

SMS “normalizes” the ranking process by using the number of driver inspections as the denominator in driver-condition BASICs. Vehicle inspections normalize vehicle-related BASICs.

In other words, driver inspections figure in the scoring arithmetic for the Fatigued Driving (hours of service) and Driver Fitness categories, while the number of vehicle inspections is the denominator of the Vehicle Maintenance and Cargo-Related measures.

A distinction is made for behaviors that may trigger a roadside inspection. For this reason, Unsafe Driving, Controlled Substances/Alcohol, and Crash Indicator are divided by carrier size (average number of power units).

Your percentile is your score. That is, a 22 percentile ranking is the same as saying your score is 22.

For example, a 22 indicates that you are considered safer than 78% of the carriers or drivers in your peer group for that particular BASIC.

Each BASIC generates a separate score. And a clean inspection has the effect of reducing a score.

This dynamic scoring — fresh numbers from a new month’s worth of state data uploads should capture any changes of performance — is a way of monitoring whether safety problems are improving or worsening.

A deficiency in any BASIC likely will trigger some sort of intervention by FMCSA. A score of 90 or higher is considered

(Continued on page A6)

BEHAVIOR ANALYSIS AND SAFETY IMPROVEMENT CATEGORIES (BASIC)

UNSAFE DRIVING — speeding, reckless driving, improper lane change, inattention

FATIGUED DRIVING — hours-of-service, logbook violations

DRIVER FITNESS — missing CDL, medical qualification

ALCOHOL, DRUGS — impairment by alcohol, illegal drugs, prescription and over-the-counter medications

VEHICLE MAINTENANCE — failure to make repairs: brakes, lights, other mechanical defects

CARGO SECUREMENT — shifting, spilled, dropped cargo; size-weight violations; unsafe hazmat handling

CRASH HISTORY — frequency, severity of DOT-defined crashes

(Continued from page A5)

seriously deficient. Serious deficiencies in more than one category could result in the launch of an immediate investigation.

Otherwise, intervention generally will follow progressive steps, starting with a warning notice.

During CSA's early development, FMCSA held a series of listening sessions with truckers, and one point of industry consensus was that SafeStat's only investigative tool, the comprehensive review, was too "reactive and punitive," according to minutes of those sessions.

Trucking managers said they would like to see FMCSA support carriers in fixing inadequacies before imposing penalties.

Agency-carrier cooperation and a measure of guidance in correcting unsafe behavior is a leading feature of CSA.

Many carriers will get an initial warning that FMCSA has noticed its safety shortcomings, and an opportunity to set things right. Direct intervention would follow if that doesn't work.

CSA investigators will seek to evaluate why safety problems are occurring, recommend remedies and encourage corrective

Carrier Measurement Summary

CARRIER INFORMATION				
DOT ID		Carrier Operator		
Carrier Legal Name		Carrier DSA Name		
Carrier Address		Mailing Address		
Telephone Fax		Email		
Number of Power Units	23	Number of Drivers	27	
HM Carrier	No	Passenger Carrier	No	
IMV Carrier	No	Non-Exempt Carrier	Yes	
FMCSA Review Date		FMCSA Review Type		
Safety Rating		Date of Last MCS-150 Update	05/04/2009	
Subsidiary Category	E	HM 70 Safety Category	E	
Accident SEA	41.69	Vehicle SEA	17.43	
Driver SEA	69.22	Safety Management SEA		
CSA 3000 INTERVENTION ACTIVITY				
No intervention activity				
CRASH ACTIVITY (within 2 years)				
# of Crashes	0	# of Crashes with injuries or fatalities	0	
# of Tractor-trailers	0	# of HM Crashes	0	
INSPECTION ACTIVITY (within 2 years)				
Driver Inspections	127	HM Inspections	07	
HM Inspections	07	HM Inspections	07	
CARRIER SAFETY MANAGEMENT				
	BASIC	Message	Passable*	# Inspections resulting in violation of BASIC
1	Unsafe Driving	13.94	90.0	30
2	Fatigued Driving	3.00	90.0	41
3	Driver Fitness	3.73	90.0	36
4	Controlled Substances and Alcohol	NA	Not Applicable	0
5	Vehicle Maintenance	4.86	92.7	55
6	Hours of Service and Control of Speed	1.20	99.7	11
INDICATION				# violations
7	Overall BASICs	34.2	94.3	3

* The passable is shaded in yellow when the [FMCSA BASICs](#) is exceeded, and when the percentile is greater than or equal to 97% (except for Controlled Substances and Alcohol and Drug Indicators, otherwise there is no shading).

The prototype scorecard for carriers includes SafeStat evaluation areas and BASIC scores. Intervention thresholds are highlighted.

The Basics of BASIC

The CSA database maintains carrier history of two years and driver history of three years.

- ❖ **Violation** is weighted for severity and time since event.
- ❖ **Warning** is treated as violations by the system.
- ❖ **Weighting** accounts for the level of crash risk inherent in a violation.
- ❖ **Severity weight** rates violations from 1 (least severe) to 10 (most severe).
- ❖ **Time weight** places greater emphasis on recent violations: 3 = past 12 months; 2 = between 12 and 24 months; 1 = 24 to 36 months.
- ❖ **Percentile ranking** is determined by comparing BASIC measurements of the carrier to the measurements of its peer group. This is your score; 100 indicates worst performance.
- ❖ **Deficiency status** is a percentile ranking of 72 or higher (67 for hazmats) in Unsafe Driving, Fatigued Driving, Crash BASICs; 77 (67 hazmats) in Driver Fitness, Alcohol/Drugs, Vehicle Maintenance, Cargo BASICs.

actions. When that doesn't produce desired results, FMCSA may invoke penalties, including carrier shutdown.

In severe cases, FMCSA has the option of going directly to more severe intervention.

There are specific scoring thresholds that trigger direct action by FMCSA. The details are explained in the following sections of this publication.

A Certain Amount of Anxiety

The fact that sweeping change is about to drop on the industry is creating anxiety in some quarters. Mike England believes "there are so many carriers that are so far out of compliance this [will be] a long uphill fight" for them. England is president of DOT Compliance, a consulting subsidiary of refrigerated carrier C.R. England, Salt Lake City.

Even a fleet that consistently wins top safety awards is aware that CSA poses challenges.

Steve Gordon, chief operating officer of Gordon Trucking, Pacific, Wash., which hauls regionally for big names such as General Mills, Wal-Mart, Procter & Gamble and Home Depot, said, "We'll have to focus more diligently on a broader range of issues than ever before."

He pointed to non-OOS violations that currently don't have as much of an effect on carrier safety departments or drivers as

Peer Groups

- ❖ CSA predicates exposure to crash risk on the number of power units on the road.
- ❖ Peer groups are pools of carriers of similar fleet size (a single crash has a much greater effect on a small fleet than on a large fleet).
- ❖ Each carrier will be assigned to one of five peer groups, by number of power units:
 - Five or fewer
 - Six to 15
 - 16 to 50
 - 51 to 500
 - 501 or more.
- ❖ Driver peer group is the entire population of CDL holders.

out-of-service items. Under CSA, overweight tickets, speeding tickets, lower-level log infractions and small maintenance issues will count against a carrier's score and could lead to intervention from FMCSA.

"If I were a carrier with an ISS score in the 90s, I'd be awfully nervous right now," Gordon said.

Under SafeStat, a carrier's Inspection Selection System score

pops up on roadside inspectors' computer screens. The higher the ISS, the greater the likelihood it will trigger the stop-here-for-inspection red light. (CSA will feed a new scoring methodology, but it won't replace the ISS for roadside inspections.)

Clearly, CSA is a data-driven safety scoring system. Experts throughout the industry emphasize that fleets need to closely monitor the data flowing into its government files.

Carriers will have access to their measurement BASICs scores, as well as the state inspection reports and violations that went into those results.

Managers can use this information to chart fleet and driver improvement courses. Managers also should check the data for accuracy, and seek redress of erroneous entries through FMCSA's DataQs system, at <https://dataqs.fmcsa.dot.gov/login.asp>.

Speaking of incorrect information, among misconceptions clinging to CSA is that drivers will get safety ratings.

That is false, several FMCSA and American Trucking Associations officials told TRANSPORT TOPICS. It would take an act of Congress to do that, and the agency has no plan to pursue it.

Also false is the myth that violation severity weights will count as points in the driver's personal motor vehicle record. That is not so, FMCSA officials said.

The facts of CSA are outlined and myths debunked in FMCSA's answers to frequently asked questions. Go online to <http://csa2010.fmcsa.dot.gov> and click the FAQ pulldown menu.

Transport Topics staff reporters and contract writers contributed to this report.

OLD SAFESTAT SYSTEM

- ❖ Emphasizes out-of-service violations
- ❖ History of violations, crashes raises flag
- ❖ Flagged carriers are prioritized for compliance review (CR)
- ❖ CR involves intensive on-site records audit
- ❖ CR results in safety rating update
- ❖ Ratings quickly outdated
- ❖ Only 2% of carriers reviewed annually
- ❖ Drivers may be able to elude detection
- ❖ Unsafe carriers may not receive CR

NEW COMPREHENSIVE SAFETY ANALYSIS

- ❖ Emphasizes on-road performance
- ❖ Holds both carriers and drivers responsible for safety
- ❖ Replaces SafeStat evaluation with quantifiable measurement of safety "behavior"
- ❖ Attempts to identify causes of unsafe behavior
- ❖ Focuses intervention on specific problems
- ❖ Establishes progressive steps to correct, penalize unsafe behavior
- ❖ Counts all safety-related violations, tickets, warnings, in addition to crashes, out-of-service violations
- ❖ Weights violations according to severity, recency
- ❖ Updates carrier scores monthly
- ❖ Provides driver violation details
- ❖ Identifies problem drivers across multiple employers
- ❖ Provides direct action against problem drivers
- ❖ Will regularly update new carrier safety ratings in future
- ❖ Does not rate driver safety fitness

What Carriers Need to Know

The Safety Measurement System Regulates CSA's Heartbeat

By Rip Watson
Senior Reporter

The Safety Measurement System and its seven all-inclusive categories form the heart of the Federal Motor Carrier Safety Administration's new Comprehensive Safety Analysis program, which will affect every U.S. truck fleet. Those groups, called Behavioral Analysis Safety Improvement Categories, or BASIC, embrace all aspects of trucking safety: unsafe driving; fatigued driving; driver fitness; drug and alcohol use; vehicle maintenance; load securement and size-and-weight faults; and crash history.

