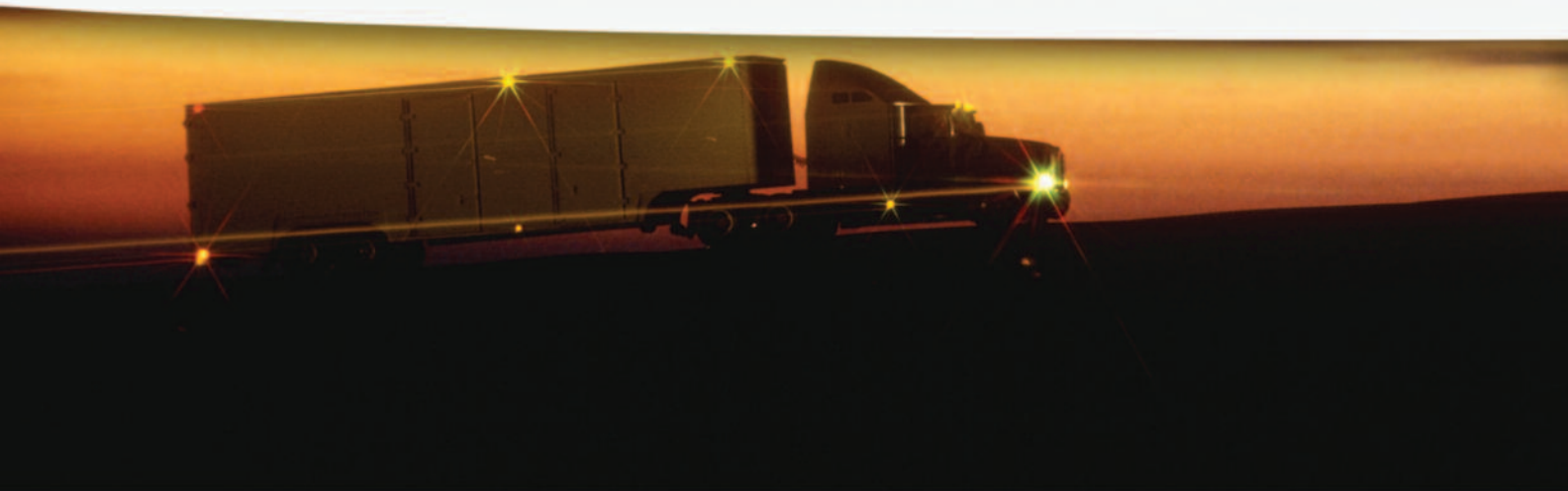


# Transport Topics

SPECIAL REPORT

UPDATED

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## Rebranded and Revamped

Dear Reader:

**T**he government's new truck-safety regime, formerly known as CSA 2010 and renamed Compliance, Safety, Accountability, is now in effect.

A year ago, TRANSPORT TOPICS published the first special report on CSA as a way to help readers understand the parameters of a program that promises to change forever the way federal regulators and trucking companies view safety compliance.

Gone is the SafeStat system that targeted a relatively small number of carriers for compliance reviews and tracked only the most serious driver and vehicle out-of-service violations. Today, CSA measures compliance in seven behavioral categories and gives investigators for the Federal Motor Carrier Safety Administration a trove of data upon which to target carriers that may be operating in an unsafe manner.

While program changes continue to be made and it could be years before the full effect of CSA is felt, the goal of this new special report is to keep readers abreast of the latest developments and to provide guidance in how to use the program to enhance their safety compliance.

Thank you for your support, and let us know if this special report is helpful and how it might be improved to better meet your evolving needs. — **Howard Abramson**



TT File Photo

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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](http://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](http://www.psp.fmcsa.dot.gov)

# Reassessing Safety Performance

## FMCSA Wants to 'Touch' More Fleets With New Analysis

### Transport Topics Staff

**A**fter years of build up and preparation, the Federal Motor Carrier Safety Administration rolled out its new safety monitoring program: Compliance, Safety, Accountability in late 2010, putting a more intense focus on carriers' ability to follow the rules and avoid crashes.

On the occasion of CSA's launch, Transportation Secretary Ray LaHood declared that "better data and targeted enforcement will raise the safety bar for commercial carriers and empower them to take action before safety problems occur."

However, while the system's basic framework has been retained over time, FMCSA Administrator Anne Ferro said that the agency "worked closely with our partners in the motor-vehicle community to develop" CSA, leading to a number of changes.

CSA still reviews each trucking operation's safety standing, which will rise or fall with changes in its monthly CSA scores.

Ferro compared the use of current data and regular updating to "preventive medicine." Since the system was opened up, she said that thousands of carriers are "taking advantage of that preventive medicine to get ahead of the curve."

Bryan Price, an FMCSA specialist overseeing CSA, said that in the first month the agency's website received more than 5 million hits to check 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 rank with other fleets that have similar exposure to risk of accidents.

However, FMCSA has altered several parts of the course from when the program was first announced until it was put into action in December.

First, FMCSA has begun incorporating the number of miles traveled and the number of drug-and-alcohol inspec-

### 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



tions into how it groups carriers, rather than using only the size of the fleet.

The agency also reset the thresholds for enforcement and altered the designations used to denote deficient carriers.

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 program 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 many more 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 SafeStat system, federal or state investigators examined 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.

Under SafeStat, FMCSA interacted with 16,000 to 17,000 carrier entities each year. Officials expect that number 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, executive director of the Commercial Vehicle Safety 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,” Keppler said.

