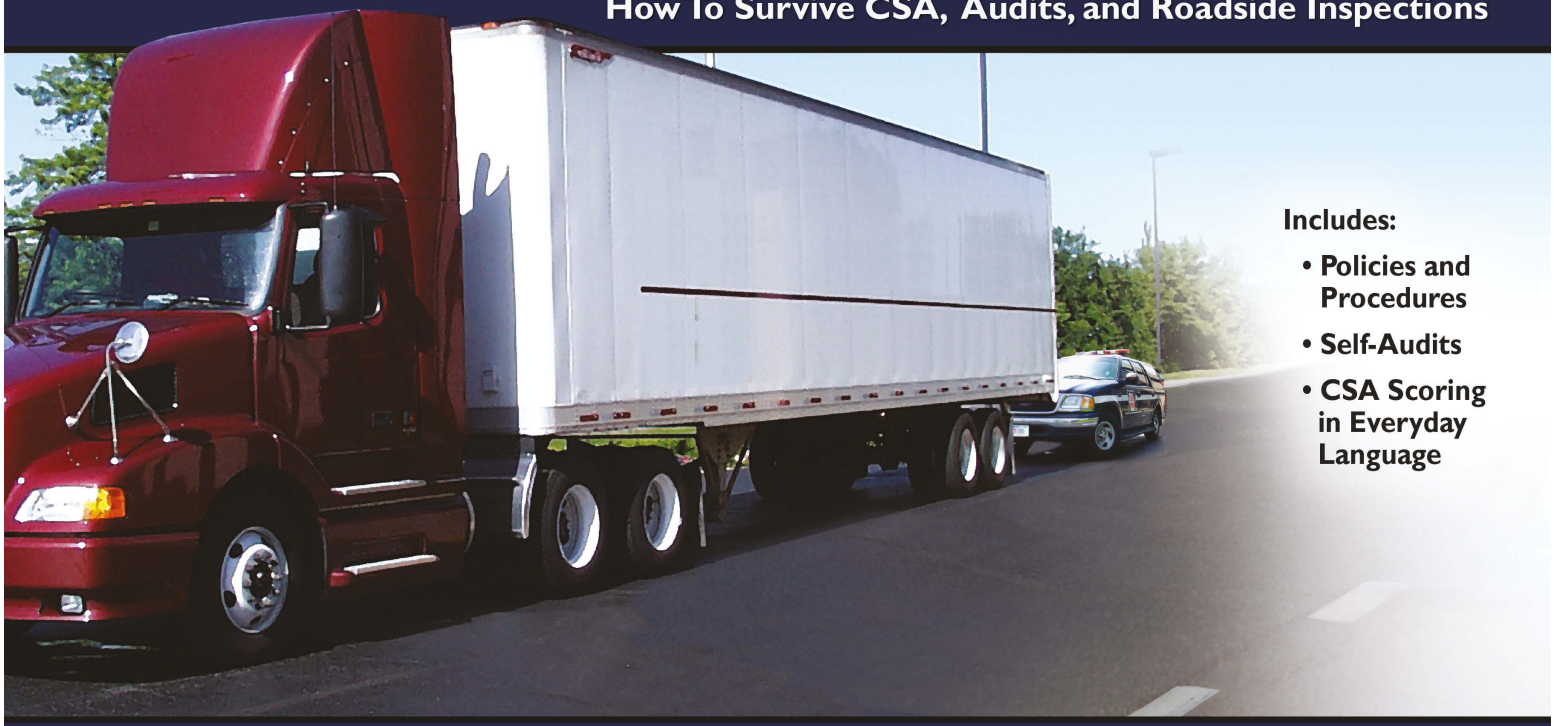
DOT Enforcement Essentials Manual

How To Survive CSA, Audits, and Roadside Inspections



Includes:

- Policies and Procedures
- Self-Audits
- CSA Scoring in Everyday Language

For All Commercial Motor Vehicles

J. J. Keller & Associates, Inc.®
Since 1953

(42747)