Under CSA, every safety violation is weighted on a scale of 1 to 10, with 10 representing the most severe.

Offenses such as fatigued driving count the most against carriers and drivers because they have shown a high correlation with elevated crash risk, FMCSA explained in background materials. Lesser violations, such as failing to carry a medical certificate, have the lowest score of 1.

The agency uses a formula to determine a score for each fleet. The formula is based on the number and severity of violations, and when they occurred, with more recent events given a greater weight.

The frequency and severity of violations are divided either by the number of power units operated or the number of inspections of its drivers, depending on the BASIC.

Fleets then are ranked relative to each other and given a percentage score.

To assure comparability among carriers, FMCSA created five "peer groups" based on fleet size. All carriers are assigned to one of those groups.

FMCSA will use these scores to determine which companies to target for interventions, based on specific safety problems in

one or more of the categories.

The higher a carrier's score within its peer group, the more likely FMCSA will intervene to make sure the fleet takes steps to correct its safety problems.

Interventions range from an initial "warning" letter to the ultimate sanction, a complete shutdown of carrier operations.

The Safety Measurement System, or SMS, and its seven BASIC safety categories replace the current SafeStat system, which covers only four categories of violations and does not assess weight violations according to crash-related risk, as does the new system.

"By taking all of the data at roadside and dividing it into seven behavioral areas, as opposed to just taking some of the data and dividing it into four broad areas, we're getting a much more granular approach with the new measurement system," said Gary Woodford, FMCSA's program manager for CSA. "It's able to show us carrier violations and driver violations that heretofore would have been under the radar screen of SafeStat."

Experts agree that carriers can prepare for CSA best by learning the new system, continuing to stress safety and moving to correct deficiencies before the program takes effect.

"This isn't a matter of waking people up to safety," said Steve Bryan, CEO of Vigillo Inc., Portland, Ore., a vendor that offers CSA advisory services to carriers. "Carriers care a lot about safety. CSA changes the rules. Now in 2010, everything counts."

In the past, Bryan said, carriers focused heavily on safety violations that could take the truck off the road through out-of-service orders — violations so severe they elevate the likelihood of a breakdown or crash.

Now, CSA scores are the thing to watch, because even minor violations count against the carrier. Nothing is trivial anymore.

"Carriers need to see their safety scores," Bryan said. "Carriers that are under SafeStat and thought to be safe can be at risk in one or two BASICs."

FMCSA has yet to make the scores public and has not disclosed a date for doing so. For clients, however, vendors such as Vigillo aggregate publicly available data and runs them through a program that replicates federal scoring.

Bryan noted that 76% of the carriers using Vigillo's system were in danger of triggering an intervention on at least one BASIC.

Under SafeStat, by comparison, just 1.5% of carriers had such poor records that FMCSA initiated compliance reviews.

"When CSA 2010 goes live, everything will instantly be scored on the previous 24 months of data," Bryan said. "Most of that performance is already in the books."

In fact, FMCSA already has calculated carrier scores from existing SafeStat data. The scores, however, will not be available to carriers, or the public, until Nov. 30.

Monitor Driver Safety and BASIC Scores

Annette Sandberg, a former FMCSA administrator who now heads TransSafe Consulting, also stressed the importance of combing through safety data on the record today with special attention to driver behavior. Driver safety behavior will have a direct bearing on their carrier's score.

"The most important thing is that carriers look at the data as a whole to see if there are trends for certain drivers," Sandberg said. "Many carriers are finding a handful of drivers are accumulating most of their bad data. Out of a group of 1,000 drivers, there may be 10 to 15 that are the bad ones."

SAFETY MEASUREMENT SYSTEM

- ❖ Once a month, SMS will evaluate the carrier's past 24 months of roadside violations and crash reports.
- ❖ The carrier will receive a fresh safety score, based on seven "behavioral" categories (see BASICS, p. A5).
- ❖ Recent violations and violations that correlate most closely to crashes will be weighted most heavily in the scoring.
- ❖ Carrier scores will be ranked relative to all the others in its peer group. This ranking will help authorities see which carriers have specific safety problems.

She said managers must decide what to do about those bad drivers — disciplining them in hopes they will correct their behavior or terminating them.

Jimmy Sill, chief executive officer of Driver Compliance Inc., a vendor in Diboll, Texas, believes the key to CSA compliance is consistent with the way most managers conduct trucking today. They probably have effective risk-management systems. Now they need to get to know the new rules.

"Companies that manage safety from top down and bottom up are the ones we want to have around," Sill said. They are the ones making the number of fatalities fewer and fewer every year.

"CSA 2010 is going to shake up the field for the renegade companies," he added. "The good ol' boy, mom-and-pop companies that are doing business the way Grandpa did it are going to go away."

Sill did say that carriers in general agree with the government's goals for CSA, which are to further reduce fatalities, injuries and accidents.

The new scoring system's approach to safety allows companies to improve their scores by having "clean" roadside inspections and reducing accidents.

FMCSA also created the five "peer groups" based on the number of power units — trucks, tractors, hazardous material tanker trucks, motor coaches and school buses — in each fleet.

The smallest of these peer groups is five or fewer power units, with the second group including six to 15 power units and the third encompassing 16 to 50 power units. The second largest group is 51 to 500 units and the largest is 501 or more.

Taking a closer look at the BASICS, each of the nearly 900 infractions that can be counted against carriers are assigned to one of the seven categories.

The unsafe driving BASIC includes infractions such as reckless driving, speeding and traffic violations.

Fatigued driving covers hours-of-service and logbook violations and driving while ill.

Driver fitness includes infractions such as failure to have the proper commercial license or medical qualifications.

Drug and alcohol use covers illegal use of controlled substances or improper alcohol consumption.

The vehicle maintenance category measures mechanical defects, including brakes and lights.

Cargo-related is the category for improperly secured loads and unsafe shipments of hazardous materials.

Finally, the crash history includes every accident reportable to the Department of Transportation.

Like the other violations, crashes are ranked on severity, with

(Continued on page A10)

PROPOSED CARRIER RATING SYSTEM

As CSA matures, FMCSA plans to replace SafeStat's three-tier carrier safety fitness rating with a new safety fitness determination (SFD). A rulemaking could come in 2012, according to FMCSA.

- ❖ Old tiers: Satisfactory, Conditional, Unsatisfactory.
- ❖ Three new tiers: Continue Operation, Marginal, Unfit.
- ❖ SFD would be tied to carrier's on-road safety performance, updated regularly.
- ❖ Unlike SafeStat, a compliance review would not be required to change rating.

(Continued from page A9)

the worst scores associated with accidents that have deaths, injuries and hazardous materials releases.

Sandberg said driver fatigue, unsafe driving and drug and alcohol offenses are especially important, since they have the most severe penalties, Sandberg said.

Bryan said crashes and unsafe driving are the BASICS that generate the most interest.

"In the unsafe driving area, the number one violation is speeding," Bryan said. "If I were to counsel the industry about one thing to cure it would be speeding. If you are wanting to get scores lowered, that is what I would do."

Both Sandberg and Bryan advised flatbed carriers to pay attention to load securement, since violations in that area were not counted under SafeStat but are counted under the SMS.

A new system of interventions goes hand-in-hand with the BASICS.

CSA intervention choices include a warning letter, targeted roadside inspection of a carrier, as well as on and off-site investigations.

Fleets can be asked to file cooperative safety plans, or be served with notices of violations, claims or be ordered to shut down.

Sandberg and Sill highlighted issues that need to be watched as the program unfolds.

"The problem is that under CSA 2010, warnings and actual citations are treated the same way," Sandberg said. "Typically if you get a ticket you can adjudicate it. You can't adjudicate a warning."

Another potential issue, she said, is data accuracy.

She urged carriers to closely monitor their data to be certain that the number and severity of violations is accurate.

Another unresolved issue is the methodology. Carriers that run a large number of miles and have a small fleet are at greater risk of higher scores and more intervention because of increased crash risk as more miles are traveled, Sandberg said.

Sill said there are issues of interpretation, such as how to say with certainty that a driver is ill.

That point matters since a driver who is found to be ill counts as a 10, just like driving after being put out of service.

Sill also worried that each state could interpret other parts of the CSA program in different ways, adding to complications as the program gets under way.