## 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.
- ▶ Alert status is a percentile ranking of 65 or higher (60 for hazmats) in Unsafe Driving, Fatigued Driving, Crash BASICs; 80 (75 hazmats) in Driver Fitness, Alcohol/Drugs, Vehicle Maintenance, Cargo BASICs.

### Scoring Formula

CSA is built around new techniques for quantifying on-the-road safety performance. Scoring will be determined by the Safety Measurement Systems — 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 category is divided by the number of fleet power units or the number of vehicle or driver inspections in that category, depending on the BASIC. That process yields a percentile ranking of all the members

## 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

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 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, which is modified based on how many miles a fleet runs in a year.

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 month of new state data uploads, which should capture any changes of performance — is a way of monitoring whether safety problems are improving or worsening.

A deficiency in any BASIC is likely to trigger some sort of intervention by FMCSA. A score of 90 or higher is considered seriously deficient. Serious deficiencies in more than one category could result in an immediate investigation.

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

### Listening Sessions

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 that 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 they will have an opportunity to set things right. Direct intervention would follow if that doesn’t work.

CSA investigators will evaluate why safety problems are occurring, recommend remedies and encourage corrective actions. When that process doesn’t produce desired results, FMCSA may invoke penalties, including shutting down the carrier.

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

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

### 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 . . . is an evolving operational model,” said Dave Kraft, senior man-

ager of government affairs for Qualcomm Inc., a vendor of onboard fleet communication systems.

Those changes have been introduced piecemeal since August, when FMCSA first announced it was changing the enforcement thresholds for its BASICS — lowering them for some categories such as unsafe driving and fatigued driving, and raising them for others like cargo securement and vehicle maintenance.

In November, the agency also “softened” the language it uses to label carriers with high BASIC scores, using the term “alert” rather than “deficient.”

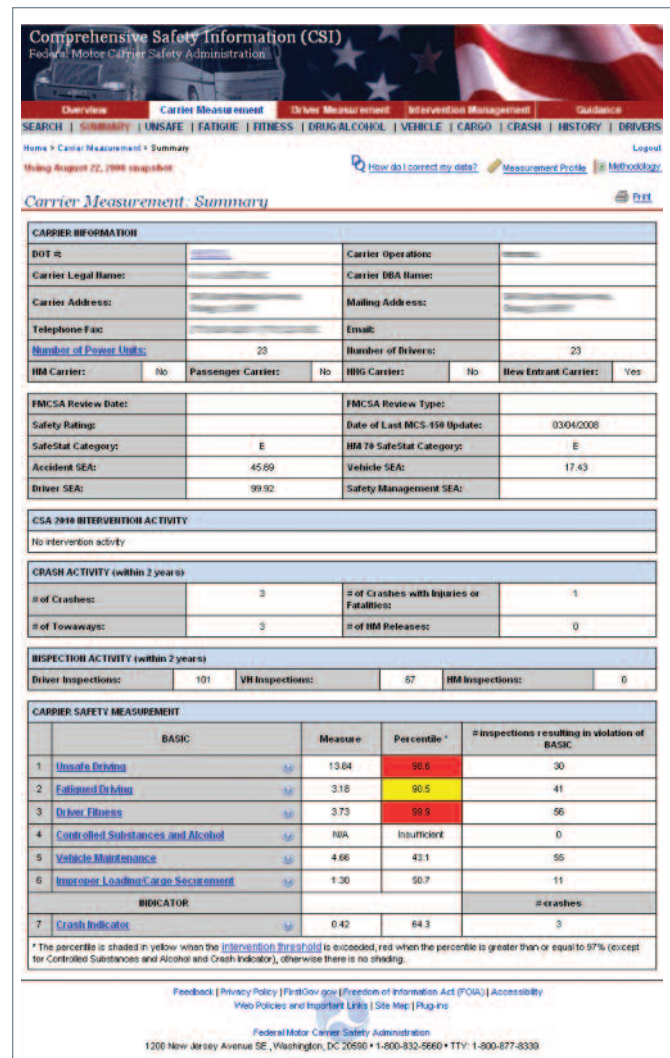
Ferro said FMCSA made the changes to take some of the “trigger language” out of CSA.

In a final change, while the bulk of CSA information is available to the public, two BASICS — the crash indicator and cargo securement — remain closed to the public.

FMCSA has said it’s working on ways to improve the calculations in both categories and won’t release the BASIC scores until a later date.

### A Certain Amount of Anxiety

The fact that sweeping change is about to drop on the industry is creating anxiety in some quarters. “There are so many carriers that are so far out of compliance, this [will be] a long uphill fight” for them, said Mike England, president of DOT Compli-



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

ance, 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 retailers 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 mentioned violations that currently don't have as much of an effect on carrier safety departments or drivers as 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. While CSA will provide a new scoring methodology, it won't replace the ISS for roadside inspections. The higher the ISS, the more likely it will trigger the "stop-here-for-inspection" red light.

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 BASIC 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 the misconceptions

## 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).
- ▶ For some BASICs, FMCSA will assign carriers a group based on fleet size and their utilization rate (miles driven). For other BASICs, a carrier group will be based on the number of crashes or inspections.
- ▶ Driver peer group is the entire population of CDL holders.

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 safety ratings of drivers, and the agency has no plans for such ratings.

Also false is the supposition 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 in FMCSA's answers to frequently asked questions, online at <http://csa2010.fmcsa.dot.gov>. **CSA**

*TRANSPORT TOPICS staff reporters and contract writers contributed to this report.*

## Transport Topics

SPECIAL REPORT

# What Carriers Need to Know

## Match Business Practices With Safety Performance

**By Rip Watson**  
Senior Reporter

**C**arriers are being advised to address how their business practices match up with the Compliance, Safety, Accountability program now that it is operational and regulating the safety performance of fleets.

