



TEAMSTERS Safety & Health FACTS

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Compliance, Safety, Accountability

Compliance, Safety, Accountability (CSA) is a major Federal motor Carrier Safety Administration (FMCSA) initiative to improve the effectiveness of the Agency's compliance and enforcement program. Its goal is to achieve a great reduction in large truck and bus crashes, injuries and fatalities, while maximizing the resources of FMCSA and its state partners.

FMCSA expects that CSA will provide safety benefits by enabling the agency to:

- (1) Increase its reach by assessing whether most motor carriers and drivers are safe and holding them accountable by regularly determining their safety fitness;
- (2) enhance its investigative and enforcement actions through the greater use of less resource-intensive interventions; and
- (3) improve its ability to identify safety deficiencies through better use of data.

Under CSA, **all carriers--and all drivers--**with sufficient safety data available will receive a safety rating that is periodically updated. Currently, FMCSA is able to provide safety ratings for relatively few carriers and for no drivers.

CSA is made up of three key elements, Measurement, Safety Evaluation and Intervention. The FMCSA has designed what they believe to be the most important attributes and components of a model for safety oversight that it considers ideal: flexibility, efficiency, effectiveness, innovation, and equitability. The operational model for CSA features continuous monitoring and tracking of entities safety performance.

MEASUREMENT

The CSA Safety Measurement System (SMS) replaces SafeStat in the new Op-Model. SMS is organized by seven Behavioral Area Safety Improvement Categories (BASICS) to quantify

performance. This data will allow FMCSA to rank entities' performance relative to their peers in any of the BASICS. Every month, SMS measures the on-road safety performance of carriers and drivers to identify candidates for interventions, determine the specific safety problems exhibited by an entity, monitor safety problems throughout the intervention process, and provide supporting data to the FMCSA Safety Fitness Determination (SFD).

CSA BASICS

Unsafe Driving — Dangerous or careless operation of commercial motor vehicles (CMVs). Data includes driver traffic violations and convictions for speeding, reckless driving, improper lane change, inattention, and other unsafe driving behavior. (FMCSR Parts 392 and 397)

Fatigue (Hours-of-Service) — Driving a CMV when fatigued. This is distinguished from incidents where unconsciousness or an inability to react is brought about by the use of alcohol, drugs, or other controlled substances. Data includes (1) hours-of-service violations discovered during an off-site investigation, on-site investigation, roadside inspection, or post-crash inspection, and (2) crash reports with driver fatigue as a contributing factor. (FMCSR Parts 392 and 395)

Driver Fitness — Operation of a CMV by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualification. Data includes (1) inspection violations for failure to have a valid and appropriate commercial driver's license or medical or training documentation, (2) crash reports citing a lack of experience or medical reason as a cause or contributory factor, and (3) violations from an off-site investigation or an on-site investigation for failure to maintain proper driver qualification files, or use of unqualified drivers. (FMCSR Parts 383 and 391)

Controlled Substances and Alcohol — Operation of a CMV while impaired due to alcohol, illegal drugs, and misuse of prescription medications or over-the-counter medications. Data includes (1) roadside violations involving controlled substances or alcohol, (2) crash reports citing driver impairment or intoxication as a cause, (3) positive drug or alcohol test results on drivers, and (4) lack of appropriate testing or other deficiencies in motor carrier controlled substances and alcohol testing programs. (FMCSR Part 392)

Vehicle Maintenance — CMV failure due to improper or inadequate maintenance. Data includes (1) roadside violations for brakes, lights, and other mechanical defects, (2) crash reports citing a mechanical failure as a contributing factor, and (3) violations from an off-site investigation or an on-site investigation associated with pre-trip inspections, maintenance records, and repair records. (FMCSR Parts 393 and 396)

Cargo Related — Shifting loads, spilled or dropped cargo, and unsafe handling of hazardous materials. Data includes (1) roadside inspection violations pertaining to load securement, cargo retention, and hazardous material handling, and (2) crash reports citing shifting loads, or

spilled/dropped cargo as a cause or contributing factor. (FMCSR Parts 392, 393, 397 and HM Violations)

Crash Indicator— Histories or patterns of high crash involvement, including frequency and severity. Data includes law enforcement crash reports and crashes reported by the carrier and discovered during on-site investigations.

