




Motor Carrier Early Intervention: The Warning Letter

This is the **SAMPLE** warning letter that has been mailed to motor carriers since **March 2011**. The language in the warning letter may be revised in the future.

 U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Federal Motor Carrier Safety Administration

Month, date, year
In reply, refer to:
USDOT Number:
[USDOT Number]

[Carrier Name]
[Carrier Address]
[Carrier Address]

Dear Motor Carrier:

A review of [Insert Motor Carrier Name]'s safety data shows a lack of compliance with motor carrier safety regulations and suggests that your safety performance has fallen to an unacceptable level in the area(s) of [List of BASICs Above the Threshold]. The purpose of this letter is to: 1) inform you of your company's current safety performance; 2) explain how you can view your safety record and correct it if it contains erroneous data; and 3) describe what actions may be taken in the future if your safety performance does not improve.

This review and notice was based on the roadside inspection and crash performance of [Carrier Name]. Based upon this review, the Federal Motor Carrier Safety Administration (FMCSA) will continue to assess the regulatory compliance of [Carrier Name] on a monthly basis. FMCSA will also evaluate your safety performance through increased roadside inspections that target your company's performance area(s).

You are encouraged to visit the website <http://ai.fmcsa.dot.gov/> to review your company's record. This website also contains instructions for requesting corrections to information that you believe to be incorrect. A password will be required to view your company information. Instructions to obtain a password are found on the website.

We urge you to take this warning letter seriously and improve your safety record. Failure to improve your company's safety performance will result in further investigation of your safety management practices, which may include requests for additional data through offsite or onsite interventions. Continued poor safety performance will result in penalties/sanctions, which could include civil penalties, suspension and/or revocation of State vehicle registration and revocation of your company's operating authority. Further, your operating record is available to other parties, which include shippers, brokers and insurance companies.

You can visit the FMCSA website at <http://www.fmcsa.dot.gov/> to receive information about motor carrier safety rules and regulations. If you have additional questions regarding this matter or need assistance, please contact one of the following:

[Division Office]
[Federal Motor Carrier Safety Administration]
[Street Address]
[Street Address]
[City, State Zip Code]
[Telephone Number]

[State Office]
[Street Address]
[Street Address]
[City, State Zip Code]
[Telephone Number]

Sincerely,

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance

Warning letters are an important part of the Compliance, Safety, Accountability (CSA) interventions process. They provide early contact with carriers who have identifiable, but not yet severe, safety problems. A motor carrier representative of one company that received a warning letter in the Operational Model Test advises other carriers to gain a strong understanding of CSA “so they can talk to their office staff; talk to their drivers; lay down the consequences for driver performance; and work to be compliant.” The following are some of the most frequently asked questions about warning letters.

Q. What is CSA?

A. CSA is a Federal Motor Carrier Safety Administration (FMCSA) program designed to improve large truck and bus safety and ultimately reduce commercial motor vehicle (CMV)-related crashes, injuries, and fatalities.

Q. What are warning letters?

A. Warning letters are an important element of the CSA interventions process, which also includes Offsite, Onsite Focused, and Onsite Comprehensive Investigations. CSA's suite of tools enables Federal and State enforcement staff to select carrier interventions according to the nature and severity of a carrier's safety and compliance problems. CSA's array of interventions starts with the warning letter, the earliest contact designed to address the least severe safety problems. The warning letter is designed to make carriers aware of their safety performance issues so they can address these early, before they become habitual and more difficult to correct.

Q. What do warning letters say?

A. Warning letters notify carriers of their safety issues, provide instruction on how to view their safety information online, and warn them that failure to correct safety problems results in future contact by FMCSA. Warning letters will provide motor carriers with an opportunity to examine their data for accuracy and to file any appropriate requests for data review.

Q. Who will get a warning letter and when?

A. Motor carriers that are identified through the CSA Safety Measurement System (SMS) as requiring this first level of intervention will receive a warning letter.

Q. Does FMCSA send warning letters to drivers or only to carriers?

A. At present, only carriers receive warning letters if their SMS percentile exceeds the threshold in any Behavior Analysis and Safety Improvement Category (BASIC). FMCSA does not have plans at this time to directly contact drivers.

Q. Do all carriers with safety problems receive a warning letter?

A. No. Motor carriers who are identified as having significant safety problems in the SMS will receive an Offsite or Onsite Investigation depending on the BASICS that exceed the threshold. They will not necessarily receive a warning letter beforehand.

Q. What should a motor carrier do after receiving a warning letter?

A. Carriers do not need to respond in writing to FMCSA after receiving a warning letter. FMCSA does encourage motor carriers to log in to the SMS Website (<http://ai.fmcsa.dot.gov/sms/>) to examine their data, focusing their attention first on the BASICS that are over or near the Intervention Threshold. Carriers should consider doing all of the following:

- Ensure accuracy of data.
- Examine violation types.
- Conduct detailed data analysis.
- Address identified safety issues.
- Periodically review SMS data.

CSA INTERVENTIONS

Early Contact

- Warning Letter
- Carrier Access to Safety Data and Measurement
- Targeted Roadside Inspection

Investigation

- Offsite Investigation
- Onsite Investigation – Focused
- Onsite Investigation – Comprehensive

Follow-on

- Cooperative Safety Plan
- Notice of Violation
- Notice of Claim
- Operations Out-of-Service Order