When CSA became operational in December, the Federal Motor Carrier Safety Administration's Safety Measurement System focused on five key performance areas, known as Behavioral Analysis and Safety Improvement Categories, or BASICs.

Those key BASICs permit the agency to develop a comprehensive picture of on-the-road safety performance by measuring unsafe driving, fatigued driving, driver fitness, drug and

alcohol use and vehicle maintenance.

The SMS retains the scoring system of 1 to 10 for violations, with a 10 as the most severe. FMCSA uses the scores to target fleets for interventions that range from an initial "warning" letter to the toughest penalty, a complete shutdown.

Meanwhile, FMCSA is re-evaluating the scoring system for the cargo securement and crash indicators BASICs after review raised questions about validity of its approach to scoring the severity of violations.

The FMCSA advises carriers on its website to take several steps in order to improve their SMS scores.

The first step is to be knowledgeable about federal motor carrier safety regulations. A related action is to update carrier registration information as needed and at least every two years. A third paperwork-related step is to review inspection and crash data and request corrections

if there are mistakes.

FMCSA also urges fleets to evaluate their internal processes by considering how their safety management procedures can affect their SMS scores and educating workers on the regulations and industry best practices.

Industry experts are sending a related message to look closely at the fine points of their business to make sure they are taking the right compliance and corrective steps as needed.

“The carriers need to spend more time on consistency and relevance of the scoring systems they use,” said David Saunders, CEO of Compliance Safety Systems, Midlothian, Texas.

Carriers must focus on that to be sure that the steps they are taking to address issues such as maintenance that are measured under the SMS system, he said.

“You need to be able to show what you have done to address issues,” Saunders said in order to satisfy insurers, customers and investors.

Saunders said that in addition to using due diligence to correct engine, tire or lighting issues, carriers must also make sure they are projecting a positive image to workers.

Steve Bryan, CEO of Vigillo Inc., Portland, Ore., which also offers CSA advisory services, urged carriers to “find the needles in the haystack” as the CSA program evolves.

“We have evolved from simply knowing your scores to taking the steps that have the greatest leverage to improve the scores,” he said. “You have to really understand what the root causes are of the CSA pains.”

“There is a lot of commonality in those issues across the for-hire and private carriers, regardless of where they’re located,” Bryan said. “It’s logs, lamps and speeding. Those are the three big ‘gotchas’ out there.”

Specifically, five of the top violations, he said, were inoperative or missing lights, speeding and incomplete or inaccurate logbook entries.

Focusing on ensuring logbook accuracy, curbing excessive speed and doing sound maintenance to insure working tail lights will have benefits beyond compliance and improving SMS scores, Bryan explained.

“Shippers, brokers and insurers are looking very carefully at a carrier’s CSA scores,” Bryan said. “We have heard stories

## 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.

that some brokers are setting thresholds that are even more restrictive than FMCSA. Brokers and shippers understand that they could share in liability in court, and that is a position they don’t want to be in.”

Speaking from a technical perspective, Wally Stegall, business development manager for Morey Corp., Woodridge, Ill., focused on the value of having a flexible connection between drivers and in-cab electronics.

“It’s important to be thinking what that hardware gives us,” he said. “What options do you have for interfacing with the vehicle? If you don’t have a system for monitoring what happens on the road, you are selling yourself short.”

The data interface between the vehicle and the company becomes especially important, he said, when log books or other official information are required in the event of an inspection in light of the CSA program’s tougher record-keeping requirements.

Stegall, whose company makes electronic equipment for engines in heavy trucks as well as construction and agricul-

## Sample 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 (4)
- Driving after 14 hours on duty (7)
- Failing to use seat belts (7)
- 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 (3)
- Operating out-of-service vehicle (10)
- Tire tread depth (8)
- Brake hose (4)
- Parts inspection/repair (2)
- Oil leak (3)
- Operating without pre-trip inspection (4)
- No fire extinguisher (2)
- Brake out of adjustment (4)

### HAZMAT

- Placard damaged (5)
- No copy of registration in vehicle (administrative violation)
- Vehicle not placarded (5)
- Package not secure in vehicle (10)
- Failing to provide carrier placards (shipper violation)
- Shipping paper accessibility (3)
- Emergency response information missing (3)
- No shipping papers (3)
- Emergency response information not available (3)
- No placards where required (5)



tural uses, said “everything from a technological standpoint can be kept up in the back office, but the human/machine interface in the cab keeps on changing.”

That occurs, he said, because the communications technology in the cab changes on a three-year product cycle, but the tractor itself typically has a longer useful life. **CSA**

## Transport Topics

SPECIAL REPORT

# To Score or Not to Score

## Third-Party CSA-Scoring Software and You

By Dan Leone  
Staff Reporter

**T**he Compliance, Safety, Accountability system is different from the federal oversight programs that previously were used. Your company’s CSA score, which by now is a matter of record, is a living number that changes every month based on the observed performance and condition of your drivers and your trucks. Safety violations recorded by law enforcement officials — broken tail lights, tired drivers, incomplete logbooks, improperly secured loads — will all eventually affect your fleet’s CSA score.

In the eyes of the law, your fleet’s reputation now hinges on cold, dispassionate electronic data — and information technology companies that sell to the trucking industry latched on to that notion well before CSA officially launched on Dec. 13.