This publication updates in May/November

ISBN-13: 978-1-68008-003-2
90000
9 781680 080032

DOT Enforcement Essentials

J. J. Keller & Associates, Inc.
3003 Breezewood Lane
P.O. Box 368
Neenah, Wisconsin 54957-0368
Phone: (800) 327-6868
Fax: (800) 727-7516
JJKeller.com

Library of Congress Catalog Card Number: 2014954152

ISBN 978-1-68008-003-2

Canadian Goods and Services Tax (GST) Number: R123-317687

Introduction

The Federal Motor Carrier Safety Administrations (FMCSA) has a mission statement to reduce the number of commercial motor vehicle related crashes. It is not surprising that the agency relies heavily on enforcement and crash data to determine its level of success, and that of motor carriers.

The agency employs a statistical strategy — through its Compliance, Safety, Accountability (CSA) enforcement model — to assist in identifying high-risk carriers. FMCSA theorizes that past behavior is a predictor of future crashes, thus allowing the agency an opportunity to work with high-risk motor carriers to achieve a higher level of safety before an accident occurs — or before having to place the company out of service.

This manual was designed to assist motor carriers in understanding the complexities surrounding the CSA enforcement program, including the scoring methodology. It also aids motor carriers in compliance efforts on and off the road, since both are directly linked to the CSA program. The segments on roadside inspections will help equip both the carrier and driver for daily roadside inspections and annual enforcement campaigns such as International Roadcheck, brake safety week, and the like.

This manual is segmented based on categories of regulations (used by FMCSA for CSA) called Behavior Analysis and Safety Improvement Categories (BASICs). Using this presentation of materials, motor carriers are able to use the manual to maintain — and strengthen — specific areas of their safety programs. Each contains an explanation of the CSA methodology, a self-audit, an explanation of recordkeeping requirements, and tools to enhance safety management controls as they relate to the BASIC. The ultimate goal is to have checks and balances in place to reduce the number of violations of the safety regulations, demonstrating to FMCSA your low likelihood to be in a motor carrier crash.

Revision bars, like the one at the left of this paragraph, are used in this publication to show where significant changes were made on update pages. The revision bar next to text on a page indicates that the text was revised. The date at the bottom of the page tells you when the revised page was issued.

Due to the constantly changing nature of government regulations, it is impossible to guarantee the absolute accuracy of the material contained herein. The Publisher and the Editors, therefore, cannot assume any responsibility for omissions, errors, misprinting, or ambiguity contained within this publication and shall not be held liable for any loss or injury caused by such omission, error, misprint, or ambiguity presented in this publication.

This publication is designed to provide reasonably accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the Publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

The Editors & Publisher
J. J. Keller & Associates, Inc.

DOT Enforcement Essentials

Published & Printed by

J. J. Keller & Associates, Inc.
3003 Breezewood Lane, P.O. Box 368
Neenah, Wisconsin 54957-0368
Phone: (800) 327-6868
Fax: (800) 727-7516
JJKeller.com

Table of Contents

DOT Enforcement Essentials

Hours of Service

CSA Scoring

Introduction

The math behind the Compliance, Safety, Accountability (CSA) Hours-of-Service (HOS) Compliance BASIC (Behavior Analysis and Safety Improvement Category) may seem confusing, with multiple variables and steps to take into consideration in order to arrive at one's BASIC Score. Note that a motor carrier is only able to take the math to a certain point based on the data it has at hand. It only has the tools to arrive at its HOS Compliance BASIC Measure because it is unable to mimic one of the final steps in the process, a peer (i.e., safety event group) comparison. The Federal Motor Carrier Safety Administration (FMCSA) assigns a percentile ranking within an assigned safety event group, which ultimately becomes a company's HOS Compliance BASIC Score.

