



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

August 23, 2010

Refer to: MC-AA

Mr. Robert S. Abbott
Vice President, Safety Policy
American Trucking Associations
950 N. Glebe Road, Suite 210
Arlington, VA 22203

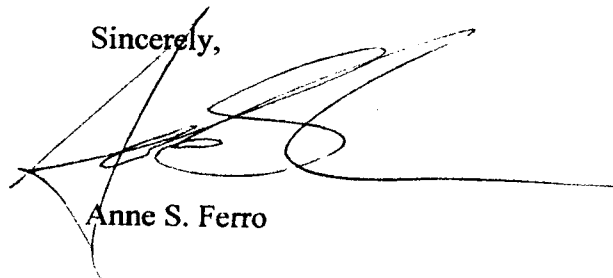
Dear Mr. Abbott:

This is in response to your letter of May 17 to Mr. Gary Woodford of my staff in which you request additional information on planned improvements to the Federal Motor Carrier Safety Administration's (FMCSA) major safety initiative, Comprehensive Safety Analysis 2010 (CSA 2010).

Your letter includes eight questions, the first four of which stem from my letter to the American Trucking Associations (ATA), dated April 16 (copy enclosed), in which I addressed a number of ATA's concerns and suggestions for improving the current CSA 2010 Carrier Safety Measurement System. The remaining four questions stem from other FMCSA documents and presentations.

I hope this information is helpful.

Sincerely,



Anne S. Ferro

Enclosure(s)



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

April 16, 2010

1200 New Jersey Avenue, SE
Washington, DC 20590

Refer to: MC-AA

Mr. David J. Osiecki
Senior Vice President for Policy
and Regulatory Affairs
American Trucking Associations, Inc.
950 N. Glebe Road, Suite 210
Arlington, VA 22203-4181

Dear Mr. Osiecki:

Thank you for your February 26 letter following our meeting to discuss the Federal Motor Carrier Safety Administration (FMCSA) Comprehensive Safety Analysis (CSA) 2010 Program. Your letter reiterates concerns that you, your members, and State affiliates have expressed with the CSA 2010 Carrier Safety Measurement System (CSMS) methodology and offers recommended approaches to address those concerns. The FMCSA appreciates that the American Trucking Associations, Inc., (ATA) continues to fully support the safety and efficiency objectives of the CSA 2010 program and that ATA has offered recommended solutions to address its concerns.

The first concern you identified is that recordable crash data reported to FMCSA by our State partners, and linked to motor carrier records, do not identify whether the motor carrier was accountable for the crash. More specifically, you expressed concern that the CSA 2010 CSMS methodology uses the recordable crash data to identify motor carriers for intervention without an accountability determination. As a recommended solution to this concern, you suggested that FMCSA employ a contract staff that would review State-reported crash reports to make accountability determinations before the crashes are considered in the CSA 2010 CSMS methodology.

The FMCSA recognizes this concern and is considering several short-term and longer term approaches to address it. As FMCSA works to address the issue, the Agency will exclude the crash assessment of the CSA 2010 CSMS from any public Web sites that may be viewed by shippers or insurers. Furthermore, FMCSA will continue to consider accountability of crashes before issuing any formal and final adverse safety fitness ratings that follow compliance reviews. Longer term, FMCSA is evaluating the feasibility of an approach similar to your recommendation, whereby staff would assess State-reported crashes for accountability before they are considered by the CSA 2010 CSMS methodology. In fact, FMCSA has already begun some preliminary analysis of this approach.

The initial results of our feasibility study are promising and indicate that the use of police accident reports (PARs) is a viable option for determining large truck and bus crash accountability. Work to date has been done in conjunction with the National Highway Traffic Safety Administration and the Volpe National Transportation Systems Center. We are now

gathering information on various options for implementing such an approach, including the costs and challenges. For example, one challenge involves gathering the PARs from all of the different State agencies involved, although we are encouraged by the increasing use of electronic storage of such records by the States.

An alternative approach, for example, could be to require motor carriers to submit PARs to FMCSA for those accidents in which the carriers seek an accountability determination. Accidents for which a motor carrier would not contest accountability by submitting a PAR would be deemed accountable to the carrier under this approach.