These IT vendors — some of which are almost as old as deregulation, some of which are relative newcomers — have rushed to the market with products and services designed to help carriers become their own first, best CSA enforcers.

A variety of vendors provide some kind of off-the-shelf CSA software or service for trucking companies. Some of these providers are dyed-in-the-wool technology companies, others are better known for their regulatory-compliance services.

The products and services offered by these vendors — as the vendors themselves hastened to point out — are not stand-alone CSA panaceas. They all rely on data mined from an interlaced network of truck-based information systems: computer hardware that interfaces with a truck’s engine control module, electronic onboard recorders that track driver hours, and onboard safety systems (if any have been installed) that track such things as abrupt braking or acceleration.

In other words, the accuracy of third-party scoring software depends entirely upon the quality of the data fed into it by trucking companies. “Garbage in, garbage out,” as the old IT adage goes.

Among the suppliers of CSA-related software or services are Qualcomm Inc., San Diego; J.J. Keller & Associates, Neenah, Wis.; Vigillo, Portland, Ore.; RAIR Technologies, Brookfield, Wis.; and EBE Technologies, East Moline, Ill.

With the CSA system still in its infancy, motor carriers are not of one mind when it comes to third-party scoring tools: Some carriers like them and use them, some do not.

The chief technology executive at one truckload carrier, which did decide to buy CSA scoring software, said that managing the tidal wave of data generated by the new rating system “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.

Conversely, U.S. Xpress Enterprises, another asset-heavy truckload carrier, has so far abstained from purchasing any CSA-scoring software.

“We kept working through [the products] the different vendors have,” Max Fuller, co-chairman and chief executive officer of U.S. Xpress, told TRANSPORT TOPICS.

However, that “working through” did not result in procurement, said Patrick Quinn, Fuller’s partner and president of U.S. Xpress.

That, Quinn said, was because the Federal Motor Carrier Safety Administration “kept changing how they scored” carriers prior to the official CSA launch date.

As a result, U.S. Xpress decided not to lay out any capital to set up an internal CSA scoring system. The possibility that the investment could be nullified by changes to the official scoring system was too great, Quinn and Fuller said.

One software vendor countered that it is easy to keep CSA software current with the latest FMCSA scoring methodology.

Although “CSA continues to change frequently . . . its methodology and algorithms and procedures are all public,” said Steve Bryan, chief executive officer of Vigillo. Bryan’s company provides a CSA scorecard, among other products.

Vigillo’s software, Bryan said, has proved to be fairly accurate. The estimates provided by the Vigillo scorecard are typically within a range of “a couple of percentage points, plus or minus” of a carrier’s official CSA score, Bryan told TT.

Even at companies such as U.S. Xpress, which has not tried its hand at CSA self-scoring, the new safety rating system has affected technology deployment in indirect ways.

U.S. Xpress is leveraging the CSA rollout as an opportunity to convince owner-operators to voluntarily install modern technology such as electronic onboard recorders in their trucks.

EOBRs help carriers generate hard data about their operations, and tracking such data makes it easier to spot inefficiencies and hazards that could affect a company’s CSA score, Quinn and Fuller said.

## 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.

However, an owner-operator, unlike a company driver, cannot be forced to use one type of technology or another, the U.S. Xpress co-founders told TT.

So while U.S. Xpress owner-operators don't have to have EOBRs to drive for the company, they do have to install the devices if they wish to train new U.S. Xpress drivers — and be compensated financially for imparting their on-road expertise to rookies.

Creating and preserving data about your carrier's operations, it must also be noted, is the only way you will have a leg to stand on if faulty data should worm its way into your CSA score. If you spot inaccuracies in official FMCSA data, you won't be able to contest them unless you can present the agency with the correct data.

Besides the data collected by enforcement personnel since the official phase-in, your CSA score will also include data from the old SafeStat safety-rating system. That score, by now, has been run through the CSA operational model and converted accordingly. Carriers can access their CSA score — and plenty of other data — via the FMCSA's Internet-based Compass portal, which is located online at <https://portal.fmcsa.dot.gov/>.

You should visit the Compass portal even if your fleet scored well under the old SafeStat system. SafeStat and CSA are not exactly birds of a feather, one technology vendor said.

A fleet “may have things in CSA 2010 that indicate that they're unfit, even though they [had] 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 that are crunching their own scores should feed into their calculations any safety data that they have collected on their own — not just data that have already reached FMCSA.

You find the latest literature on the Safety Measurement System, or SMS, at <http://csa.fmcsa.dot.gov/about/basics.aspx>. Keep in mind, the methodology is subject to change, as FMCSA has said repeatedly.

With the CSA program in full effect, there are a few basic things that all fleets — whether they want to self-score or not — can do to help ensure that only accurate data reaches federal databases.

❖ 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.

❖ Make sure that drivers understand that every violation counted against them by enforcement personnel affects the entire fleet's score.

❖ Caveat emptor: If do 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's Safety Measurement System's evaluation methodology could still be tweaked, even though the new system is now live.

❖ 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>).