Top 10 Violations

(showing preliminary severity weights)

DRIVER

- Log violation (2)
- Duty record not current (5)
- Speeding (5)
- No medical certificate in driver's possession (1)
- Non-English-speaking driver (6)
- Driving after 14 hours on duty (7)
- Failing to use seat belts (1)
- False report of driver's record of duty status (7)
- Driving more than 11 hours (7)
- Failure to obey traffic signal (5)

EQUIPMENT

- Inoperable lamp (6)
- Defective lighting (6)
- Size-and-weight violation (7)
- Tire tread depth (8)
- Brake hose (4)
- Parts inspection/repair (2)
- Oil leak (3)
- Operating CMV without inspection (3)
- No fire extinguisher (2)
- Brake out of adjustment (4)

HAZMAT

- Placard damaged (1)
- No copy of registration in vehicle (administrative violation)
- Vehicle not placarded (1)
- Package not secure in vehicle (10)
- Failing to provide carrier placards (shipper violation)
- Shipping paper accessibility (1)
- Emergency response information missing (1)
- No shipping papers (1)
- Emergency response information not available (1)
- No placards where required (1)

Holding Drivers Accountable

An Individual May Be Fined for Unsafe Behavior Discovered During Carrier Investigations

By **Daniel P. Bearth**
Senior Features Writer

Safety accountability falls heavily on truck drivers under the Comprehensive Safety Analysis. By identifying drivers' frequent or serious violations of safety regulations, the Federal Motor Carrier Safety Administration seeks to crack down on carriers that employ the worst offenders and dramatically reduce the number and severity of truck-involved crashes.

There is concern, however, that the new safety regimen and stricter enforcement will push a significant number of drivers out of a job if carriers see them as a risk. That situation could exacerbate what many industry observers believe is a looming shortage of freight-hauling capacity.

One FMCSA official attempted to assuage that concern. "We've heard that CSA 2010 will put 175,000 drivers out of work," said Gary Woodford, FMCSA's chief program manager for CSA. "That's simply not true."

Woodford said information already available from roadside inspections, crashes and traffic enforcement activity will be reported and analyzed in a way that identifies drivers and carriers posing the greatest safety risks.

"It's simply an investigative tool," Woodford said. "What we're doing is taking the driver violations at roadside and looking at them through a CSA 2010 window."

That analysis features a calculation of points and percentiles in seven safety categories, called BASIC. It's a process that few drivers — or anyone else — readily understand, but its consequences are enormous.

"Both carriers and drivers will have to be more on their toes at roadside," Woodford said. "That's simply because every violation will now count. In the past it was simply out-of-service

violations and certain moving violations [that counted]."

He said the industry attempts to "game" the SafeStat system that is being replaced.

"If I know something is not going to count, I can look by that. Under CSA 2010, that's not going to be the case any longer," Woodford said.

Some fleets are not waiting for full implementation of CSA to take action.

Jay Thomas, vice president of safety and risk management for Freight Exchange of North America and a former safety director for Packard Transport Inc., Channahon, Ill., has been looking at driver scores since July 2009, using a program that

(Continued on page A12)

Driver Enforcement Approach

Driver enforcement will result from motor carrier investigations. Officials will be on the lookout for serious driver violations, such as:

- Driving while disqualified.
- Driving without a valid CDL.
- Making a false entry on a medical certificate.
- Committing numerous hours-of-service violations.

NOTE: Action will be taken directly against the driver for these violations. The carrier may also receive enforcement action when it bears responsibility for driver violations.

(Continued from page A11)

mimics the federal analysis. He counsels drivers on how to clean up their scores.

“We’ve implemented a very aggressive discipline policy,” Thomas said.

Drivers flagged for serious safety violations, such as exceeding hours of service, are put on probation automatically for one year, Thomas said.

A second violation during the probationary period results in termination of a company driver or cancellation of an owner-operator’s lease.

For less serious safety violations, drivers are given a “three

strikes and out” proposition.

“In the past 30 days, I have removed 19 drivers from the fleet,” Thomas said. The company has 350 drivers, of which 95% are owner-operators.

For the majority of the 3.3 million truck drivers in the United States, Thomas said, CSA “will have little or no impact whatsoever.”

As many as 25% of drivers, however, will be affected, and Thomas figures about 10% of those drivers “will have a very difficult time and may not be able to find employment in trucking.”

Every Violation Will Be Scored

Karen Miklic, senior vice president of Packard Transport, a flatbed carrier, said some drivers don’t understand that all roadside safety violations count under CSA, not just those that result in the driver being placed out of service.

“We try to help drivers understand what they’re doing wrong and change,” she said.

As an incentive, Miklic said, the company pays up to \$150 for clean Level 1, Level 2 and Level 3 roadside inspections, and will suspend drivers from being dispatched if violations are recorded.

“We’ve let go some operators,” she said.

Some of the concern about job losses may be based on the rollout of a separate Pre-employment Screening Program (PSP), in which a driver’s safety history is provided to employers to aid in selecting new-hires. Applicants give permission for release of their data from previous employers. The program, requiring payment for service, will become functional soon.

PSP will give carriers access to drivers’ safety performance history. How carriers choose to use that information to make hiring decisions “is up to them,” said William Quade, FMCSA’s associate administrator for enforcement and field activities. “In some cases, we imagine that insurance companies will put pressure on carriers about who they hire.”

While drivers may be cited and fined for safety violations, Quade emphasized that CSA will not be used to place drivers out of service or to assign safety fitness ratings to drivers.

CSA, however, will rank individual drivers with a scoring percentile, as measured against all other drivers.

“We’re using the Driver Safety Measurement System to target our interventions against carriers. Where we find egregious violations, we may do enforcement against the driver. That’s no different than what we do today,” Quade said.

While there is no intervention threshold for drivers, as there is for carriers, FMCSA does list 11 serious infractions, called “red flag” violations that could trigger enforcement actions against

Comprehensive Safety Information (CSI)			
Federal Motor Carrier Safety Administration			
Overview	Carrier Measurement	Driver Measurement	Intervention Management
Driver Measurement Summary Using August 23, 2009 equipment			
DRIVER INFORMATION			
Last Name:		First Name:	
License Number:		License State:	
Driver DOB:			
OPERATION HISTORY			
Date of Most Recent Activity	DOT#	Carrier Name	
08/20/09			
08/20/09			
7/20/09			
1/20/09			
2/10/08			
CRASH ACTIVITY (within 3 years)			
# of Crashes:	4	# of Crashes with Injuries or Fatalities:	0
# of Towing:	0	# of IMB Releases:	0
INSPECTION ACTIVITY (within 3 years)			
Driver Inspections:	10	IR Inspections:	4
		IM Inspections:	0
DRIVER SAFETY MEASUREMENT			
BASIC	Measure	Percentile*	# Inspections resulting in violation of BASIC
1. Hours of Service	17.00	95.5	7
2. Excessive Driving	3.00	71.0	4
3. Excessive Speeding	0.00	0.0	0
4. Controlled Substances and Alcohol	0.00	0.0	0
5. Vehicle Maintenance	15.21	91.0	4
6. Improper Load/Securement	4.21	75.0	1
INDICATOR			
Clean Indicator	0.00	99.2	0

* The percentile is shaded in yellow when the **intervention threshold** is greater than or equal to 90%, otherwise there is no shading.

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FMCSA’s prototype scorecard for drivers draws on three years of data and shows weighted safety measurements and percentile rankings for the seven BASICs. An intervention threshold is highlighted.

the driver. These include driving under the influence of drugs or alcohol and operating a vehicle without a valid commercial driver license.

State-issued CDLs “will remain the mechanism for taking unsafe drivers off the highway,” Quade said.

Violations issued to drivers in their personal vehicles will not figure in CSA scores. Likewise, CSA violations issued while on the job do not count against a driver’s personal driving record (except for moving violations issued because of roadside inspections).

Quade said FMCSA may consider issuing safety fitness ratings to drivers at a later date — perhaps in 2012 or 2013. To do that, however, the agency may need to get approval from Congress, he said.

Many companies, meanwhile, are evaluating current drivers to determine what will be acceptable standards for new hires.

“I think it will have a significant impact on the driving population,” said Kimberly Theken, implementation manager for TenStreet LLC, Tulsa, Okla., a company that provides software to help trucking companies recruit and retain drivers.

“If a driver has a history that can potentially give him a negative safety rating, and that rating, in turn, could have a negative

impact on the carrier’s overall rating, the driver should be concerned about their employability,” Theken said.

Since January, Theken said, the number of driver applications has slowed significantly.

“Drivers are aware of the scrutiny they may be under applying for a position with another company, and rather than job-

FMCSA’s William Quade emphasized that CSA 2010 will not be used to place drivers out of service or to assign safety fitness ratings to drivers.

hopping, they might be more inclined to continue with their current employer,” Theken said.

Don Osterberg, senior vice president of safety and driver training for Schneider National Inc., Green Bay, Wis., said he expects the Pre-employment Screening Program to become the

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Red Flags

Serious Driver Violations Could Trigger Enforcement

CSA BASIC	FMCSA PART	VIOLATION
Fatigued driving	395.13(d)	Violating out-of-service order
Controlled substances, alcohol	392.4(a)	Possessing, using, under influence of controlled substance
Controlled substances, alcohol	392.5(a)	Possessing, under influence, using alcohol within 4 hours of duty
Driver Fitness	383.37(b)	Allowing driver to operate with more than 1 CDL
Driver Fitness	383.21	Operating CMV with more than 1 CDL
Driver Fitness	383.23(a)	Operating without valid CDL
Driver Fitness	383.51(a)	Driving while disqualified
Driver Fitness	391.11(b)(5)	Driving without valid operator’s license
Driver Fitness	391.15(a)	Driving while disqualified
Driver Fitness	391.45	False entry on medical examiner’s certificate
Vehicle Maintenance	396.9(c)	Operating out-of-service vehicle before making repairs



Freight Exchange of North America

At the El Paso, Texas, terminal of Freight Exchange of North America, Jay Thomas, vice president of safety, conducts a CSA training class for drivers.

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“de facto standard” in screening applicants. Drivers with high scores under CSA 2010 “probably” will become unemployable, he said.

“Lawyers will have a field day if a carrier chooses not to use the data” to screen driver applicants, he said.