The FMCSA data analysis has historically shown that motor carriers involved in a disproportionately high number of crashes are more likely than other motor carriers to be involved in future crashes. Simply, FMCSA analysis indicates that past crashes are a good predictor of future crashes, irrespective of accountability. Therefore, until a viable long-term solution can be instituted to determine accountability of State-reported crashes, FMCSA will continue to use all crashes in the CSA 2010 CSMS to identify motor carriers for intervention. The FMCSA believes this approach, coupled with not displaying CSMS crash assessments on public Web sites at this time, and considering crash accountability before issuing adverse safety fitness ratings, is the most prudent position at this time. It balances the valid concerns of the ATA with FMCSA's mission to protect the motoring public using the best performance data currently available.

The second concern you identified is that the CSA 2010 CSMS currently uses a motor carrier's number of power units rather than vehicle miles travelled (VMT) as a measure of exposure. Further, the letter pointed out your position that motor carriers that employ greater asset utilization are at a disadvantage because of their increased exposure to adverse safety events. The letter essentially stated that FMCSA may be missing higher risk carriers by using power units as the measure of exposure in the CSA 2010 CSMS. Moreover, you offered recommended solutions such as making the mileage field of the MCS-150 form a mandatory field for updates and suggested that FMCSA consider using an "average annual miles per truck" estimate for those motor carriers in which FMCSA currently does not have up-to-date VMT data.

The areas of the CSA 2010 CSMS that currently use power units as the measure of exposure are the Crash and Unsafe Driving Behavior Analysis Safety Improvement Categories (BASICS). FMCSA acknowledges that the use of power units as the sole measure of exposure can potentially create a disadvantage for segments of the motor carrier industry that employ greater asset utilization, for example, through cross-country team operations. FMCSA also believes, however, that the use of VMT as the sole measure of exposure can create a similar disadvantage for segments of the motor carrier industry that operate limited mileage due to the nature of their operations. Regardless, FMCSA agrees that VMT is another valuable and widely recognized measure of exposure that could potentially improve the effectiveness of the CSMS. As suggested by ATA, FMCSA will make the vehicle mileage field of the MCS-150 a mandatory field for updates.

As part of the recently released CSA 2010 Data Review Web site, FMCSA is encouraging motor carriers to provide their annualized VMT data. The FMCSA is optimistic that ATA will support

these efforts by strongly encouraging its members and others to regularly update their VMT data and through other collaborative ideas that will ensure that VMT is regularly and accurately reported by the motor carrier industry. These efforts will support ongoing FMCSA analysis aimed at implementing the most effective and equitable measure of exposure possible prior to national deployment of the Safety Measurement System in November 2010.

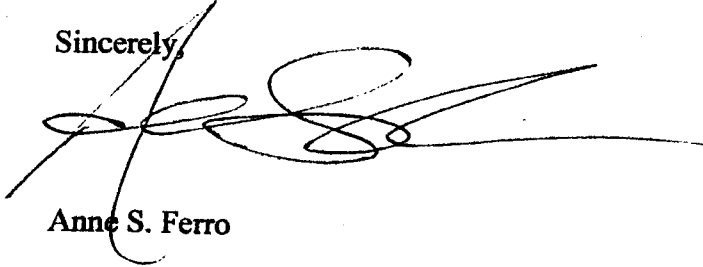
The third significant concern conveyed in your letter is that the CSA 2010 CSMS uses all recorded moving violations from roadside inspections without considering whether a citation or "ticket" was issued. Your letter characterized these recorded moving violations from roadside inspections as "warnings." You stated ATA's belief that it is common practice by enforcement officials in States that must have probable cause to conduct an inspection to stop a truck for what you referred to as a "trifling" speeding offense and then record a speeding violation with no citation or "ticket" as justification for the inspection. You also objected to the lack of a due process procedure for drivers to challenge warnings. Your letter further stated that ATA believes there is no research linking warnings for moving violations, as they are currently recorded, and future truck crashes. The ATA essentially recommended that moving violations without issued citations be removed from consideration in the CSA 2010 CSMS.

The FMCSA has conducted effectiveness testing on the Unsafe Driving BASIC (Behavior Analysis Safety Improvement Category) of the CSA 2010 CSMS as it is currently calculated using all recorded moving violations without regard to whether a citation was issued. Put in simple terms, the analysis demonstrates there is a strong relationship between high scores in the Unsafe Driving BASIC, as derived by including all recorded moving violations, and future crashes. From a legal standpoint, the Agency's use of warnings as one factor in selection of an intervention does not constitute deprivation of a property interest for which a due process procedure is required. The FMCSA has, however, as part of its attempt at further effectiveness analysis, reviewed the existing inspection data to determine if it is feasible to exclude recorded moving violations from consideration by the CSA 2010 CSMS when a citation is not issued. At this time, it is not feasible. A free-form text field exists whereby an enforcement officer can enter whether a citation was issued. However, the completeness and accuracy of this field is not sufficient to employ in the CSMS at this time.