Some of the vendors that can help your fleet determine its own CSA score can also handle the grunt work and paper-pushing involved in contesting bad data that crops up in federal safety databases. **CSA**

**Comprehensive Safety Information (CSI)**  
Federal Motor Carrier Safety Administration

SEARCH | SUMMARY | UNSAFE | FATIGUE | FITNESS | DRUG/ALCOHOL | VEHICLE | CARGO | CRASH | HISTORY

Home > Driver Measurement > Summary  
Being August 27, 1988 unexpired

How do I correct my data? | Measurement Profile | Methodology | Logout

**Driver Measurement Summary**

DRIVER INFORMATION			
Last Name:		First Name:	
License Number:		License State:	
Driver DOB:			

OPERATION HISTORY		
Date of Most Recent Activities	DOT#	Carrier Name
8/19/2008		
3/28/2008		
7/28/2007		
1/19/2007		
2/1/2006		

CRASH ACTIVITY (within 3 years)			
# of Crashes:	4	# of Crashes with Injuries or Fatalities:	0
# of Towaways:	0	# of IRI Releases:	0

INSPECTION ACTIVITY (within 3 years)			
Driver Inspections:	10	IRI Inspections:	4
		IRI Inspections:	0

DRIVER SAFETY MEASUREMENT				
	BASIC	Measure	Percentile *	# Inspections resulting in violation of BASIC
1	Unsafe Driving	77.00	99.9	7
2	Estimated Distance	3.08	71.6	4
3	Driver Fitness	0.00	0.0	0
4	Controlled Substances and Alcohol	0.00	0.0	0
5	Vehicle Maintenance	13.22	91.0	4
6	Hours of Service/Cargo Securement	4.22	75.3	1
INDICATOR				# crashes
7	Crash Indicator	9.00	99.2	4

\* 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.

# 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

### Transport Topics SPECIAL REPORT

# Surgical Enforcement in 3 Steps

## Many Carriers Will Have a Chance to Correct Problems

By Transport Topics Staff

**T**he enforcement mechanism of the Compliance, Safety, Accountability program 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 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 focus 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.

FMCSA began that surgery in December, when the agency

announced it was moving forward with the opening of CSA’s Safety Measurement System to the public and beginning to utilize its new instruments.

### 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.

Stephen Keppler, executive director of the Commercial Vehicle Safety Alliance, said that the state agencies have inspection-selection software at the roadside, which flags trucks that should be pulled over for close inspection. The software is 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 expectation 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, or BASICs, officials know where problems are originating. A full-blown, soup-to-nuts exploration is not needed.

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

## 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.

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,” Quade 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.”

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. **CSA**

## Transport Topics

SPECIAL REPORT

# A Heavy Burden for Truckers

## Data Can Help Fleets Monitor Drivers, Equipment Faults

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

**R**esponsibility for carrier safety compliance under the Federal Motor Carrier Safety Administration’s Compliance, Safety, Accountability program falls heavily on truck drivers. By using data from roadside inspections to target motor carriers for enforcement, officials at FMCSA expect that carriers will take steps to more closely monitor drivers’ actions behind the wheel. The agency also expects carriers to use CSA data to fix equipment deficiencies and better screen new hires — all to reduce the number and severity of truck-involved crashes.

“It’s an investigative tool,” said Gary Woodford, FMCSA’s chief program manager for CSA. “What we’re doing is taking the driver violations at roadside and looking at them through a CSA window.”

While industry officials remain concerned that the new safety regimen and stepped-up enforcement will push a significant number of drivers out of the business, FMCSA officials continue to emphasize that CSA will be used to raise the bar on safety performance for all drivers and carriers.

Woodford said that reports claiming CSA will put 175,000 drivers out of work is “simply not true.”

Under the CSA program, trucking companies will receive “scores” in seven safety performance categories, called BASICs, or Behavior Analysis and Safety Improvement Categories. The categories are: unsafe driving, fatigued driving, driver

fitness, alcohol and drugs, vehicle maintenance, cargo securement and crash history.

“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.”

### View Raw Carrier Data

All CSA data, including scores, are now available for public viewing at <http://ai.fmcsa.dot.gov/sms>.

Prior to implementation of CSA under the SafeStat program, only violations in which drivers or vehicles were put out of service were used to calculate safety scores. Under both systems, a lower score indicates better safety performance.

“Several carriers who have maintained scores under 75 using the old methodology for SafeStat will find themselves deficient under the new CSA methodology,” said Jay Thomas, vice president of risk management, claims and litigation for Freight Exchange of North America and a former safety director for Packard Transport Inc. in Channahon, Ill.

“Knowledge gives rise to duties,” Thomas said. “A carrier has a duty to take appropriate action for those who violate regulations. If the carrier has taken appropriate action and can provide

## CSA INVESTIGATIONS IN TEST STATES

- ❖ 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

the documentation and the driver still continues to operate outside of compliance, then the intervention will turn toward the driver and the driver may be cited or fined.”

While the majority of the nation’s 3.3 million truck drivers will be unaffected by CSA, a significant number of drivers could be terminated and become unemployable, said Kelly Anderson, president of Impact Transportation Solutions, a business consulting firm in Neosho, Mo.

“I talk with a lot of trucking companies large and small and I have asked them what percentage of their drivers they feel are at risk under the CSA guidelines,” Anderson said in an interview posted on CSA2010.com website. “Over and over I get the same answer: about 5% to 10%.”

### Increased Scrutiny

Even before the public release of CSA scores in December, many trucking companies began to increase their scrutiny of drivers.

“We’ve let go some operators,” said Karen Miklic, senior vice president of Packard Transport, a flatbed carrier that utilizes independent truck owner-operators to haul its freight.

As an incentive, the company pays drivers up to \$150 for clean roadside inspections and will suspend drivers from dispatch if they receive violations.

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

To help trucking companies do a better job of screening applicants for driving positions, FMCSA offers access — for a fee — to a database that includes five years of crash data and three years of roadside inspection records for individual drivers. Previously, carriers had to rely on information gleaned from previous employers.

