



by Sean D. Shields

Truck Drivers Targeted

Driving a truck is hard...and it's about to get even more difficult.

Currently, trucking means long hours, tough work in the elements, and competing with oblivious or sometimes hostile car drivers on the road. It can be a thankless job, as dispatchers push for deliveries to leave as soon as possible, jobsite foreman complain about the delivery location or condition of the components and commercial motor vehicle (CMV) inspectors issue citations for things that may be beyond a driver's control.

When the Federal Motor Carrier Safety Administration (FMCSA) rolls out its new safety initiative called the Comprehensive Safety Analysis (CSA) 2010 this July the citations and penalties will become more plentiful and severe. In many ways, this new tracking system will change the way commercial deliveries are handled in the U.S. In order to understand why this is happening, and how it will impact our industry, this article will look at how the current system has worked, what FMCSA will change, and how you will likely have to change your business operations to survive.

Reducing Fatalities

In 1986 the Commercial Motor Vehicle Safety Act was passed by Congress that created the Commercial Driver's License Information System (CDLIS) to address the high rates of CMV-related fatalities. It appeared to have an effect, as fatalities per million miles traveled dropped from 4.5 to just over 3 by 1991. In 1991, a program called SafeStat was implemented to track incidents and violations related to CMV accidents. This data was made available to the public online in 1999. Again, fatalities per million miles dropped from just over 3 down to 2 by 2007. SafeStat focuses on four Safety Evaluation Areas (SEA) to assess the performance of companies that own and operate CMVs, but it does not assess the drivers themselves.

Top Three Changes CSA 2010 Will Bring:



In addition to carriers, drivers will now be assessed a rating score based on safety-based citations (beyond just those that result in "out-of-service") received at a roadside inspection or at the site of an accident.



While FMCSA has not yet established a threshold, if a driver's score exceeds that threshold they will temporarily lose their CDL until their score decreases. A carrier can lose their authority to operate CMVs through the same process.



The new threat of losing their CDL due to non-"out-of-service" citations will require drivers to re-evaluate their job responsibilities and will likely need additional training.

With CSA 2010, FMCSA makes the argument that collecting more information on CMV driving risk factors, while holding individual drivers accountable and making that information public, will ensure even more fatalities will be avoided.

Focusing on Drivers

CSA 2010 will change the focus of roadside inspections and incident reports to gather information on a driver's performance based on seven Behavior Analysis and Safety Improvement Categories (BASICS), which replace the SEA evaluation system. These categories are:

- **Unsafe Driving:** infractions may include speeding, reckless driving, improper lane changes or inattention.
- **Fatigued Driving:** infractions may include exceeding hours of service limits, incomplete or missing log books, or operating a CMV while ill or tired.
- **Driver Fitness:** infractions may include failure to show proof of a valid commercial drivers license (CDL) or being found medically unable to operate a CMV.
- **Controlled Substances/Alcohol:** infractions may include either posses-

sion, or test results that indicate a driver was under the influence, of controlled substances or alcohol.

- **Vehicle Maintenance:** infractions include all vehicle-related defects or indications that vehicle maintenance is not being maintained.
- **Cargo Related:** infractions may include improper or insufficient load securement, overweight or oversized cargo, and insufficient permits.
- **Crash Indicator:** this category goes beyond roadside inspections and considers crash events themselves, along with their frequency and severity.

The largest immediate change is that there will now be two separate measurement systems. There will be a Carrier Safety Measurement System (CSMS) that will track infractions charged to the company who owns and operates the commercial motor vehicles. The CSMS will look at the past 24 months when computing a performance score. There will also be a Driver Safety Measurement System (DSMS), which will track the infractions of an individual driver over the past 36 months when computing a performance score.

Whereas under the current system, many load securement, oversize and overweight permit and minor vehicle damage citations could be paid by the company as a cost of doing business because they didn't result in "out-of-service," under CSA 2010 drivers could quickly lose their CDLs and livelihood because of how they are penalized under this new system. To make matters worse, when FMCSA fully implements the program in July, it will apply the rating system to citations received by carriers and drivers during the previous 24 (for the carrier) to 36 (for the driver) months. This means that infractions that have already occurred will count against you or your drivers under the new system.

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The New Playing Field

With **all** roadside inspection safety-based violations, both past and present, used to determine a driver's and a company's performance scores, it is likely some scores will immediately be unacceptable to FMCSA. The score is derived from a new formula, which gives greater weight to the severity of the violation and its relationship to a crash risk. The more recent the violation, the greater the effect it will have on the overall score. If the infraction occurred in the past six months, the weight of the citation is multiplied by 3, if it occurred between six and twelve months ago, it's multiplied by 2, and if it occurred between 12 and 24 months, it's multiplied by 1. Here are a couple examples:

Example #1: A driver with an overwidth load of roof trusses gets pulled over and inspected. During the inspection, it is determined that the permit is invalid for the load. The official also determines that the load is not properly secured with enough tie-downs given the length of the load. Finally, he also cites a broken turn signal light.

In the past, none of these violations would render the vehicle "out-of-service." The driver would most likely receive his citations, add a tie-down to the load and finish his delivery. The company would pay the tickets and move on. Under CSA 2010, that stop and resulting citations would result in a score using the following formula:

Invalid Overwidth Permit: 7 point violation x 3 = 21
Improper Load Securement: 10 point violation x 3 = 30
Broken Turn Signal: 6 point violation x 3 = 18

This stop results in a score of 69.