To address this issue, FMCSA is considering the addition of a simple Yes/No field to indicate whether a citation was issued in conjunction with the recorded speeding violation. Furthermore, based upon concerns expressed by ATA and motor carriers participating in our CSA 2010 Operational Model Test, FMCSA is implementing modifications to the roadside inspection software used by its field staff and our State partners that will require roadside officers to designate the severity of speeding offenses recorded on roadside inspections. For example, the enforcement officer will have to designate whether the recorded speeding violation was 1-5 MPH over the speed limit, 6-10 MPH over, etc. Moving forward, this will allow FMCSA to assign less weight to the less severe speeding violations in the CSA 2010 CSMS.

Thank you again for bringing these concerns to my attention. The FMCSA will continue to improve the CSA 2010 CSMS as we obtain comments and learn from the ongoing Operational Model Test, and as we move toward national deployment later this year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne S. Ferro', written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Anne S. Ferro

Enclosure 2
Q & A

Enclosure

1. With respect to the feasibility study on crash accountability, who is doing the study and when do you anticipate it will be completed?

FMCSA Response: Work to date has been done in conjunction with the National Highway Traffic Safety Administration and the Volpe National Transportation Systems Center. It has focused on determining the feasibility of using police accident reports for determining large truck and bus crash accountability. A report describing this work is currently under review.

However, this work is part of FMCSA's overall effort at gathering information to determine the best way to implement such an approach competent enough to allow accurate conclusions from a number of sources and potential solutions in order. To that end, the Agency plans to request public comments in the upcoming CSA 2010 safety fitness determination Notice of Proposed Rulemaking (NPRM). That NPRM is currently scheduled to be published in the first quarter of 2011. FMCSA is hopeful that this information will enable the Agency to implement the best possible approach for determining crash accountability, both from a cost and operational perspective, and, as soon as possible, within the constraints of any resource limitations.

2. The Administrator's letter [of April 16, 2010], says that the Agency already has preliminary findings from the feasibility study. Could you please provide us with a copy?

FMCSA Response: I am unable to provide a copy at this time since these preliminary findings are under review. Once the review is completed, the findings will be made public.

3. The letter states that all crashes (irrespective of accountability) are a good predictor of future crashes. Which organization (e.g., Volpe, UMTRI) provided the underlying analysis for this statement? Please provide a copy of this analysis as well.

FMCSA Response: The underlying analysis for the statement referred to in the Administrator's letter of April 16, 2010, was conducted by the Volpe National Transportation Systems Center. I have attached a copy of this study which can also be found on the FMCSA's Analysis and Information online website at:

http://ai.fmcsa.dot.gov/CarrierResearchResults/PDFs/Final_SS_Effectiveness_03_18_04.pdf

4. We appreciate that the agency is willing to look at measures other than simply power unit counts to develop reliable exposure data. However, we understand that the agency may not be committed to using purely mileage data as a measure of exposure. If some sort of hybrid approach is being developed, who is developing it? Will this method be tested to verify its accuracy prior to implementation? Will stakeholders have an opportunity to review this method before November 30?

FMCSA Response: As indicated in Administrator Ferro's letter of April 16, 2010, FMCSA acknowledges that the use of power units as the sole measure of exposure for the Unsafe Driving and Crash, Behavior Analysis Safety Improvement Categories can potentially create a disadvantage for segments of the motor carrier industry that have greater asset utilization, for example, through cross-country team operations. Likewise, the use of vehicle miles travelled (VMT) as the sole measure of exposure can create a similar disadvantage for segments of the motor carrier industry that operate limited mileage due to the nature of their operations.

Therefore, FMCSA is looking at using what may be the most balanced and accurate measure that is simple to calculate and apply like a blended approach that employs both power units and VMT. This work was performed by the Volpe National Transportation Systems Center. The methodology will be fully tested to verify its accuracy prior to CSA 2010 implementation. Stakeholders will have the opportunity to review the methodology details through the CSA 2010 website after August 16, 2010, when motor carriers can go to the website and view their safety assessment based on the announced changes to the Carrier Safety Measurement System.

