

## **The CSA 2010: Drivers, Employers and Customers**

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In December 2010, the Federal Motor Carrier Safety Administration (FMCSA) introduced the CSA (Compliance, Safety, Accountability), which is an initiative to improve commercial vehicle safety. The goal is to achieve a greater reduction in large truck and bus crashes, injuries, and fatalities, while maximizing the resources of FMCSA and its state partners. The CSA program allows FMCSA to target the safety problems of both motor carriers and their drivers. This initiative applies to all carriers that are over 10,000 lbs. and travel interstate, as well as those carriers that haul hazardous materials intrastate. The CSA is comprised of three key elements: Measurement, Safety Evaluation, and Intervention.

### **Measurement**

The Safety Measurement System (SMS) replaced Safe-Stat. The SMS uses a motor carrier's data from roadside inspections, including all safety-based violations, reported crashes, and the motor carrier's census to quantify performance in the **Behavior Analysis and Safety Improvement Categories (BASICS)**. The BASICS data is organized into seven categories: Unsafe Driving, Fatigued Driving, Driver Fitness, Controlled Substances/Alcohol, Vehicle Maintenance, Cargo Related, and Crash Indicator. The SMS measures the on-road safety performance of carriers to identify candidates for interventions and to monitor whether safety problems are improving or getting worse.

During 2011, the FMCSA recorded over three and a half million roadside inspections with over seven million violations. With only a few months recorded in 2012, we are on a path to greatly surpass those numbers.

To find out where your company stands, log in to the SMS with your U.S. DOT number to examine your data, focusing attention first on the BASICS that are over or near the intervention threshold. Examine the summary of violations received and determine which violations occur most frequently, especially those with the highest severity weights.

### **Safety Evaluation**

*Unsafe Driving* measures the operation of a commercial motor vehicle (CMV) by drivers in a dangerous or careless manner. This BASIC addresses the operation of commercial motor vehicles by drivers, as outlined under Parts 392 and 397 of the Federal Motor Carrier Safety Regulations (FMCSRs).

The most common 2011 traffic enforcement violations were: Speeding (392.2); Failing to wear a seat belt (392.16); and Failure to obey traffic control devices (392.2).

Under CSA, the FMCSA continues to hold motor carriers responsible for the safety performance of the drivers they employ. This is a longstanding FMCSA position and is not unique to CSA. All inspections and crashes of a driver while under the authority of a motor carrier will remain part of the carrier's SMS data for two years, even if the carrier terminates the driver. Carriers do not inherit any of a newly hired driver's past violations. Motor carriers should identify patterns of noncompliance in their drivers when it comes to safe driving to educate them on state and local regulations and the importance of complying with them.

CSA does not give FMCSA the authority to remove drivers from their jobs and cannot be used to revoke a commercial driver's license (CDL). FMCSA does not have the authority to take those actions. Only state agencies responsible for issuing licenses, CDL or otherwise, have the authority to suspend them. Tickets or warnings that CMV drivers receive while operating their personal vehicles do not count in the SMS.

The recent addition of cell-phone use violations in the Unsafe Driving BASIC reflects FMCSA's decision on January 3, 2012, to ban commercial drivers from using mobile telephones while driving, which includes a ban on texting. The new regulations: Regulations against driving a commercial motor vehicle while texting (392.80(a)); using a hand-held mobile telephone while operating a CMV(392.82(a)(1)); and allowing or requiring a driver to use a hand-held mobile telephone while operating a CMV (392(a)(2)) will add increase road safety.

***Fatigued Driving*** measures the operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the Hours of Service (HOS) regulations. This BASIC addresses driver fatigue management and HOS requirements, as outlined under Parts 392 and 395 of the FMCSRs.

The most common 2011 roadside inspection driver violations were: Log violation (395.8); Drivers Record of Duty Status (RODS) not current (395.8(f)(1)); and Requiring or permitting a driver to drive after 14 hours on duty (395.3(a)(2)).

Motor carriers should be aware of how long their drivers have been operating on the road to ensure safety is the top consideration when assigning work to them. They should also ensure that their drivers know how many hours they can legally drive before they break HOS rules and understand how lack of sleep negatively affects their ability to drive safely. Motor carriers should keep HOS documents as required by the FMCSRs and know that investigators may use them to assess the nature and severity of a motor carrier's safety problems. If an investigation is conducted, investigators may request from motor carriers several documents including: RODS and supporting documents such as bills of lading, carrier pros, freight bills, dispatch records, electronic mobile communication and tracking records, gate record receipts, weigh/scale tickets, and fuel receipts.