While the Pre-employment Screening Program gives employers access to drivers’ safety performance history, how they use that information “is up to them,” said William Quade, FMCSA’s associate administrator for enforcement and field activities.

“In some cases,” Quade said, “we imagine that insurance companies will put pressure on carriers about who they hire.”

Quade said the CSA program is not intended as a way to place drivers out of service or to assign safety fitness ratings to drivers.

State agencies that issue commercial drivers’ licenses will be the “mechanism for taking unsafe drivers off the highway,” Quade said.

“We’re using the Driver Safety Management System to target our interventions against carriers. Where we find egregious vio-

lations, we may do enforcement against the driver. That’s no different than what we do today,” he added.

FMCSA lists 11 serious infractions, or “red flag” violations, that could trigger enforcement actions against drivers. These include driving under the influence of drugs or alcohol and operating a vehicle without a valid license.

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

Quade said FMCSA may issue safety fitness ratings to drivers — perhaps in 2012 or 2013 — but to do that the agency needs to get approval from Congress.

### Standards for New Hires

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,” she said.

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

Don Osterberg, senior vice president of safety and driver training for Schneider National Inc., Green Bay, Wis., said he expects use of the Pre-employment Screening Program to become the “de facto standard” in hiring at trucking companies and drivers with “excessive violations will find it hard to find employment.”

Schneider National is ranked ninth on the TRANSPORT TOPICS Top 100 For-Hire Carriers in the United States and Canada.

“CSA will purge bad drivers from the industry,” Osterberg said. “Carriers who continue to hire or retain ‘unfit’ drivers will face litigation exposure for negligent hiring and retention. Shippers and freight brokers will use CSA as a tool in selecting qualified carriers, causing some to lose business.”

Many industry observers believe that the imposition of CSA, combined with retirements from an aging driver workforce and an uptick in business activity, will result in driver shortages.

“It has had an effect already,” said Danny Watson, director of safety and compliance for Fikes Truck Line, a flatbed carrier in Hope, Ark.

“If we had more [drivers], we could grow,” Watson said.

As the supply of drivers dwindles, some see a shift in the dynamic between shippers and carriers as drivers take extra steps — such as refusing loads — to reduce the risk of violations, said Eric Zalud, litigation partner in the Cleveland law firm Benesch, Friedlander, Coplan & Aronoff LLP.

### A False Alarm?

Not everyone is sounding the alarm about CSA.

“We are skeptical that CSA will be a game changer in 2011,”

## 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.

said William Greene, a trucking industry analyst for Morgan Stanley in New York.

While some capacity will be lost and competition for premium drivers could drive up wages, Greene said program delays,

inadequate funding for inspections, data integrity issues and concern about high unemployment are likely to dampen the effect of CSA on carrier operations.

"The transition will be really tough," said David Mitchell, director of risk control and safety for Aon Risk Services, Little Rock, Ark., who expressed doubt that there will be a dramatic reduction in the number of drivers because of implementation of CSA.

"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."

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 said he expects companies with good safety scores to get more favorable treatment from insurers and drivers who can avoid roadside safety violations "will have the best job security." **CSA**



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## Transport Topics **Subscriptions**

# How Inspections Work

## With Fewer Violations, Lower Scores Are the Goal

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

**B**ecause getting clean roadside inspections is the key to getting favorable scores under the Federal Motor Carrier Safety Administration's Compliance, Safety, Accountability program, it's important for carriers and truck drivers to understand how the agency plans to target trucks for inspection.

To help screen commercial vehicles for inspection, FMCSA has developed an Inspection Selection System to extract carrier safety data and, based on the number of alerts in each of the seven Behavior Analysis and Safety Improvement Categories, assign an inspection value from 1 to 100.

An inspection value of 75 or more means that an inspection is required.

A value between 50 and 74 means that an inspection is optional.

A value below 50 means no inspection is necessary.

In cases where there are insufficient safety data to rate a carrier, an alternative method of scoring is used to determine whether a vehicle should be inspected.

For example, inspection would be warranted if a carrier is within one inspection of the minimum number needed to calculate a safety score, or has no inspection history or has a low rate of inspections per power units.

Inspections would be optional in cases where the carrier or driver has a high rate of inspections per power unit.

Although trucks may be stopped for traffic violations or visible mechanical defects, inspections must be conducted by specially trained safety personnel.

In some cases, law enforcement may stop a vehicle for what FMCSA officials said is a "pre-inspection screening" to determine whether a vehicle or driver warrants closer examination.

"If a law enforcement officer conducts only a pre-inspection screening, then a safety inspection report will not be generated," FMCSA said. "A driver can request an inspection, but it is up to the roadside inspector to determine if he or she will give one or not."

Out of some 80,000 state and local law enforcement officers, only about 14,000 are certified to conduct commercial vehicle inspections, according to the Commercial Vehicle Safety Alliance, a nonprofit organization that provides training services and promotes uniform inspection standards across local, state and federal jurisdictions in the United States, Canada and Mexico.

There are five different levels of inspections:

- ❖ Level I and Level II inspections are the most comprehen-

sive, covering all driver and vehicle safety issues.

- ❖ Level III inspections cover driver and hazardous material issues only.

- ❖ Level IV inspections cover special items, such as cargo tanks.

- ❖ Level V inspections cover the vehicle only.

Under federal rules, inspection data must be transmitted from states to the Federal Motor Carrier Safety Administration within 21 days.