Eric Zalud, litigation partner in the Cleveland law firm Benesch, Friedlander, Coplan & Aronoff LLP, said the imposition of CSA, combined with retirements from an aging driver workforce and an uptick in business activity, will “lead us back to a driver shortage.”

An enforcement crackdown also could affect the dynamic between shippers and carriers as drivers take extra steps, such as refusing loads, to reduce the risk of violations, Zalud said.

Osterberg said he’s heard estimates of lost capacity ranging from 3% to 20% and that a former Schneider associate who heads a truckload carrier in one of the CSA pilot states thinks the figure “could be higher” than 20%, or one of every five truck drivers.

Not everyone is sounding the alarm about drivers.

David Mitchell, director of risk control and safety for Aon Risk Services, Little Rock, Ark., said he doubts there will be a dramatic reduction in the number of drivers because of implementation of CSA.

“The transition will be really tough,” he said. “Some drivers may not like it. It’s like a physical checkup in which you are required to do 20 push-ups. Now, it’s 40 push-ups, 50 sit-ups and 10 chin-ups. You’ve raised the bar and changed what you’re measuring.”

From an insurance perspective, Mitchell said some carriers may decide to have fewer owner-operators or farm out freight to other carriers to reduce their exposure.

CSA also will cast some carriers in a different light in terms of safety.

“A dry van carrier does not have the same risk as a flatbed carrier,” Mitchell said. “A flatbed fleet is likely to have more violations. It’s not a level playing field.”

Over time, Mitchell expects companies with good safety scores to get more favorable treatment from insurers. He said drivers who can avoid roadside safety violations “will have the best job security.”

Thomas already has received shippers’ contracts that state the carrier must not be “deficient” in any of the seven CSA safety improvement categories.

“It’s important for carriers to make sure that the drivers they have moving their freight are safe and do not receive roadside violations,” Thomas said. “The drivers now hold the keys to the company in more than a literal sense.”

Surgical Enforcement in 3 Steps

In Many Cases, Carriers Will Have a Chance To Correct Problems Before Serious Intervention Starts

By Sean McNally
Senior Reporter

The enforcement mechanism of Comprehensive Safety Analysis has three distinct steps: intervention, investigation and follow-on action. John Hill, a former chief of the Federal Motor Carrier Safety Administration and one of the architects of CSA, gave an example during a recent interview of the targeting capabilities of three-step enforcement.

“Let’s say there’s a carrier who has a fairly good compliance process in place, but they may have a group of people who are outside of their own employ — they may be independent contractors — and let’s say they are falsifying logs,” Hill said. The occasional false log “may be the only violation that’s really showing up.”

Under CSA procedures, inspectors would concentrate on the carrier’s hours-of-service problems. And they would work with management on getting logbook falsification under control.

“It is very surgical in terms of enforcement,” Hill said.

First Step: Intervention by Warning

FMCSA has dubbed the first step “a tap on the shoulder.” The carrier receives a letter warning that the agency has spotted an unsafe pattern in the carrier’s Safety Measurement System scores.

The message may say something on the order of: “We urge you to take this warning seriously, and we are confident you will take appropriate steps to improve your safety record.”

Also, the letter will state that consequences will follow, should “we continue to see poor safety performance by your company.”

Instructions will be provided on which office to contact to get more information.

“Ideally, the warning letter gets out before a carrier gets to the point where we want to do an intervention,” said William Quade, FMCSA associate deputy administrator of enforcement and compliance. “We’re letting them know we’re starting to see some trends that they need to pay attention to.”

Law enforcement already uses targeted roadside inspections and will continue them under CSA.

Keppler said that the state agencies have inspection-selection software at the roadside, which flags which trucks should be pulled over for close inspection, based on carrier SafeStat data.

Now, roadside inspectors will know to focus on the particular deficiency cited in the carrier’s warning letter.

“Those tools will change to accommodate the new CSA 2010 data,” he said. The hope is that these early steps persuade fleets to fix their safety problems.

“There’s a number of carriers that, once they receive that warning letter, they’ll take proactive measures to solve that problem,” Keppler said.

Second Step: Investigation

If the carrier does not address the problem, enforcement agencies move to the next CSA level: investigation.

“We have the on-site comprehensive investigation, which is akin to the compliance review,” Woodford said. “We’re also introducing what we call a focused or targeted investigation.”

The focus derives from sifting through “granular” data that tell FMCSA analysts what, specifically, is going on with the carrier. By looking at a carrier’s performance in each of the seven Behavioral Analysis Safety Improvement Categories, officials know where problems are coming from. A full-blown, soup-tomats exploration is not needed.

“Let’s say there’s a concern about whether or not they are in compliance with something that requires paperwork

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verification — drug and alcohol testing, for example,” Hill said. You may have an off-site review where the carrier [managers] actually come to a neutral place or to the offices of an FMCSA or state employee.”

If the carrier presents documentation from drug and alcohol testing consortia, “that’s the extent of it. It’s merely verifying that they are compliant,” Hill said. That is one type of focused investigation.

Woodford said procedures such as medical certification or drug and alcohol testing lent themselves to off-site investigations. Problems such as hours-of-service violations are likely to require an on-site visit because of how much paperwork is involved.

Quade said the new investigations program is making FMCSA and state officials think more critically about how to address a carrier’s particular safety problem.

“We want them, our investigators, to go beyond what is wrong and delve into why something is wrong so that carriers can address the root cause,” he said.

Woodford said the agency was “not wedded to” using these tools in sequence.

“The new measurement system will recommend to the investigator, based on the carrier’s particular safety performance, what the most appropriate intervention is at that time,” he said.

Third Step: Follow-On Actions, Sanctions

After FMCSA or a state agency completes its review, a series of actions follows. One is the cooperative safety plan, by which a carrier and authorities agree on a strategy to correct violations.

The cooperative safety plan is one of CSA’s unique features.

“They [the carrier] would develop a plan of action, based on a template that we would give them,” Woodford said. “It would be their plan and we would give them guidance, and then we would monitor them as we would after any other intervention to see if they improve. If they don’t, we would go in with a more severe intervention.”

A cooperative safety plan is “very much a voluntary thing,” McQuade said. It is appropriate when a carrier’s violations do not rise to the level where the agency would be forced to impose sanctions.

Beyond the cooperative safety plan, Quade said the agency still has the power to issue notices of violations and claims against a carrier.

“A notice of violation is similar to a warning at roadside, where a police officer pulls you over for speeding but doesn’t ticket you,” he said. “You are required to respond to a notice of violations and tell us how they are going to address the violation.”

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Corrective Steps

INTERVENTION

❖ Warning letter:

The agency may choose to send a warning letter to a carrier when it first begins to notice problems with the carrier’s safety record.

❖ Targeted roadside inspection:

Similar to today, if a carrier’s safety record indicates problems, state roadside computers flag the carrier’s trucks for inspection.

INVESTIGATION

❖ On-site targeted investigation:

If data show a carrier’s deficiency in a specific area, FMCSA may conduct an investigation of that specific issue at the carrier’s facility.

❖ Off-site targeted investigations:

In some circumstances, a carrier’s violations may prompt FMCSA or state authorities to ask that certain carrier documents be brought to their offices.

❖ On-site comprehensive investigations:

Known as the compliance review under SafeStat, it involves close examination of all parts of a carrier’s safety management, from maintenance procedures to driver drug and alcohol testing, and supporting documentation.

FOLLOW-ON ACTION

❖ Cooperative safety plan:

Following an initial intervention, the carrier agrees to work out a plan with FMCSA that will rectify its safety issues.

❖ Notice of violation:

Likened to a traffic warning, the notice of violation requires a carrier to acknowledge the violation and tell the agency how they intend to prevent future tickets.

❖ Notice of claim:

FMCSA assesses civil or criminal penalties on the carrier.

❖ Out-of-service order:

After repeated or egregious violations, FMCSA temporarily or permanently shuts down carrier operations.

Managers Welcome Pre-employment Screening

Driver Applicant's Release of Records Is Voluntary

By Joe Howard

Managing Editor, TT Magazines

One of the tools likely to play a central role with CSA compliance is not included in the safety plan's rulebook, but it contains data that could make or break a driver's career or a fleet's safety standing. A driver screening program — separate from the Federal Motor Carrier Safety Administration's new safety initiative — will provide Web-based access to the driving records of operators who elect to participate.

With driver performance among the criteria that factor into carriers' CSA safety scores, the onus is on fleets to weed out high-risk operators. Violations a driver incurs affect the fleet's score even after that driver has moved on to another employer.

Some believe the Pre-employment Screening Program will become a mandatory part of the hiring process.

At the click of a mouse, the Pre-employment Screening Program will allow fleet managers to view FMCSA records of driver applicants previously available to fleets only through Freedom of Information Act requests or to drivers through Privacy Act requests.

Five years of crash data and three years of roadside inspection records contained in FMCSA's Motor Carrier Management Information System will be available in PSP.

"That's something I've never gotten before," said Steve Schultz, director of safety for Lynden Transport, Anchorage, Alaska.

Especially valuable, managers suggest, will be access to roadside inspection results, because drivers sometimes fail to inform their current employers after they've been gigged for infractions.

A fleet will not be able to access records of drivers currently on its payroll. Also, records of personal moving violations won't be included. For those records, carriers still must contact individual states.

Before fleets can view a Driver Information Resource record, as files will be labeled in PSP, a driver must first consent in writing to the file's release. The details on that process still were being worked out.

FMCSA said the system will be accessible via the Web and require no special software. Also, PSP will adhere to privacy and security standards.

Subscription and search fees will be charged, which could put new pressure on recruiting budgets, especially for fleets with high driver turnover. Maintaining a good safety record under CSA's scoring system, however, could make the outlay worthwhile.