Recent research has linked long work hours and the resulting curtailment of sleep to a range of serious health effects. Commercial motor vehicle drivers suffer from these conditions at a higher rate than the population as a whole. Drivers should understand how their lack of sleep could affect their safety behind the wheel. They should also know the importance of keeping their RODS current, accurate, and complete.

***Driver Fitness*** measures the operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. This BASIC focuses on drivers and their operation of commercial motor vehicles, including their driving, training, and medical qualifications, as outlined under the FMCSRs Parts 383 and 391.

The most common 2011 roadside inspection driver violations were: Driver not in possession of medical certificate (391.41(a)); and Non-English speaking driver (391.11(b)(2)).

Motor carriers must update and maintain many types of documents, including complete driver qualification files with medical certificates, state driving records, annual reviews of driving records, and employment applications. If needed, investigators may use these records to assess the nature and severity of a motor carrier's safety problems. Carriers who are considering hiring drivers can review "Driver Profiles" if the drivers have authorized the release of their information. The Pre-Employment Screening Process (PSP) is a voluntary FMCSA program that was designed to assist the motor carrier in assessing individual drivers' safety performance as part of the hiring process. The PSP is a completely separate program from CSA. The PSP contains three years of inspection reports and five years of crash reports. Motor carriers will not inherit any of a newly hired driver's past violations. Only those inspections and crashes that a driver is involved in while operating under a carrier's authority are applied to a carrier's SMS data.

Drivers are encouraged to obtain and review their PSP report before applying for new jobs. While the PSP is not part of CSA, the safety data accessible through PSP is the same data that the Driver Safety Measurement System (DSMS) and enforcement staff use during motor carrier investigations. Tickets or warnings that drivers receive while operating their personal vehicles do not count in the SMS. Drivers and carriers with strong safety histories stand to benefit from the new compliance and enforcement program.

***Controlled Substances/Alcohol*** measures the operation of CMVs by drivers who are impaired. This BASIC addresses driver impairment due to alcohol, illegal drugs, and the misuse of prescription or over-the-counter medications, as outlined under Parts 382 and 392 of the FMCSRs.

The most common 2011 roadside inspection driver violations were: Possession, use or under the influence of alcohol 4 hrs prior to duty (392.5(a)); and Driver uses or is in possession of drugs (392.4(a)).

Motor carriers are accountable for the safety performance of their drivers and are responsible for educating their drivers about the Controlled Substances and Alcohol related regulations. Employers must maintain a list of documents such as: records of verified positive controlled substances test results, documentation of refusals to take required alcohol and/or controlled substances tests, and driver evaluations and referrals. Employers should ensure that their drivers stay drug-free and alcohol-free while driving for their company.

Drivers should understand the regulations related to the Controlled Substances/Alcohol BASIC and know how to comply with them. They should also understand the importance of not driving impaired and the consequences if they do.

***Vehicle Maintenance*** measures the failure to properly maintain a commercial motor vehicle. This BASIC addresses the requirements within the FMCSRs Parts 393 and 396.

The most common 2011 roadside inspection vehicle violations were: Inoperative required lamps (393.9(a)); No or defective lighting devices or reflective devices (393.11); Tire with tread depth less than 2/32 of an inch (393.75(c)); Oil and/or grease leak (396(5)(b)); and Failing to secure brake hose or tubing against mechanical damage (393.45(b)(2)).

Motor carriers are held accountable for all safety based violations recorded during roadside inspections. They should ensure that their drivers know that any vehicle malfunction or maintenance problem must be addressed proactively to prevent crashes. They should educate their drivers about how to properly conduct pre and post-trip inspections, record vehicle defects on Driver Vehicle Inspection Reports (DVIRs), and ensure that any defects which would hinder safe operation of the vehicle are repaired prior to operating the vehicle.

Drivers are responsible for compliance with some vehicle maintenance regulations due to their responsibility to do a pre-trip vehicle inspection to ensure that the vehicle is safe. Carriers do not inherit any of a newly hired driver's past violations. Only those inspections that a driver receives while driving under a carrier's authority can be applied to a carrier's SMS record. Carriers should maintain copies of inspection reports and evidence related to any observed violations. Roughly one-third of the inspections that are uploaded to the FMCSA database each year have zero violations. Safety inspections without regulatory violations serve to improve a motor carrier's evaluation in the SMS.

***Cargo Related*** measures the failure to properly prevent shifting loads, spilled or dropped cargo, overloading, and unsafe handling of hazardous materials on a commercial motor vehicle. This BASIC addresses the requirements within the FMCSRs Parts 392, 393 and 397.