A "clean" inspection results when no violations are recorded in any Behavior Analysis and Safety Improvement Categories, which consist of unsafe driving, fatigued driving, driver fitness, alcohol and drugs, vehicle maintenance and cargo securement. Another BASIC is crash history, which measures the frequency and severity of DOT-defined crashes and is not reliant on data from inspections.

Safety inspections with no violations improve a carrier's overall CSA score.

According to FMCSA officials, roughly one-third of the 3.5 million state inspection reports uploaded each year have zero violations. **CSA**

## Contractor Handling System Management

The Federal Motor Carrier Safety Administration has outsourced data management and fee collection for its Pre-Employment Screening program operation to a technology company with experience running government computer services.

Daily operation of the driver record data system has been entrusted to National Information Consortium Technologies, a private company that designs and manages Internet-based resources for 23 states and "hundreds" of local governments, according to the company's website.

FMCSA has said that NIC 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.

— Joe Howard



# Pre-Employment Screening

## 200,000 Queries Made to Database of Driver Records

**By Joe Howard**

*Managing Editor, TT Magazines*

A government-run pay-per-search database that provides online access to drivers' crash histories and out-of-service records has attracted thousands of fleet subscribers and returned nearly 200,000 requests in less than one year of operation.

Fleets using the Federal Motor Carrier Safety Administration's Pre-Employment Screening Program — launched last summer in response to congressional edict — said the information is proving helpful not only for hiring but also for training and for meeting standards established by the Compliance, Safety, Accountability program, FMCSA's sweeping new federal highway safety initiative.

"There are things we are finding that we couldn't see before," said Gary Falldin, director of safety at Transport America, Eagan, Minn. "It does give us a good picture of an employee."

That picture includes five years of crash data and three years of roadside inspection records, information that was previously available to fleets only through Freedom of Information Act requests or to drivers through Privacy Act requests. Fleets cannot access records of drivers currently on their payrolls. Also, moving violation records are not included. For those, carriers still must contact individual states.

With PSP, fleets must pay an annual subscription fee and a \$10 search fee to access the data.

Subscription rates vary according to fleet size. Those that own fewer than 100 power units must pay \$25 per year. For fleets

with more than 100 trucks, the annual charge increases to \$100. Drivers need only pay the search fee.

While those numbers may seem modest, the costs can quickly add up.

"We're probably running 30 to 35 [searches] per week," Falldin said. "It does become a sizeable cost."

Transport America ranks No. 85 on the TRANSPORT TOPICS 100 list of the largest U.S. and Canadian for-hire carriers.

Joe Beacom at Landstar System, Jacksonville, Fla., said that although the research can get expensive, he believes in the value of the data.

"It's giving us enough information that we feel it's worth the cost," said Beacom, the carrier's chief compliance, safety and security officer.

Landstar, which ranks No. 15 on the TT 100 for-hire list, contracts exclusively with owner-operators and is bringing on about 200 drivers per month, Beacom said.

### Worth the Cost

Search fees paid by fleets could add up to some considerable new revenue for FMCSA. According to the agency, fleets have conducted approximately 180,000 searches while drivers have run about 7,000 queries since the system's launch in May 2010. The agency reported about 3,400 motor carrier subscribers as of Dec. 31.

During PSP's first seven months of operation, search volume varied widely, said Candice Tolliver, FMCSA's director of communications. "From May to December 2010, transactions have ranged from 5,000 per month to 30,000 per month," she said.

And carriers are conducting those searches for a variety of reasons.

"Some [fleets] are using it strictly as another check when they are looking at hiring a person, but I have heard from others that are using it to help identify training areas," said Jan Markison, vice president of the Daly Agency, an insurance agency that specializes in the truck industry.

Markison gave the example of a promising candidate whose driving record is clear except for a few hours-of-service violations. In such a case, Markison said, PSP can help fleets identify problem areas and "get a driver some specialized training and help him along."

Falldin agreed: "We are able to see where people are lacking and pay special attention to that driver and work with him."

In fact, Falladin, Beacom and Markison all said that very few candidates have been disqualified because of their PSP records. Indeed, Falladin noted that many drivers have at least some minor infraction on their records, which means fleets must exercise some discretion in their hiring process.

"If they have a very good [record] with accidents and

### PRE-EMPLOYMENT SCREENING PROGRAM

- ❖ Driver profiles from FMCSA's Driver Information Resource become available online to carriers later this year.
- ❖ Fleets may enroll and access data at:  
[www.psp.fmcsa.dot.gov](http://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.

# 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?

It is now.

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>.

moving violations, but are deficient in some other areas that we can work on and fix, we have really found it to be helpful," he said.

Markison noted that some fleets are selective with their search criteria.

"Instead of ordering a PSP on all of the people they are qualifying, maybe they just run searches on those who show up for orientation," he said.

## Consent Needed

No PSP search can take place until a driver first provides written consent to his record's release, but so far drivers are not balking at the requirement.

"There are so many consent forms and documents that they just look at it as another form they're supposed to read," said Markison. "They understand that if they don't release the information, they aren't considered a serious candidate. They do what they need to do."



Lucas Foray for Transport Topics

Drivers for Watkins & Shepard Trucking participate in a training class at the company's offices in Missoula, Mont.

"We've not received any complaints from drivers regarding the consent requirement," said Tolliver.

Falldin said that instead of drivers fearing possible release of their records, he tries to help drivers understand the importance of maintaining a clean driving history.

"When you sit down with a driver and review his PSP, he needs to understand that any violations will follow him around," Falldin said. "When they see that, hopefully they'll be more cautious."