"We can close some of the loops and do a better job with background checks," Schultz said.

Most pre-hire reviews involve obtaining state records, criminal history checks and piecemeal information provided by previous employers. A 2005 congressional directive to make driver safety information electronically available for pre-employment screening led to the creation of the PSP, which launched in a pilot phase in March.

Fleets may pre-enroll by visiting www.psp.fmcsa.dot.gov, but
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Larry Smith — Trans Pix

Drivers will decide whether to release their records — or not.

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driver data won't be available until the system goes live.

Data management and fee collection has been entrusted to National Information Consortium Technologies, a private company that designs and manages Web-based resources for 23 states and "hundreds" of local governments, according to the company's Web site.

Fleets must pay an annual subscription fee and \$10 for every query. However, the search can cover all 50 states.

Subscription rates vary according to fleet size. For fleets that own fewer than 100 power units, the cost is \$25 per year. For fleets with more than 100 trucks, the annual charge increases to \$100.

A subscription isn't required of drivers, but they must pay the \$10 search fee. One subscription entitles access to up to 10 individual users.

Fleets that pre-enroll will not be charged until the first month PSP begins operation. Fleets may opt out any time before then at no cost. After the system goes live, a fleet still may receive a refund of its subscription fee so long as it has

never conducted a search.

While optional for fleets and drivers, PSP, some believe, essentially will become a mandatory part of the hiring process.

"In a sense it's voluntary and in another sense it's really not," said Tom Kretsinger Jr., president of American Central Transport, Liberty, Mo. "I don't think you have to do it from an FMCSA standpoint, but you will have to from a legal liability and business standpoint."

Kretsinger said fleets that choose to skip PSP run a risk if a driver who wasn't checked through the system is later involved in a serious accident that brings on a lawsuit.

"Knowledge gives rise to duties," he said. "Knowledge is what you know or could know. You can't really have that knowledge, turn a blind eye to it and say you didn't know. For that reason, you have to do it."

There are business implications, as well.

"If you hire people with problems and [those problems] persist, you're going to have problems with FMCSA, and that's going to affect your business," Kretsinger said. One problem would be attracting a probing safety audit from federal author-

ities once CSA 2010 is up and running.

“I think the audits will be more frequent and more targeted, and the ramifications more severe,” he said.

FMCSA has promised more thorough enforcement, but there is uncertainty about how PSP information and CSA 2010 violations will actually affect fleet scores.

Despite that uncertainty, companies are coming to market with vendor products they claim help fleets weigh which driver violations will count most. Kretsinger is working with one, Vigillo, and he said he has been surprised by the results.

One of his best drivers received a poor rating from Vigillo because of numerous out-of-service violations he received on a single day.

“The guy had one bad day in the last three years, and it hasn’t happened since,” Kretsinger said. “Yet, this [scoring] could affect his career and hireability.”

Despite turning the Web site over to a contractor, FMCSA notes that NIC Technologies is required to adhere to the federal Privacy Act, the Fair Credit Reporting Act and all other applicable laws. The company also will be subject to routine audits. “There may be some impact in the industry because of the new information available,” Bill Quade, FMCSA associate administrator for enforcement, told TRANSPORT TOPICS. The effect could be felt by trucking’s customers.

Some fleets are educating their drivers about the

PRE-EMPLOYMENT SCREENING PROGRAM

- ❖ Driver profiles from FMCSA’s Driver Information Resource become available online to carriers later this year.
- ❖ Fleets may enroll now but cannot access data until PSP goes live (TBA): www.psp.fmcsa.dot.gov.
- ❖ Profiles will contain five years of crash data and three years of roadside inspection data.
- ❖ Carrier may review records only after carrier receives driver’s written authorization.
- ❖ Fee-based service provided by a private contractor.
- ❖ Mandated by Congress, not part of CSA 2010.

Drivers Have a Way Of Contesting Record

What is a driver’s recourse if a fleet declines to hire him or her because of data in a Pre-employment Screening Program report? Here’s what FMCSA says:

■ If a driver feels information in the PSP record is not accurate, the driver may contest the information by visiting FMCSA’s DataQs online system at <https://dataqs.fmcsa.dot.gov/login.asp>.

Drivers also have the right under the Fair Credit Reporting Act to obtain a free copy of their PSP record from the company making the hiring decision.

■ How much time does a fleet have to request a refund of its subscription fee before it forfeits the money?

If a motor carrier subscribes to PSP record access but never buys a record, the carrier may request a full subscription refund within one year of the initial subscription date.

■ When will PSP be fully functional?

FMCSA anticipates full launch by summer 2010, but at this time, it is still in development.

When the system is live, upgrades and enhancements will be considered, based on user feedback and industry suggestions.

For a complete list of frequently asked questions, visit <http://www.psp.fmcsa.dot.gov/Pages/FAQ.aspx>.

increased culpability that will fall on their shoulders once PSP is up and running.

“They’re just getting the word, so we’re doing some training with them,” Schultz of Lynden Transport said. He believes drivers soon may become more assertive when questioning, for example, whether a shipper has overloaded a trailer.

Kretsinger agreed. “Drivers now have a direct incentive to comply with the law,” he said. “There will be some pains in adapting to it, but in the long term it is a good thing.”

Prepping Ahead of the Curve

Managers: Calculate Carrier Scores Now Drivers: Get to Know the BASICS

By Dan Leone
Staff Reporter

Your trucking company is about to go under the microscope. The federal government soon will assign all U.S. motor carriers a safety score under the Comprehensive Safety Analysis system. CSA is different from the oversight you may be used to, and unless you're already in the CSA pilot, you won't get an official score until spring or summer of 2011, FMCSA officials said.

Calculating your score involves a lot of number crunching, so if you want to know how you'll rate under the new regime, now is the time to start doing the math.

You'll want the practice anyway, because your score will change often. Under CSA, it will be updated monthly.

Moreover, the Federal Motor Carrier Safety Administration has decided to make safety a team sport: The performance of individual drivers will weigh heavily on your score, and violations related to drivers' hours of service and fitness for duty carry significant weight.

Just about any scrap of operational data your company generates can influence your CSA score, so if you aren't already holding on to every ream of data you create, consider doing so. In the digital chain between local law enforcement officials and the federal government, information could mutate, and faulty data could worm its way into your score.

If you don't have a copy of the original data, you can't contest what ends up in federal databases.

FMCSA plans to start enforcement action under CSA 2010 this fall. Here are a few items to check off your to-do list in the intervening months:

- ❖ Calculate your CSA score before the federal government tells you what it is.

CSA scores, calculated using FMCSA's Safety Measurement System, or SMS, will determine whether a carrier is due for a federal "intervention."

Only carriers domiciled in test states have CSA scores at this juncture. However, all carriers may access FMCSA's database and see what the agency has collected under the to-be-replaced SafeStat system. These data are used to calculate initial scores for all carriers, until fresh data generated by the new methodology start to come in — which won't be until 2011.

Some fleet managers don't want to wait — and don't want any surprises.

"There are fleets now who tell us 'We want to get ready,'" said J.J. Singh, president and chief executive officer of RAIR Technologies, which provides CSA compliance services.

For now, only carriers in the pilot program have CSA scores. Any other fleets that want to know their score will either have to score themselves or hire someone to do it for them.

Those who choose to crunch the data themselves will need to visit <http://csa2010.fmcsa.dot.gov/about/basics.aspx> and download the latest literature on the Safety Measurement System methodology.

Keep in mind, the methodology is subject to change. FMCSA is still gathering feedback from trucking companies in pilot states, and that feedback could alter some of the formulas used to calculate scores.

CSA scores will include data collected under the current SafeStat system, so fleets intending to go it alone must pull their SafeStat data from an FMCSA database.

Carriers can access their SafeStat score — and plenty of other data — via the agency's Web-based Compass portal, located online at <https://portal.fmcsa.dot.gov/>.

SafeStat ratings are updated infrequently, so carriers should do more than simply convert their SafeStat data into a CSA score.

A fleet "may have things in CSA 2010 that indicate that they're unfit, even though they have a satisfactory SafeStat rating," said David Kraft, senior vice president of regulatory affairs for mobile communications provider Qualcomm Inc.

To avoid being caught in such a bind, Kraft said, carriers should feed into their CSA calculations any safety data that

they have collected on their own — not just data that have reached FMCSA.

Doing all of this collecting without a little help might prove overwhelming for some trucking companies.

The chief technology executive at one truckload carrier said that managing the tidal wave of data generated by CSA “is going to be a project.”

“You either have to find an outsourced solution or it’s going to be a lot of work,” said Tom Benusa, chief information officer of Transport America, Eagan, Minn.

Transport America is part of the ongoing CSA pilot program, but Benusa said that the company bought software to help rate its drivers by CSA metrics.

Transport America is still evaluating the software, Benusa said. However, he added, the carrier is sure to purchase some form of compliance aid to keep abreast of changes to its rating under the new safety evaluation regime.

❖ Update your Motor Carrier Census form MCS-150.

Some of the information on this form — how many power units your fleet runs, for example — is crucial to calculating your fleet’s CSA score.

Preparing and Informing Drivers

❖ Make sure that drivers understand that every violation documented by enforcement personnel affects the entire fleet’s score.

SafeStat scores are based on compliance reviews, which take place infrequently.

“That’s going to change,” Qualcomm’s Kraft said, because a carrier’s CSA score changes once a month to reflect the latest data FMCSA receives from law enforcement personnel.

Kraft noted that under SafeStat, “once you have a good rating, it’s easy to fly under the radar” because fleets “aren’t being measured on a regular basis.”

