ISSUE TYPE	Regulatory (Federal)
AGENCY	FMCSA
STATUS	Active/Tracking
DIVISION IMPACT	MC
INTERESTED PARTIES	ATA, CVSA, OOIDA, Safety Advocates
KEY DATES	Dec. 13, 2010 — FMCSA Launches CSA Program
	Feb. 3, 2014 — GAO Releases Report Calling for Revisions to SMS Scoring
MOST RECENT ACTION	Dec. 4, 2015 — President Signs FAST Act, Bill Includes CSA Program Revisions

Statement of the Issue

CSA is FMCSA's compliance model that was developed to increase commercial motor vehicle safety. The CSA program has three elements: (1) the Safety Measurement System (SMS), which uses previously-collected data to identify high-risk carriers; (2) a host of intervention tools, which allows FMCSA to contact carriers prior to a violation; and (3) a Safety Fitness Determination rulemaking which would allow FMCSA to rate the safety performance of motor carriers, and ultimately determine whether or not they are fit to operate.

Policy Position – Adopted by the Board (11/14/2010)

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 policy regarding CSA and coordinate its actions with those of ATA, whenever applicable.

Background

FMCSA's Compliance, Safety, Accountability (CSA) program is intended to improve the effectiveness of the agency's compliance and enforcement programs and increase safety. It introduces a new enforcement and compliance model designed to allow FMCSA and its State partners to communicate earlier with a larger 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 T&I Committee leadership, USDOT's Inspector General (IG) evaluated the CSA program and, in a March 2014 audit, determined FMCSA has not fully implemented the program at the state level and data is sometimes incomplete and improperly analyzed. In June 2015, FMCSA published an independent report finding CSA needs to better align with the safety risks that cause crashes. In response to these concerns, Congress passed the Fixing America's Surface Transportation (FAST) Act in December 2015, hiding BASIC scores from public view until an independent review of the CSA program is conducted and reforms are made to the BASIC calculation process. Some safety performance assessments will continue to be available to the public, law enforcement, and insurance companies, although FMCSA applied multiple caveats to improper use of information.

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) Fatigued Driving;
   3) Driver Fitness; 4) Controlled Substances/Alcohol; 5) Vehicle Maintenance;
   6) Cargo Related, and; 7) Crash Indicator.

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 as well as the proposed "unfit" threshold.

Display and reliability of SMS scoring is widely debated. In March 2012, FMCSA announced changes to SMS methodology. IANA submitted

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comments to FMCSA 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. Similarly, a 2014 GAO report recommended revised SMS methodology because most regulations used to calculate scores are not violated enough to strongly associate with crash risk and most carriers lack sufficient data for peer comparison.

On June 29, 2015, FMCSA proposed enhancements to SMS methodology, including changes to intervention thresholds to better reflect BASIC scores correlation to crash risk.

The FAST Act further reforms SMS to hide BASIC scores from the public until the National Academies conducts a review of CSA and FMCSA implements a corrective plan addressing the deficiencies identified by the review. Inspection and violation information submitted to FMCSA by inspectors and law enforcement will remain available to the public

2. *Safety Evaluation*
   Safety fitness determination is based on performance data processed through SMS and is not necessarily tied to current FMCSA compliance review. Depending on a motor carrier's BASIC scores, safety fitness determination could be "continue to operate," "marginal," (may operate with ongoing intervention) or "unfit" (correct safety performance or discontinue operations). Motor carriers *and* drivers with sufficient data receive a safety fitness determination that is updated every 30 days. To implement the "unfit" portion of CSA, FMCSA needs to finalize standard rulemaking procedures; industry awaits the "Safety Fitness Determination" NPRM (expected Dec. 2015) that will replace the existing SAFER program.

The FAST Act prohibits information regarding alerts and the relative percentile for each BASIC to be used for safety fitness determinations until the Inspector General certifies the deficiencies identified by the National Academies report required in the FAST Act have been addressed.

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: Two of the BASICs – "Vehicle Maintenance" and "Cargo Related" – may have further reaching implications within the intermodal industry and impact the motor carrier/intermodal equipment provider relationship. "Vehicle Maintenance" pertains to sections 393-396 of the Federal Motor Carrier Safety Regulations and "Improper Loading/Cargo" relates to FMCSR sections 392, 393, and 397 and Hazardous Materials, 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

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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.