The most common 2011 violations were: Size and weight violations (392.2).

Size and weight violations, though the most common, are not included in your scores in this category. At present, the Cargo Related BASIC can only be seen by enforcement personnel or by a motor carrier that is logged into its own safety profile. It is not available to the public. However, roadside inspectors will continue to cite these violations at the roadside and on-site inspections will continue to address these violations, including implementing potential enforcement actions if appropriate, through investigations.

Motor carriers should educate their drivers about how to safely and lawfully transport cargo and hazardous materials, and to make sure drivers understand that any cargo-related problems must be addressed proactively to prevent unsafe situations.

Drivers should know how to comply with the regulations and how to properly prevent shifting loads, spilled or dropped cargo, overloading, and unsafe handling of hazardous material, to ensure their safety and the safety of others.

**Crash Indicator** measures the histories or patterns of high crash involvement, including frequency and severity. It is based on the information from state reported crashes which resulted in: a fatality in which a person is killed or who dies within 30 days of the crash as a result of an injury sustained in the crash; or an injured person as a result of the crash who immediately receives medical treatment away from the crash scene; or a tow away of any motor vehicle disabled as a result of the crash.

At present, the Crash Indicator BASIC, like the Cargo Related BASIC, can only be seen by enforcement personnel or by a motor carrier that is logged into its own safety profile. Once logged into the SMS website, carriers can also view the records of their companies' crashes and request a review of any records they feel are inaccurate.

The Crash Indicator BASIC uses crash history that is not specifically a behavior but instead the consequence of a behavior or set of behaviors. The consequence of a behavior can point to a problem that needs attention.

Motor carriers and drivers should know that under CSA their state reported crash history matters. Their safety performance will be assessed based on how many crashes they've been involved in, when they happened, and how severe they were. Carriers should provide up-to-date mileage figures on their MCS-150 biennial updates, which are used in the Crash Indicator calculation. They should also educate their drivers about safe driving practices, ensure their drivers know and understand safety regulations, and help them to understand what they can do to prevent crashes. All crashes that a CMV driver receives while under the authority of a carrier will remain part of the carrier's SMS data for two years, even if the carrier terminates the driver. Ultimately, more knowledgeable and law-abiding drivers will lead to fewer crashes and fewer crashes mean safer roads.

Drivers need to understand how to operate a commercial motor vehicle safely in order to avoid crashes. Safe driving is a physical and mental skill that requires the driver's undivided attention. The ability to scan for hazards while behind the wheel, recognize the danger in each hazard and react appropriately is the behavior of a safe driver. Like most skills, past behavior, whether safe or unsafe, will predict future behavior unless some type of intervention has occurred.

## **Intervention**

A carrier's measurement for each BASIC depends on the number of adverse safety violations or crashes related to that BASIC, the severity of those violations or crashes; and when those adverse safety events occurred with the most recent events weighted more heavily. After a measurement is determined, the carrier is then placed in a peer group. Percentiles from 0 to 100 are determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile of 100 indicates the worst performance. Higher percentile ranks could cause a motor carrier to enter, or remain, in the pool of carriers with alerted BASICs

if the percentile ranks pass the Intervention Thresholds. Carriers with percentiles above a certain Intervention Threshold will be identified for CSA interventions.

Intervention correspondence will be sent to a carrier's place of business and specifically identify any concern in the BASICS and outline possible consequences of continued safety problems. The warning letter provides instructions for accessing carrier safety data and measurement. In 2011, over 40,000 Warning Letters were sent to employers with safety performance problems.

The CSA provides roadside inspectors with data that identifies a carrier's specific safety problems, by BASIC, based on the SMS. Targeted roadside inspections can occur at permanent and temporary roadside inspection locations.

Continued safety concerns may lead to one of three types of investigations: offsite, onsite focused, and onsite comprehensive. Offsite investigations are conducted over the phone and through e-mail, fax, and mail, while onsite focused and onsite comprehensive investigations are conducted at a carrier's place of business.

Whether you have one driver or thousands, you must have Human Resources and Operational controls in place to ensure compliance. Auditing standard DOT items such as DQFs, HOS logs, pre-trips, maintenance, drug and alcohol, and loads should be assigned and conducted on a regular basis. Once controls are in place, someone outside of the affected areas should complete DOT compliance audits on a random basis. Compliance must never be an assignment of convenience. While the CSA may focus on those poor safety performers to bring about change, we know that it is always in the best interests of our employees and company to maintain the safest on-road fleet every day.