One way to make drivers more aware of their on-duty habits — good and bad — is to evaluate them individually using whatever electronic data can be pulled in from their trucks.

Even before CSA 2010 appeared on the trucking industry’s radar, some software houses offered so-called driver scorecards that can do this.

These programs lift data from a truck’s engine control module, mobile communications system and onboard safety systems (if any have been installed) to rate drivers according to company-specified metrics.

Recently, providers have started plugging CSA 2010 scoring methodology into their driver scorecards. Two such companies are Vigillo, Portland, Ore., and EBE Technologies, East Moline, Ill.

Steve Bryan, chief executive officer of Vigillo, said that his

company has customers in both pilot and non-pilot states. Carriers in pilot states, Bryan said, are essentially running parallel tests to determine how closely Vigillo’s scorecard tracks FMCSA’s own calculations.

So far, the spread between official scores and Vigillo’s calculations has been “a couple of percentage points, plus or minus,” Bryan said.

Data Are Everything

❖ Have all violations documented and store the documents where they can be quickly retrieved.

If you later discover that your CSA score has been hurt because inaccurate data reached FMCSA, you won’t be able to do anything about it unless you can produce the correct data.

Carriers that wish to challenge safety data that appears in federal databases may use FMCSA’s DataQs systems (<https://dataqs.fmcsa.dot.gov/login.asp>).

Carriers can handle challenges themselves, or they can turn to software providers and compliance services companies for help.

EBE, for example, offers a “CSA 2010 dashboard” that trawls FMCSA’s database every day for safety data that can affect a carrier’s rating. EBE’s software can pull relevant data off FMCSA’s servers and automatically create a virtual document on a carrier’s own servers.

“What we are finding is that most of our customers are trying to get their hands around how they are going to be scored,” said Cindy Nelson, EBE’s vice president of marketing. Managers want “a stronger pulse on where they sit and how they are going to be measured when this goes live.”

Some CSA compliance services will search for and contest any data discrepancies the moment they surface in any of FMCSA’s motor carrier data management systems.

❖ Caveat emptor: If you use third-party software to help with CSA compliance, keep in touch with your vendor and make sure that you have the latest release. The CSA program is in a beta phase and its Safety Measurement System’s evaluation methodology could be tweaked at any time.

“CSA 2010 is still in the testing phase,” said FMCSA’s Woodford. “I would say that any product that they [software vendors] come out with, they do so at their own risk, because we’re still testing and we’re not at the point where we’re ready to release a final product.”

Software vendors counter that because the SMS scoring methodology is available to the public, they will be able to update their applications to reflect any changes that FMCSA elects to make after processing feedback during the CSA beta test.

“The methodologies and algorithms and procedures are all public,” said Vigillo’s Bryan.

How to Prepare for CSA

MANAGERS

- ❖ Know your CSA score before the federal government tells you what it is. Third parties will calculate the score for you — for a price — but if you plan to do the scoring yourself, visit <http://csa2010.fmcsa.dot.gov> to learn how.
- ❖ Update your Motor Carrier Census form (MCS-150). Some of the information on this form is used to calculate your fleet's CSA score.
- ❖ Every violation documented by enforcement personnel affects the entire fleet's score. Make sure your drivers understand this.
- ❖ Document all violations and store the documents where they can be quickly retrieved. If you discover that your score has been hurt because FMCSA had inaccurate data, you won't be able to do anything about it unless you can produce the correct data.
- ❖ Caveat emptor: Third-party services provider software is available to aid carriers with CSA compliance, but the CSA program is in a beta phase and the methodology could be tweaked at any time. If you use such software, keep in touch with your vendor and make sure that you have the latest release.
- ❖ Educate your drivers and staff about CSA. Train your drivers to reduce the number of unsafe events.
- ❖ Review the Safety Measurement System (SMS) methodology at <http://csa2010.fmcsa.dot.gov/outreach.aspx>.
- ❖ Check carrier safety records online at <http://ai.fmcsa.dot.gov/default.aspx>.
- ❖ Visit the CSA Web site: <http://csa2010.fmcsa.dot.gov>.
- ❖ Subscribe to the RSS feed or e-mail list to stay up-to-date on CSA 2010 news and information.

DRIVERS

- ❖ Know and follow safety rules and regulations.
- ❖ Become familiar with how FMCSA will assess safety under CSA.
- ❖ Become knowledgeable about the new Behavior Analysis and Safety Improvement Categories (BASICS).
- ❖ Keep copies of all your inspection reports. Every inspection affects your company's score.
- ❖ Violations that fall under the "Unsafe Driving" and "Fatigued Driving" BASICS are heavily weighted and will flag your carrier for intervention quicker than other types of violations. Take special care to avoid them.
- ❖ No news is good news. Enforcement officials won't be handing out kudos for safe drivers who have all of their paperwork in order, but an inspection that uncovers no equipment or driver violations is essentially a "good" inspection.
- ❖ Check out Web-based commercial motor vehicle safe driving tips at <http://www.fmcsa.dot.gov/about/outreach/education/driverTips/index.htm>.

Test Scores Come in High Carriers in 9 States Have Guinea Pig's View of CSA

By Mindy Long

Special to Transport Topics

Fleets nationwide are preparing for the rollout of the Comprehensive Safety Analysis, but carriers in nine states already have tested the waters as part of the Federal Motor Carrier Safety Administration's pilot project. These fleets have reviewed their safety scores, implemented new training for drivers and shared their concerns with FMCSA officials.

The agency began a 30-month test of CSA in February 2008 in four states: Colorado, Georgia, Missouri and New Jersey. The test covered 50% of carriers in those states, with the remaining carriers serving as a control group.

All carriers were included when FMCSA extended testing to Minnesota and Montana in May, Kansas in September and Maryland in November. Delaware was added in December.

Under CSA, carriers receive a fresh score once a month, based on the seven Behavioral Analysis Safety Improvement Categories, or BASIC.

The lower the score, the better — 100 is worst.

In the tests, "fleets have been surprised and had scores higher than they thought they'd be," said Craig Talbott, vice president of safety for the Maryland Motor Truck Association.

Fleets with high scores receive a warning letter from FMCSA that serves as a tap on the shoulder, letting them know they need to improve.

Patti Olsgard, safety director of the Colorado Motor Carriers Association and chairwoman of American Trucking Associations' CSA 2010 Task Force, is seeing spikes in unsafe-driving and fatigued-driving scores — even among fleets that had good SafeStat ratings under FMCSA's old system. She said some of that boils down to the math involved.

"In CSA 2010, violations are being singled out, going into their own categories, and we're looking at them individually," Olsgard explained. "Before, those were all put into one bucket. You may not have known that all of your numbers were coming from a particular area."

Although Olsgard is seeing higher scores, she hasn't seen a significant change in the fines or the number of inspectors.

Fleets also may experience rising numbers because of warning tickets. Unlike FMCSA's old system, warnings count against a carrier in CSA.

D.M. Bowman Inc. is going a step further and educating its customers about CSA.

"If I get pulled over for speeding, and no ticket is issued, it counts the same as if I'd received a citation," said Thomas Whitaker, executive director of the Kansas Motor Carriers Association. "I had one carrier that all of a sudden became deficient in unsafe driving because he had 11 speeding violations, even though he only had two citations."

Many fleets use their scores to target training and zero in on drivers who need coaching.

Lynn Harris, transportation safety manager for Giant Food, a grocery chain with headquarters in Landover, Md., said she expected her fleet's safety scores to be better, but was encouraged to do more after seeing them. By the end of April, all drivers for Giant will have completed training on CSA. Extra

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attention is given to how to conduct pre- and post-trip inspections, which have taken on greater importance.

In the past, drivers may not have worried about a headlight or taillight malfunction because it wasn't an out-of-service violation. Under CSA, drivers are accountable for those types of violations. Drivers also are held accountable for securing their loads, even if they're not the ones who loaded a trailer. That's why Harris is scheduling training for warehouse and store workers.

"It is up to the whole organization to make sure the load is secured, even though it is the driver's name that will be on the citation," Harris said. Giant's drivers will start carrying trailer keys in case they need to open a unit during an inspection.

"Our drivers have never had to access their load before, so that is new for them," Harris said.

Maryland-based fleet D.M. Bowman Inc. stepped up its driver training after first seeing its scores in February. Scott Bowen, D.M. Bowman's director of risk management and safety, has posted CSA reports online so drivers can see them. Drivers also will receive a customized report generated by the fleet's information technology department.

"We created a program to combine all BASIC score areas. You have to work the data so you can have all the violations on one driver show up on one format," Bowen said.

D.M. Bowman is going a step further and educating its customers about CSA.

"We're going to share with them the effects of delays that a driver may have at their docks and also the effects of overweight loads," Bowen said.

Picking Nits

Even with the best training, citations will occur.

Tom Crawford, president of the Missouri Motor Carriers Association, said, "I think there is probably a push nationwide to do more roadside inspections. It is only natural for an inspector to find something."

State trucking officials and fleets want to ensure that inspections and enforcement efforts are consistent and just.

"The biggest issues we've found are nit-picky inspections and citations," said Barry Stang, executive vice president of the Montana Motor Carriers Association. "Some of the things they're writing up are inconsistent and not in conformity with the regulations."

For example, one driver got a securement violation for not securing a grocery bag holding a banana peel he had tossed in with his tools. Another driver got a violation for a nick in a chain.

This type of citation led Stang to talk with his regional director about retraining inspectors.

Stang is also concerned that drivers may face more adversarial situations with inspectors than they did in the past. "Before, they turned the inspections in and they didn't mean much unless they were out of service, but now every inspection counts," Stang said.

Given the amount of information being collected and tracked, many state executives believe inaccurate data is inevitable.