Example #2: That same driver completed a delivery seven months ago, and was headed back to the facility when he was pulled over for speeding. During the roadside inspection, it is discovered that the brake pads showed excessive signs of wear, and that a nail picked up at the jobsite had caused one of the tires to begin losing air pressure. The driver also did not have his logbook updated for that day's delivery. Under CSA 2010, that stop and resulting citations would result in a score using the following formula:

Speeding: 5 point violation x 2 (because it was over six months ago) = 10
Inadequate Brakes: 4 point violation x 2 = 8
Flat Tire: 8 point violation x 2 = 16
Incomplete Driver Log: 5 point violation x 2 = 10

That stop seven months ago now has a score of 44, and when combined with the latest stop with a score of 69, it gives the driver a total score of 113.

The Fallout

The score itself does not directly translate to a loss of a driver's CDL or a company's authorization to operate commercial motor vehicles. FMCSA states that the CSA 2010 system is designed to rank drivers' and companies' performance relative to their peers. To accomplish this, the raw score is divided by a factor. For the company, that factor is based on how many CMVs they own and operate averaged over the past three years (see chart A). For the driver, the factor is determined by how many inspections they have had in the past 36 months (see chart B).

| Peer Group Category | # Power Units |
|---------------------|----------------|
| 1 | 0 < PU <= 5 |
| 2 | 5 < PU <= 15 |
| 3 | 15 < PU <= 50 |
| 4 | 50 < PU <= 500 |
| 5 | 500 < PU |

Chart A

| Peer Group Category | # Inspections |
|---------------------|---------------|
| 1 | 3 |
| 2 | 4-6 |
| 3 | 7+ |

Chart B

In the example given above, the driver's total score would not count against him until he has a third inspection where a citation is issued, which could include anything from a roadside inspection, weigh station inspection or an accident. Once the driver is assigned a score, that score is divided by their peer group category number and then given a percentage score (from 0 to 100) based on all the other drivers in the FMCSA database.

If the driver or company exceeds a certain percentage threshold, which has not yet been established, FMCSA will begin issuing warnings and engage in interventions. If further citations occur, the driver may lose his CDL eligibility for a period of time (depending on how long it takes incidents to fall off his 36 month record), and the company may temporarily lose its authority to operate CMVs.

To put this in context, let's assume the driver from the example above had a third roadside inspection and was issued citations worth 42 additional points. His CSA score then would immediately increase to 155 (113+42), which is divided by the number of inspections he has had (3) to result in a final score of 52. He would then be compared to all other drivers who have had three roadside inspections. If his score of 52 was higher than the threshold established by FMCSA for drivers with three inspections, his CDL would be temporarily suspended.

Driving Forward

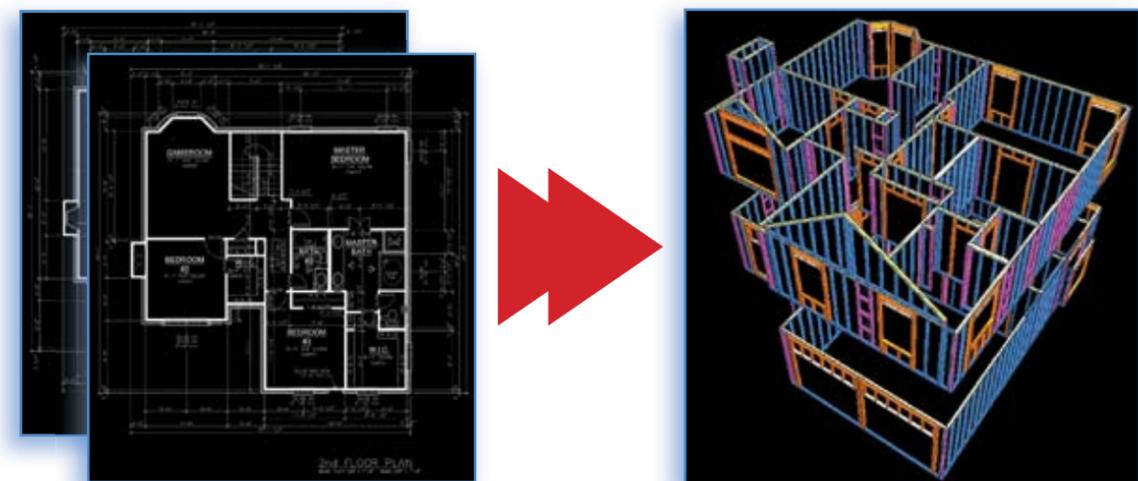
CSA 2010 is a game changer. All BASICs violations will count against both the company and the driver. Drivers faced with the possibility of losing their CDL and their livelihood will likely take more time dealing with the cargo they haul and the risks they take with permits, load sizes and weights and overall paperwork. Pre-trip and post-trip inspections should hold more gravity, and updating log books should become a stronger focus. The cargo loading and load securement processes should also be more heavily scrutinized.

One recommendation is to immediately ensure all of your drivers are well trained on their responsibilities. SBCA has a comprehensive online driver training program available that is specific to our industry. It will address all the issues and duties your drivers must attend to in order to minimize their risk for a violation during an inspection or a crash incident. For more information on this program, visit www.wtcatko.com/truck or contact sshields@qualtim.com. **SBC**



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