5. We understand that the violation severity weights were assigned, in part, based on the agency's Violation Severity Assessment Study. ATA requests a copy of this study to better understand how these weights were assigned.

FMCSA Response: I understand that Gary Woodford of my staff recently provided a copy of this study to you via email.

6. We also understand that, in some instances, assigned weights were adjusted based on input from a panel of law enforcement personnel. ATA would like to have similar input. To that end, ATA would be willing to host a panel of industry experts and would welcome FMCSA's participation. Please let us know how FMCSA would like to proceed.

FMCSA Response: FMCSA would welcome public input on the Carrier Safety Measurement System violation severity weights. The Agency recommends that ATA proceed with its panel of industry experts, and provide FMCSA with its results and recommendations. FMCSA has recently made changes to some violation severity weights based on input from subject matter experts and stakeholders. The public will also have an opportunity to provide comments on the violation severity weights in connection with the upcoming notice of proposed rulemaking (NPRM) that will address safety fitness determination under CSA 2010. That NPRM is expected to be published in the first quarter of 2011.

7. We understand that the University of Michigan Transportation Safety Institute (UMTRI) is conducting an evaluation of CSA 2010. When will UMTRI's final report be delivered to FMCSA? We also understand that preliminary reports may be available. If so, how do we obtain them?

FMCSA Response: The University of Michigan Transportation Research Institute (UMTRI) is conducting an evaluation of the CSA 2010 operational model (Op-Model) test results. Since the Op-Model test just recently concluded in June 2010, it is too premature to release publicly any results from the UMTRI study. As well, a peer reviewing of UMTRI's work is a customary step the Agency takes before making public it major research projects. The UMTRI final report describing its findings is expected to be completed by December 2010.

8. We understand that FMCSA is developing new DataQs guidelines for the States in hopes of facilitating data quality improvements. Do you have an estimate of when these guidelines will be published?

FMCSA Response: FMCSA anticipates publishing the DataQs guidelines to which you refer by the last quarter of 2010.

Attachment

Frequently Asked Questions and Answers – December 14, 2010

This document is a quick-reference guide for Federal Motor Carrier Safety Administration (FMCSA) staff, State Partners, or contractor staff who may receive questions prompted by the launch of FMCSA's new safety enforcement program, **CSA – Compliance, Safety, Accountability**, but that are not necessarily CSA-specific questions. The questions below represent some of the most frequently asked non-CSA specific questions received by the CSA Website team. If a short answer could not be provided in response to a question, a link to an FMCSA webpage or a phone number is given in order to convey further information and resources.

Q. How can a carrier access its CSA data?

A. Carriers and the public can view SMS data at <http://ai.fmcsa.dot.gov/sms>. In order for a carrier to see additional information that is unavailable in the public view (i.e. Crash Indicator) it will need a U.S. DOT Number and U.S. DOT Number PIN to log into the system. Note that there is also a Docket Number PIN; this number does *not* enable a carrier to see its CSA data.

- If a carrier cannot locate its U.S. DOT Number PIN or was never assigned one, the carrier should go to this link https://lipublic.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option and select "I want to request a copy of a document" (bottom of the page), then follow the instructions to request a new one.
- For further assistance with U.S. DOT Number PIN issues, a carrier can call FMCSA technical support at 1-800-832-5660 during normal business hours.

Q. How can a carrier request its free U.S. DOT Number PIN?

A. It is free to acquire a U.S. DOT Number PIN. The system may ask for credit card information to validate the requestor's identity, but he or she will not be charged. Carriers need a U.S. DOT Number and U.S. DOT Number PIN to log into the system. Note that there is also a Docket Number PIN; this number does *not* enable a carrier to see its CSA data.

- If a carrier cannot locate its U.S. DOT Number PIN or was never assigned one, the carrier should go to this link https://lipublic.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option and select "I want to request a copy of a document" (bottom of the page), then follow the instructions to request a new one.
- For further assistance with U.S. DOT Number PIN issues, carriers can call FMCSA technical support at 1-800-832-5660 during normal business hours.

Q. Carrier is having an issue with its U.S. DOT Number PIN.

A. If a carrier is experiencing difficulties, he or she should review the information at <https://csa.fmcsa.dot.gov/PINtrriage.aspx?mode=print> before contacting the CSA Web team for assistance.

Q. Carrier has an inactive U.S. DOT Number.

A. For assistance with an inactive U.S. DOT Number, call FMCSA technical support at 1-800-832-5660 during normal business hours.