"If you can imagine 3 million inspections, you're going to have a number of mistakes on there," Maryland's Talbott said.

Gary Woodford, chief program manager for CSA, said achieving more roadside uniformity is a high priority.

"There will be efforts through outreach and training to make how violations are recorded more consistent across state lines," he said. This will be addressed by the Commercial Vehicle Safety Alliance, whose membership includes roadside trucking safety inspectors from all the U.S. states, Canadian provinces and Mexico.

Colorado's Olsgard urges fleet managers to review their information and use the "data queue," an online tool on the CSA Web site, to correct bad information.

Recently, one of Olsgard's members learned an officer had written down the wrong Department of Transportation number when issuing a citation, and it was counting against the fleet.

CSA INVESTIGATIONS IN TEST STATES

As of February 2010

- ❖ 30% off-site
- ❖ 45% on-site, focused
- ❖ 25% on-site, comprehensive
- ❖ 50% of investigations resulted in cooperative safety plans, carrier notices of claim or violation, or driver-specific notices of violation or claim

Source: Federal Motor Carrier Safety Administration

CSA 2010

“You go through the data queue and provide the proper documentation. In this case the [Vehicle Identification Number] and the address didn’t match with the DOT number,” she said.

Olsgard has seen the turnaround time in the data queue take anywhere from two days to two weeks.

Harris went to FMCSA’s DataQs system to challenge a speeding violation one of Giant’s drivers received in January. She compared the citation to the company’s on-board recorder, which showed the driver was not speeding.

“You log into the system and put in the request,” Harris said. She received a response within two days, but her appeal was denied.

Paying Attention

Staying on top of scores and driver violations can be time-consuming.

“You have to pay more attention to what your drivers are doing and look at the CSA 2010 profile page frequently to make sure you’re not out of whack,” Stang said.

The carrier’s scores are ranked, as percentiles, relative to all the others in each peer group. This helps authorities see which carriers have specific safety problems.

Most of those comparisons are based on the number of trucks a fleet runs, which concerns some in the industry who would rather see comparisons based on mileage.

(Continued on page A26)



Preventive vehicle maintenance programs will be increasingly important to fleets. Under CSA 2010 drivers are held accountable for even minor violations such as taillight or headlight malfunctions.

View Raw Carrier Data

Carriers may go online to review their inspection and crash data, which FMCSA will use to develop initial BASIC scores.

Only raw numbers were available at this printing; FMCSA planned to make its CSA "assessment" of carrier violations available in August.

Even though CSA rankings are important to carriers—they want to see how they stack up with other carriers, how they will be perceived by the shippers, and whether to anticipate some sort of intervention—official scores won't go live until Nov. 30.

On that date, carrier scores will be available to industry and public alike, though the public won't see crash indicators.

Go to: <http://csa2010.fmcsa.dot.gov> (PIN required).

(Continued from page A25)

"A truckload carrier with 20 trucks that travels 2 to 3 million miles a year has a much greater exposure than a ready-mix company with 20 trucks that travel 15,000 miles a year," Whitaker of Kansas said.

The state association executives said that their local FMCSA officials have been receptive to their ideas, but they don't know whether their proposals will be incorporated into the rules.

Out of all the feedback on CSA, exposure to the risk of a crash drew the most comment. This is to be determined by the number of power units a fleet operates.

Trucking managers want this key indicator to be set by vehicle-miles traveled, or VMT. FMCSA said it is looking at the request.

"The longhaul carriers want you to use VMT because they travel more miles than they have power units, so the common denominator in the equation is larger, giving you a lower safety rating," Woodford said. "When you have a lot of power units but don't have a lot of miles, like a utility, you would have a small denominator and a higher rating. There is no easy solution."

He said that FMCSA hopes to have a decision by the end of June.

State trucking officials have raised other concerns with their regional FMCSA directors. Whitaker believes warning tickets should not count against a score, or, at a minimum, that warnings should have a lower severity weight than an actual citation.

Stang would like speeding violations to be broken into different degrees, so that a violation of 5-to-10 miles per hour over the speed limit would weigh less than a violation 15-to-20 mph over.

For now, the program is limited by the technology roadside inspectors use to upload violations.

"In some cases, when uploading the information to our database, the officer doesn't indicate how many miles per hour over the violation was or if it was a warning," Woodford said.

FMCSA is considering an update to the software so it records that information, which would allow lower speeds to receive a lower severity ranking.

Olsgard and Whitaker said they also would like to see more crash accountability.

"We know that over 70% of the time, the other vehicle is at fault in accidents involving heavy trucks," Whitaker said, adding that FMCSA should weigh preventable and nonpreventable accidents differently.

"We had a carrier whose truck was sitting at a stop sign and was rear-ended by a vehicle. That counts, and under the current system there is nothing they can do," Whitaker said.

FMCSA is evaluating the feasibility of obtaining police accident reports to determine accountability and weigh crashes with better data. Woodford noted, though, that research shows companies with high crash rates—even when they are not always held responsible—are more likely to be involved in future crashes.

Stang has asked FMCSA for leeway to enable drivers to make some repairs when they return to the terminal.

"Repairs on the road can be expensive. We're saying there should be somewhere in the process that a citation won't count against a driver if he can prove the problem was corrected the first time he got back to his shop," Stang said.

However, Woodford said it was unlikely the rules would change to allow this.

"You're asking a regulatory agency that found a violation to forget it, and that is difficult to do," he said.

Despite the added effort CSA may require, state trucking officials feel the overall response from testing it has been positive.

"There might be some added time and expense, but if we've improved the safety of the driver and the trucking industry, it is well worth the investment," Stang said.

For many fleets, CSA is giving them access to information that can be a tool used to learn about drivers.

"Now they are getting to see all the violations and are able to use that information to train their drivers," Olsgard said.

Although D.M. Bowman always has tracked driver violations and safety performance, Bowen still was taken aback when he saw the comprehensive CSA report.

"When you see them all at one time and gathered in one basic place, it is surprising," he said.

At this point, D.M. Bowman isn't factoring CSA data into his hiring decisions, but plans to do so in the future.

Bowen said most drivers "understand the rationale for CSA 2010 and see it as a way to get those drivers who don't drive professionally off the road."

Download Your Data, Calculate Your Scores, See Where You Stand

Usher Transport, Louisville, Ky., is determined to set its record straight. In 2009, “a guy driving a pickup truck fell asleep at the wheel on the interstate, crossing the median and two lanes of traffic before crashing into one of our rigs and killing himself,” recalled William Usher, president of the regional carrier of hazardous bulk liquids.

During an interview, Usher described his driver as one of company’s best, with a long string of clean inspections and no previous accidents or spills.

“There’s no way he was even remotely at fault,” Usher said. “But he now has 117 points against him, and his career could be in jeopardy. We intend to plead his case — and ours, since my company was assessed 100 points that we don’t need and certainly don’t deserve.”

Individual points — exacted against carrier and driver — are central to the Comprehensive Safety Analysis system. Usher’s experience illustrates how difficult it can be to obtain fairness on a micro scale from a macro system driven exclusively by numbers.

Accounting for crash causation is one the pressing issues that American Trucking Associations wants to see resolved before CSA is fully enacted (see Opinion, page A29). How to understand each fleet’s exposure to the risk of having a crash is another problematic area.

Federal Motor Carrier Safety Administration officials have said that they are willing to address these kinds of problems. Much of CSA’s machinery is still open to tweaking. For exam-

ple, FMCSA wants its software to score speeding violations according to the severity of the offense: 1 to 5 miles, 6 to 10 miles, 11 to 14 miles and more than 15 miles over the speed limit.

Correcting bad data, however, is something that fleets and drivers can try to do for themselves.

Fleets domiciled in the nine CSA test states have been able to see how the new system is scoring their safety performances. This view won’t be available to the rest of the industry until Nov. 30, when all of the carrier scores go “live.” (Drivers’ scores will not be shown to the public.)

“We are seeing some carriers labeled as deficient in one or more of the BASICs, [but] they are quite safe and their safety has been validated by recent DOT audits,” said Rob Abbott, vice president of ATA safety policy.

That is why managers are encouraged to review inspection and crash entries in FMCSA’s database. There is an online mechanism for challenging data, called the DataQ system, at <https://dataqs.fmcsa.dot.gov/>.

Accounting is the crucial step.

“Take a close look your internal data and compare it to [FMCSA’s] DOT data,” Abbott said. “It’s very important that carriers have a complete list of all roadside inspections in their profile or record, including those that did not [result in] violations.”

Clean inspections should lower a score under CSA’s percentile-ranking procedure — and the lower the score, the better.

Where data are incorrect, the fleet files a challenge in DataQ, asking the issuing state to make the correction.

Fleets in all states may challenge bad data through Data Q; many have for years. However, when fleet managers start to see their data through CSA’s Safety Measurement System, “don’t be surprised to see the states overwhelmed by challenges,” Abbot said. — *Transport Topics*

ENFORCEMENT (Continued from page A16)

The next step up is the notice of claim. Here CSA enters the penalty phase.

“The notice of claim is the most severe level, short of issuing an operations out-of-service order and we’re actually assessing penalties,” Quade said. This arrow is already in enforcement’s quiver, and “we find it is fairly successful at getting people’s attention.”

He said the major change under CSA is that FMCSA is “relegating [the notice of claim] to the last resort, rather than the only resort.”

Beyond the notice of claim, the ultimate punishment that FMCSA can inflict is putting the carrier out of service, an option available to the agency today, as well.

When the agency starts enforcement of a claim, the carrier has

the right of appeal if it feels it is being treated unjustly, Quade said.

“The carrier has the ability to come in and present information to us regarding the claim . . . and even seek arbitration if they think our penalties are unreasonable,” he said.