Not only do those records live on for years in PSP, any violations a driver incurs while working for a carrier count against that company's CSA score for years to come. Under CSA, fleets are scored based on seven categories of safety compliance. Those scores dictate which carriers are subject to enforcement action.

While the two initiatives are inarguably related, PSP is not officially part of CSA. A 2005 congressional directive to make driver safety information electronically available for pre-employment screening led to the creation of the PSP, separate from CSA's creation.

However, PSP is already serving as a key tool for fleets navigating the new safety landscape brought on by CSA.

"Now that we're under the CSA program, that information is pretty darn important," said Beacom.

"Carriers praise the program as very helpful in reviewing potential employee candidates," said FMCSA's Tolliver, while noting that some early tweaks were necessary.

"Following the launch, many motor carriers offered input and suggestions," Tolliver said. "As a result, the PSP team has implemented several enhancements, including the ability to search a motor carrier data report for a specific record, the ability to sort the columns and change the display of results."

Markison's customers tell him that early glitches related to billing for PSP use or being kicked out of the system have been resolved, and most are happy with the performance.

"I can honestly say most truckload and less-than-truckload carriers we deal with use it," he said. **CSA**

# Compliance, Safety, Accountability

## *Is the Glass Half Full?*

**By Rob Abbott**

*Vice President, Safety Policy  
American Trucking Associations*

**M**uch has been said and written about the Federal Motor Carrier Safety Administration's Compliance, Safety, Accountability program. Many of these articles and comments have focused on how the system's scoring methodology is flawed, how CSA could trigger a driver shortage and how the inappropriate use of CSA scores by third parties (e.g., shippers, brokers) could unfairly affect safe, responsible carriers.

While all of these concerns are valid, it is appropriate to take a step back and consider how CSA compares with previous monitoring and enforcement programs.

Few would disagree with the claim that, when fully implemented, CSA will represent a vast improvement over prior systems. For more than a decade, the industry has been calling on the agency to improve its monitoring system and, more importantly, its safety rating process. In fact, ATA sued FMCSA's predecessor organization in federal court more than a decade ago in an attempt to change the current safety rating process.

CSA's design addresses many of the improvements ATA has been calling for since the mid-1990s. For instance:

- ❖ **Performance-based measurements:** When fully implemented, CSA Safety Fitness Determinations (i.e., safety ratings) will be based largely on performance measurements such as vehicle violations discovered during roadside inspections. The current rating process is based mostly on paperwork violations identified during on-site compliance reviews.

- ❖ **Streamlined compliance reviews:** For years, a carrier thought to be deficient in a single criterion (e.g., vehicle maintenance) had to endure a comprehensive review of its entire operation. This process represented an unwarranted intrusion for motor carriers and a waste of limited enforcement resources. Under CSA, inspectors will conduct investigations limited to those categories thought to be deficient.

- ❖ **Real-time performance measures:** CSA eventually will assign updated safety fitness determinations regularly, based on current safety performance measures. Existing safety ratings are based on a carrier's most recent compliance review, which could have been more than a decade ago. As a result, they are not likely to be representative of the carrier's current safety performance — good or bad.

Another CSA benefit is its ability to publicly identify motor carriers that do not treat safety as a priority and previously have managed to escape scrutiny. Safe, responsible motor carriers have long been frustrated by their inability to com-

pete against fleets that don't share their commitment to safety or invest in effective safety programs.

Over time, CSA will shine a brighter light on these carriers and will provide responsible carriers with a means to better distinguish themselves from them. We already have seen evidence that third parties are sensitive to this distinction and will reward safe carriers accordingly.

CSA's design ultimately will rectify some of the legitimate criticism of SafeStat and the current safety rating process. The agency's willingness to listen and respond to industry concerns with the CSA system has been encouraging, as well. When called upon to incorporate vehicle mileage as a measure of carrier exposure and to redact problematic cargo-related BASIC scores from public view, the agency responded appropriately.

Perhaps with CSA, we should consider "seeing the glass as half full." That said, it is still far from being completely full. The industry must continue to call on FMCSA to remedy the remaining flaws in the methodology. For instance:

- ❖ **Crash accountability:** FMCSA continues to attribute all crashes to motor carriers, even those crashes that a motor carrier did not cause or could not have prevented. In effect, a carrier struck while parked is seen as equally safe/unsafe as a carrier that crosses a median and strikes a passenger vehicle head-on. Because of the law of averages and limited sample sizes, this inequity has a particularly acute effect on small carriers.

- ❖ **Focus on crash reduction:** Though the goal of CSA is to reduce crashes, the system's methodology places inappropriate weight on some violations that have little or no relationship to crash risk. FMCSA appears to defend this focus on compliance with rules that lack a link to safety, as evidenced by the program's name change from Comprehensive Safety Analysis to Compliance, Safety, Accountability.

- ❖ **Data quality:** Because CSA is a program based on comparative performance, it is critical that carriers operating in different environments be evaluated similarly. However, the disproportionate assignment of warnings for moving violations in some states and the inconsistent treatment of DataQ challenges in others make for unbalanced comparison. FMCSA is working to correct these disparities, but they continue to be a problem.

- ❖ **Enforcement prioritization:** Although FMCSA has acknowledged methodology or data problems in two categories requiring that scores in those categories be kept confidential, the agency continues to use them to prioritize carriers for interventions and roadside inspections. Naturally, it is important to remedy the problems with those categories quickly, because keeping the scores from public view only partially mitigates the consequences of the data/methodology problems. **CSA**



*Abbott*

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