Q. Carrier wants to change its Motor Carrier Census (MCS-150) information.

A. To update an MCS-150 form go to this link https://ipublic.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option. The instructions for filling out the MCS-150 form can be found at <https://www.fmcsa.dot.gov/documents/forms/r-l/MCS-150-Instructions-and-Form.pdf>.

- For further assistance with updating MCS-150 issues, call FMCSA technical support at 1-800-832-5660 during normal business hours.

Q. What is the PSP program and how does a carrier access it? How does a driver see his or her data?

A. The Pre-Employment Screening Program (PSP) is an FMCSA program mandated by Congress. It is designed to assist the motor carrier industry in assessing individual operators' crash and serious safety violation history as a pre-employment condition. PSP is voluntary and not part of CSA.

- Motor carriers may request, through NIC Technologies, driver information for the purpose of pre-employment screening. The driver must provide written consent. Individual drivers may request their own driver information record at any time. The information will be retrieved from the Motor Carrier Management Information System (MCMIS). There is a fee for this service.
- For additional questions and answers about PSP, visit the PSP Website and review the PSP FAQs (<http://www.psp.fmcsa.dot.gov/Pages/FAQ.aspx>) and/or visit the PSP "Contact Us" page (<http://www.psp.fmcsa.dot.gov/Pages/ContactUs.aspx>).

Q. How can a carrier or driver request correction of data on SMS, PSP, investigation, inspection, or crash reports?

A. The DataQs program (<https://dataqs.fmcsa.dot.gov>) allows carriers and drivers to request a review of their information that resides in FMCSA databases; this includes Federal and State-reported data, such as crash and inspection reports, compliance review and/or intervention results, and enforcement actions.

- A carrier, driver, or other stakeholder can register for DataQs via the FMCSA Portal or through the DataQs system directly. Requests for data review (RDRs) require that simple forms be filled out with information from the relevant report, such as the report number, date, time of event, State, and an explanation for why the data should be changed. Documentation to support the RDR may also be submitted to the system.
- All information is routed to the organization responsible for the data. Electronic correspondence is used to communicate with the request or when additional information is needed. DataQs is open to the public and the website provides an

online help function to walk users through the process. If you are having problems with DataQs, you can contact the people listed on this webpage <https://dataqs.fmcsa.dot.gov/data/contact.asp>.

Q. How can I receive some clarification about the FMCSA regulations?

A. The FMCSA regulations can be found at <http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm>. If you have specific questions about the regulations, consider contacting your local FMCSA office; their contact information can be found at <http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>.

Q. How do I get an update on how FMCSA will handle sleep apnea?

A. There are no new sleep apnea regulations associated with CSA at this time. CSA changes how FMCSA enforces the current regulations in a more efficient and effective way – it has not created new regulations.

Q. I've noticed the carrier I work for is behaving illegally, how should I handle this?

A. FMCSA has a complaint system set up to deal with carriers who are behaving illegally. Here is the link to submit complaints: <http://nccdb.fmcsa.dot.gov/HomePage.asp>.

Q. How do I sign up for the Portal? What if I am having problems with the Portal?

A. The Portal is located at <https://portal.fmcsa.dot.gov> and you can register on the website using your U.S. DOT Number and U.S. DOT PIN Number. If you have questions about the Portal, contact compass@dot.gov or call 1-800-832-5660.

Q. How do I see my safety rating?

A. The safety rating is shown on Safety and Fitness Electronic Records (SAFER) at <http://www.safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

Q. What is going on with the EOBR regulations?

A. FMCSA recently issued a new rule mandating electronic on-board recorders (EOBR) for truck and bus companies with serious Hours-of-Service violations. Read about this rule at <http://www.fmcsa.dot.gov/about/news/news-releases/2010/Electronic-On-Board-Recorders-for-Truck-and-Bus-Companies.aspx>.

Q. Why does FMCSA only deal with trucks, when 4-wheelers are causing a lot of the crashes?

A. The Federal government does hold the general public accountable for its role in all accidents, including those with trucks. The National Highway Traffic Safety Administration, whose website is <http://www.nhtsa.dot.gov/>, deals with the general motoring public. FMCSA also has a program that deals with aggressive drivers called Ticketing Aggressive Cars and Trucks (TACT). Learn more about TACT at <http://www.fmcsa.dot.gov/safety-security/tact/index.htm>.