For example, if the agency assesses a safety score based in part on the carrier’s crash rate, the carrier may present information that these crashes were not preventable.

With the new set of tools and the accelerated pace of updating CSA scoring, it is more important than ever for carriers to follow the federal regulations.

“They’re being watched; their performance is being tracked,” CVSA’s Keppler said.

“They can decide to take proactive steps and correct themselves on their own, or they can roll the dice and risk being targeted for one of the interventions,” he said.

Shippers' Unregulated Role

Some Fleets Educate Their Customers About CSA

By Mindy Long

Special to Transport Topics

Even though shippers aren't directly regulated by the new motor carrier safety program, they will see changes in the ways they interact with fleets and drivers. To ensure there are no surprises, carriers are opening lines of communication to let their customers know how CSA may affect their relationships.

"We want to ensure that all parties understand what CSA 2010 is going to mean and that shippers realize their part in helping the trucking industry be in compliance," said Scott Bowen, director of safety and risk management for the Maryland-based fleet D.M. Bowman Inc.

Before, shippers offered to pay certain violation fines. 'But that will stop happening, because now those violations will count against the [carrier's] safety score.'

— David Heller,
Truckload Carriers Association

Any violations of hours of service, cargo securement and overweight loads will count against a carrier's safety score, so fleets and shippers need to work together to stay in compliance.

"It is a play everybody has to take part in together," said David Heller, director of safety and policy for the Truckload Carriers Association.

Bowen has had several customers ask about CSA, and he

created a one-hour webinar about it for customers.

"We're planning to share with the customers first and foremost the difference between CSA and SafeStat," Bowen said.

Bowen drew on information from TCA and the Federal Motor Carrier Safety Administration for his webinar, which also covered the effects of delays and overweight loads.

Members of TCA that would like a ready-made presentation may use the conference's PowerPoint presentation created specifically to share with customers.

Heller recommends carriers and shippers talk sooner rather than later.

"Even though we're still early in the game in CSA 2010, it is good to keep your shippers involved, because it will affect them," he said.

For example, shippers sometimes prefer to designate a carrier's route, but under CSA their choices may be more limited.

"There are times when trucks aren't allowed on part of a route a shipper specifies. Before, they've offered to pay the fines. But that will stop happening, because now those violations will count against the [carrier's] safety score," Heller said.

Drivers and carriers especially don't want to be flagged for a violation that isn't their fault.

"If the shipper is going to load a trailer, they have to make sure it is loaded and secured properly," Heller said.

Delays at loading docks may mean drivers have to make decisions about waiting for loads or using their remaining driving time to find legal parking spaces, especially if the shipper doesn't offer any parking.

"Shippers are going to want to get drivers in and out quicker because drivers will not want to go over their hours," Heller said.

He added that he is hopeful shippers will be receptive to carriers' concerns.

"You're not going to make a positive change without all parties involved," he said.

(Continued on page A30)

Getting CSA 2010 Ready For Prime-Time Debut

By Dave Osiecki

*Senior Vice President, Policy and Regulatory Affairs
American Trucking Associations*

American Trucking Associations supports the safety and efficiency objectives of Comprehensive Safety Analysis 2010 and believes the program has significant potential to improve the trucking industry's already impressive safety record. The program's use of performance data and its focus on unsafe carrier and driver behaviors should help both government and industry to better identify and address those behaviors.

The key, though, is which data are used and how the program's methodology identifies unsafe drivers and fleets. ATA has identified a number of serious problems with data in the pilot program and with parts of the methodology.

If these problems are not addressed before nationwide implementation, CSA 2010 will, in part, target the wrong carriers and drivers for interventions — and that will harm the program's credibility and effectiveness.

The biggest problem — and ATA's most pressing concern — is the lack of accountability for crashes before crash data are entered into the system. Currently, CSA 2010 considers all Department of Transportation-defined crashes, including those for which the motor carrier or driver could not reasonably be held accountable.

For example, if a passenger vehicle crosses a center line and crashes head-on into a truck, and the truck driver has no opportunity to avoid the crash, it counts against the truck driver and the carrier.

This is a huge problem. The majority of serious truck crashes involve a car, and many are initiated by unsafe actions of the car driver. Yet, even when the carrier is not responsible for a crash, CSA 2010 identifies it as being just as unsafe as a similar-size carrier that has caused the same number of crashes.

This approach is not only unfair, it does nothing to help the Federal Motor Carrier Safety Administration target unsafe carrier and driver behavior.

There are a number of ways in which FMCSA could address this problem. One idea is to use a small, well-trained team to evaluate recordable crashes before they are entered into the system. This "crash evaluation team" would follow standardized crash-accountability guidelines, which could easily be developed in the near-term and refined over time with experience.

ATA's second significant concern is CSA 2010's use of each carrier's truck count — referred to as "power units" — as the measure of risk exposure, rather than using the total number of miles these trucks travel each year.

Fleets with greater asset utilization will have more actual exposure to crashes and other safety-related events, but will be compared in CSA 2010 to carriers with less exposure even though they have a similar number of trucks.

This problem is acute for carriers that move expedited freight using sleeper teams. As with the crash accountability problem, using a carrier's truck count detracts from FMCSA's ability to target the carriers and drivers most in need of intervention and results in CSA 2010 scores for some carriers that best can be described as "false positives."

These false positives result in FMCSA assigning its limited enforcement resources ineffectively. And because safety performance is relative in CSA 2010, truly unsafe carriers likely will be missed.

FMCSA uses truck counts (in lieu of mileage data) in the CSA 2010 pilot program because it has truck-count data for more fleets. One reason for this is that FMCSA's online MCS-150 form — a carrier-completed form that captures both truck count and mileage data — was programmed to make the truck count field a requirement and the mileage field optional.

(Continued on page A30)



TT File Photo

(Continued from page A29)

FMCSA immediately should reprogram its online MCS-150 form to make the mileage field mandatory. Carriers should not be capable of submitting the form electronically unless this field is completed. Also, if FMCSA does not have mileage data for some carriers (such as those not required to submit their next MCS-150 form for another one to two years), CSA 2010 should default to an average annual mileage per truck figure and use that carrier's truck count on file as the multiplier.

The average annual mileage per truck, based on the latest Federal Highway Administration data, is 25,254. This default figure likely would be low for many carriers, and thus be an incentive for these carriers to file an updated MCS-150 form well before its next required submission date.

The third pressing ATA concern is that CSA 2010 currently counts all alleged moving violations listed on roadside inspection reports, regardless of whether a citation was issued to the driver. In other words, warning notices and even simple warnings listed on inspection reports are counted and scored in CSA 2010 exactly the same as an actual moving violation citation.

This presents several problems.

Because they are mere warnings, there is no due process by which drivers and carriers may challenge them.

Also, in some states, law enforcement officers must have probable cause to stop a truck and conduct an inspection. In these states, it is common practice for

officials to stop a truck for a trifling speeding infraction (say, 3 mph over the limit) and list "warning for speeding" on the inspection report.

Carriers operating in these probable-cause states are disproportionately affected and likely will have worse CSA 2010 "unsafe driving" scores than carriers operating elsewhere.

Perhaps most important from a safety perspective, research demonstrates a clear link between actual citations (and citations resulting in convictions) and future truck crashes. There is no such research linking warnings and future truck crashes.

Warnings should not be assigned a point value and should not be used in CSA 2010, at least not initially. This information should be maintained separately by FMCSA and carefully analyzed to see if it has some predictive value about future unsafe behavior by drivers and carriers.

Citations — and, if possible, conviction data — should be used in CSA 2010. Research demonstrates these data provide a good prediction of driver and carrier safety.

CSA 2010 is about safety and ATA wants this program to succeed. The employment and business consequences for drivers and carriers are too great for CSA 2010 not to be done correctly from the beginning.

ATA is determined to work with FMCSA before full CSA 2010 implementation to resolve these three significant problems — lack of accountability, using truck counts instead of mileage, and treating warnings as actual moving violation citations — with the current model.

SHIPPER COMPLIANCE *(Continued from page A28)*

Carriers often are forced to choose between serving the client's wishes or losing the client, fleet executives told federal regulators during a series of listening sessions FMCSA hosted early in CSA planning.

Some fleet managers complained about businesses that pressure carriers to accept contracts with unreasonable delivery timeframes. Also, they said, carriers are cited for any errors in shipment documents, which should be the responsibility of the shipper. And during compliance reviews, shippers and brokers are forgotten and the entire regulatory burden falls on the carrier.

Shippers should be made part of the regulated community, these truckers said.

But FMCSA has no statutory authority over shippers, federal authorities pointed out.

Standard procedures and the nature of the less-than-truckload business enable Old Dominion Freight Line, a large, interregional carrier with headquarters in Thomasville, N.C., to oversee variables that bedevil others.

"Our drivers are fingerprinting the freight," said Brian

Stoddard, vice president of safety and personnel. "They're actually there when it's loaded, if it's palletized. They see what's going on, paperwork-wise and cargo-wise."

Old Dominion, as everyone else in the industry, is waiting for the full package of regulations. "So much remains unknown," Stoddard said.

At least more time is being taken, Stoddard noted, to address the industry's most pressing appeals: adoption of vehicle-miles traveled (VMT) in assessing exposure to accident risk, and fair and accurate means of determining crash causation.

FMCSA has VMT data for 40,000 to 50,000 carriers, but only blanks for other fleets, agency officials said during an industry webinar on March 29. But they stated that "the door is not closed" to changes.

They spoke of a possible middle ground that would account for the different risk characteristics of urban and on-highway truck operations.

The agency also is looking at the feasibility of hiring a contractor to evaluate crash reports and determine fault, the officials said.



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