CSA ENTITIES

Unlike the current SafeStat system, the SMS model will focus on two types of entities: motor carriers and commercial motor vehicle (CMV) drivers. There are two measurement systems which are being designed for CSA: Carrier Safety Measurement System (CSMS) and the Driver Safety Measurement Systems (DSMS). Data collected during roadside inspections, violations, state-reported commercial vehicle crash data and motor carrier census data are recorded in the Motor Carrier Management Information System (MCMIS). These are the data sources that will be used to determine both CSMS and DSMS individual entity performance. Following are more detailed description of each data source:

Roadside Inspections are examinations conducted by a Motor Carrier Safety Assistance Program (MCSAP) inspector on individual commercial motor vehicles and drivers to determine if they are in compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and/or Hazardous Materials Regulations (HMRs). Inspection data are taken from MCMIS.

Violations are recorded during inspections and are entered into the MCMIS database. Serious violations result in driver or vehicle out-of-service (OOS) orders. These OOS violations must be corrected before the affected driver or vehicle is allowed to return to service. (Only pre-existing violations from post-crash inspections are used in the SMS. Violations recorded in MCMIS as being attributed to the crash are not used.)

State-Reported Commercial Vehicle Crash Data are taken from MCMIS and provide information on crashes as reported by state and local police officials. The reporting of these crashes follows National Governors Association (NGA) standards.

Motor Carrier Census Data are first collected when a carrier obtains a USDOT number. This information is recorded in MCMIS by FMCSA and is updated during compliance reviews (CRs), during commercial vehicle registration in states

The SMS can provide valuable safety information as it will be accessible on the internet once fully implemented and data has been collected.

SAFETY EVALUATION

SMS gives FMCSA the ability to evaluate the safety performance of motor carriers for purposes of intervention selection and to make a safety fitness determination for both carriers and drivers. During the intervention selection the SMS identifies carriers with safety problems and recommends the level and type of intervention based on the carriers' on-road safety performance. Both carriers and drivers will be assigned a Safety Fitness Determination (SFD). Under the proposed SFD rule, carriers with sufficient on-road safety performance data would get a rating of Unit, Marginal or Continue Operation based on their on-road safety performance data, as well as major safety violations found as part of an investigation. The rating will be updated on a monthly basis.

INTERVENTION

The new interventions process is designed to improve unsafe behavior early and to reach more carriers. Interventions range from Warning Letters for carriers with emerging problems, to Onsite Comprehensive Investigations for carriers with serious safety problems. Early contact starts with warning letters, carrier access to safety data and measurement, and targeted roadside inspections. With increasing severity offsite and onsite investigations with either a focused or comprehensive approach will begin.

When the unsafe actions reach a high level cooperative safety plans are established, a notice of violation and claim are written, and a possible operations out-of-service are ordered.

DRIVER INTERVENTION

One of the largest differences between what is being SafeStat with carrier compliance reviews is that the CSA program will focus on both carriers and drivers. The FMCSA will expand its approach to identifying and addressing unsafe drivers during interventions with motor carriers by:

- Directly monitoring the safety and performance of individual drivers,
- Addressing problems drivers based on their records across multiple employers, and by
- Holding both the motor carriers and drivers responsible for safety and performance.

The Driver Safety Measurement System (DSMS) enables Safety Investigators (SI) to evaluate roadside performance of drivers across employers over a 3-year period. This is an attempt to identify "high profile" drivers with overall poor safety histories, who work for carriers that have been identified as requiring a CSA investigation. If found, the FMCSA will take an enforcement action against that driver, such as a Notice of Violation or a Notice of Claim. Violations include, driving while disqualified, driving without a valid commercial driver's license, making a false entry on a medical certificate, or violating the hours of service regulations.

Beginning in late 2009, FMCSA will be providing carriers with individual drivers' safety performance histories with previous employers. These "Driver Profiles" will include crash and inspection histories for individual drivers. This information will be released to the carriers only with driver authorization and through a third party contractor.

IMPLEMENTATION

FMCSA launched a field test in Colorado, Georgia, Missouri and New Jersey of the CSA in February 2008. In May of 2009 a few new states, Montana and Minnesota, are joining the test groups voluntarily before full implementation. The test is being used to determine the effectiveness and the methodologies. Test completion date is June 2010, and the program is expected to be implemented nationwide later in 2010.