

## FMCSA Compliance, Safety, Accountability Program

<b>ISSUE TYPE</b>	Regulatory (Federal)	<b>KEY DATES</b>	<b>Dec. 13, 2010</b> – FMCSA launches CSA Program
<b>AGENCY</b>	FMCSA		<b>Dec. 4, 2015</b> – President signs FAST Act, bill includes CSA Program revisions
<b>STATUS</b>	Active/Tracking		<b>June 27, 2017</b> – Final CSA Study published by NAS
<b>DIVISION IMPACT</b>	MC		<b>July 17, 2018</b> – FMCSA issues plan to implement NAS recommendations, begins testing IRT model
<b>INTERESTED PARTIES</b>	ATA, CVSA, OOIDA, Safety Advocates	<b>MOST RECENT ACTION</b>	

### Statement of the Issue

The Compliance, Safety, Accountability (CSA) program is the Federal Motor Carrier Safety Administration's (FMCSA) compliance model, developed to increase commercial motor vehicle safety. It has three elements: (1) the Safety Measurement System (SMS), which uses previously-collected data to identify high-risk carriers; (2) intervention tools, which allow FMCSA to contact carriers prior to a violation; and (3) a Safety Fitness Determination rulemaking that allows FMCSA to use on-road safety data and investigation results to identify motor carriers unfit to operate.

### Policy Position – Adopted by the Board (11/14/10)

IANA should monitor implementation of the CSA program and its impact on intermodal operations, as well as the public and private sectors' use of motor carrier scores, and go back to the FMCSA if misuse of scoring occurs. In addition, IANA should review the official American Trucking Associations (ATA) policy regarding CSA and coordinate its actions with those of ATA, whenever applicable.

### Background

FMCSA's CSA program is an enforcement and compliance model designed to allow FMCSA and its state partners to communicate with a large number of carriers to address potential safety issues before crashes occur. All safety-based roadside violations will count against the motor carrier or driver.

At the request of House Transportation and Infrastructure Committee leadership, the U.S. Department of Transportation's Inspector General evaluated the CSA program and in March 2014 determined FMCSA has not fully implemented the

program and data is sometimes incomplete and improperly analyzed.

In June 2015, an independent report found CSA needs to better align with the safety risks that cause crashes. In response, Congress included a provision in 2015's Fixing America's Surface Transportation (FAST) Act hiding Behavior Analysis and Safety Improvement Categories (BASIC) scores from public view until an independent review of the CSA program is conducted and reforms are made. Some safety performance assessments remain available to the public, law enforcement, and insurance companies.

In 2016, FMCSA published the Carrier Safety Fitness Determination Notice of Proposed Rulemaking (NPRM), which received backlash from stakeholders for its reliance on BASIC scores. FMCSA withdrew the NPRM in March 2017 until the review of the CSA program is completed and any necessary changes are made.

In 2017, the National Academies of Sciences' (NAS) published a study on the CSA Program and the accuracy of BASICs. It found that SMS is "conceptually sound" but needs implementation improvements and, among other things, recommended FMCSA develop an item response theory (IRT) model to replace the SMS. It determined removing any BASICs would be premature and suggested an IRT model would more naturally identify which should be kept. In July 2018, FMCSA published an implementation plan for the NAS recommendations and announced plans to complete IRT model testing by mid-2019.

The CSA program has four major elements:

## 1. *Measurement*

SMS groups safety performance data collected on motor carriers and drivers based on seven BASICS:

1) Unsafe Driving; 2) Crash Indicator; 3) Hours-of-Service; 4) Controlled Substances/Alcohol; 5) Vehicle Maintenance; 6) Hazardous Materials; and 7) Driver Fitness.

Data is scored and weighted based on its relationship to crash causation. Based on a carrier's score within each BASIC, the system triggers FMCSA intervention.

Display and reliability of SMS scoring is widely debated. In March 2012, FMCSA announced changes to SMS methodology. IANA submitted [comments](#) citing concerns with the changes. In 2013, FMCSA announced drivers with dismissed citations can have their violation removed from the program's online database, the Motor Carrier Management Information System (MCMIS). MCMIS data is used to calculate SMS scores.

A 2013 ATA white paper concluded SMS scores alone as measures of individual carrier safety performance are unreliable. A 2014 GAO report recommended revised SMS methodology as most BASICS are not violated enough to strongly associate with crash risk and most carriers lack sufficient data for peer comparison.

The FAST Act hid BASIC scores from the public until NAS reviewed CSA and FMCSA implemented any necessary changes. Inspection and violation information submitted to FMCSA by inspectors and law enforcement will remain available to the public. The June 2017 NAS study recommended broad procedural changes to SMS and recommended FMCSA study the consequences of public knowledge of BASIC scores before making changes. In July 2018, FMCSA withdrew two rulemakings that would have made changes to SMS, instead committing to focus on NAS' recommendations.

## 2. *Safety Evaluation*

Safety fitness determination is based on performance data processed through SMS and is not necessarily tied to current FMCSA compliance review. Motor carriers and drivers with sufficient data receive a safety fitness determination, updated every 30 days.

## 3. *Intervention*

Once the measurement system signals for intervention, FMCSA advises the motor carrier or driver their safety performance has come to the agency's attention to motivate the driver or carrier to improve earlier in the review process.

## 4. *Information Technology*

CSA is aligned closely with COMPASS, an agency-wide

initiative leveraging technology that helps FMCSA and State enforcement personnel identify high-risk carriers and drivers more effectively and apply a wider range of interventions to correct high-risk behavior early.

## Potential Impact to Intermodal Freight Transportation

### Impact 1:

Reduced size of the motor carrier/drayage community based on items related to roadside violations, which could have a negative impact on intermodal terminal throughput.

### Impact 2:

Reduced intermodal driver "pool" resulting from driver-associated violations, and the ability of that driver to continue working within the industry regardless of motor carrier affiliation.

### Impact 3:

The "Vehicle Maintenance" BASIC may have further reaching implications within the intermodal industry and impact the motor carrier/intermodal equipment provider relationship. "Vehicle Maintenance" pertains to sections 392-396 of the Federal Motor Carrier Safety Regulations and is impacted by proper loading, cargo securement and overweight issues.

### Impact 4:

Coupled with certain maintenance and repair aspects associated with the trailing unit (vehicle #2) and related to the recent roadability regulations, certain vehicle maintenance violations may be apportioned between the motor carrier, the driver and the IEP. Almost all brake violations carry a four-point penalty, while the penalty for issues involving lights is six points and tires is eight points. Improperly-secured and overweight intermodal units have a 10-point penalty. FMCSA has advised that size and weight violations have been removed from the cargo-related BASIC, but enforcement will continue citing these violations roadside.