Audit Tool

The HOS Compliance BASIC Measure, and the data that goes into computing it, offers insight into a motor carrier's safety program. By examining the data appearing in CSA's Safety Measurement System (SMS) on a monthly basis, a motor carrier may be able to spot the beginning of an HOS trend or identify long-term HOS patterns within the company, terminals, or drivers. Monthly tracking may even allow managers to see positive change based on the safety data.

What Is Factored Into the CSA HOS Compliance BASIC Score?

The HOS Compliance BASIC addresses the operation of commercial motor vehicles (CMVs) by drivers who are ill, fatigued, or in non-compliance with the HOS regulations. This BASIC includes violations of regulations surrounding the complete and accurate recording of log books as they relate to HOS requirements and the management of CMV driver fatigue.

The HOS Compliance BASIC does not include incidents where unconsciousness or an inability to react is brought about by the use of alcohol, drugs, or other controlled substances. Violations under this BASIC include HOS, logbook, and operating a CMV while ill or fatigued.

Data Sources

The HOS Compliance BASIC uses relevant violations of the safety regulations recorded by enforcement personnel during roadside inspections and entered into SAFETYNET and channeled into the Motor Carrier Management Information System (MCMIS) .

Roadside inspections are examinations conducted by a Motor Carrier Safety Assistance Program (MCSAP) inspector on individual commercial motor vehicles and drivers to determine if they are in compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and/or Hazardous Materials Regulations (HMR). Inspection data are taken from MCMIS.

Violations are recorded during inspections and entered into the MCMIS database. (**Note:** If a driver is cited and convicted of a violation related to an HOS Compliance BASIC safety regulation, but it does not appear on the roadside inspection report, it will not be entered into MCMIS. It will appear on the driver's motor vehicle report (MVR), but it will not be factored into the carrier's BASIC score.)

Hours of Service: CSA Scoring

Calculating the HOS Compliance BASIC Measure

Let's begin by looking at the BASIC Measure formula for the HOS Compliance BASIC. It is calculated as the sum of the severity and time weighted applicable violations divided by the number of time weighted relevant (driver) inspections.

Basic Measure = Total of time and severity weighted applicable violations ÷ Number of time weighted relevant inspections

In order to fully understand the formula, the individual components must be defined and explained.

Applicable violation

An applicable violation is any violation recorded in any Driver Inspection (Level 1, 2, 3, or 6) that matches the FMCSRs listed for HOS Compliance BASIC during the past 24 months. Please refer to the severity table appearing within this minor tab. The Safety Measurement System (SMS) only uses each violation cite once per inspection in cases of multiple counts of the same violation.

Relevant inspection

A relevant inspection is any Driver Inspection (Level 1, 2, 3, or 6), including those that do not result in a violation in the BASIC.

Severity score

When a violation enters a BASIC in the SMS for scoring, a "value" is assigned to each. The value for each safety-related violation will be determined by its level of crash risk in relationship to other violations in this BASIC. It is given a severity weight of 1 to 10, and 2 points are added if the event involved being placed out of service. The sum of all violation severity weights from any one inspection for one BASIC is capped at a maximum of 30. *The severity weights of violations outside of the BASIC during the same roadside inspection do not count towards the violation cap.*

Time weight

After the violations from the roadside inspection are assigned a BASIC based on severity (i.e., likelihood to factor into an accident), all safety events are assigned a time weight. The time weight of an event decreases with time, resulting in more recent events having a greater impact on an entity's BASIC than events from the more distant past.

Events occurring:

- In the past 6 months are time-weighted at 3;

- In the past 7 to 12 months are given a time weight of 2; and
- More than 12 months ago but within 24 months are time-weighted at 1.

Events older than 24 months are assumed irrelevant and no longer used.

In order to arrive at a violation's time and severity weighted value, you take the severity score for a BASIC from a specific roadside inspection and multiply it by 1, 2, or 3 based on when it occurred.

Normalization using relevant inspections

The total of the time weighted relevant inspections is used to account for each carrier's level of exposure when calculating the HOS Compliance BASIC Measure. This number is divided into the total time weighted applicable violations.

For example, suppose a carrier had six relevant inspections in the past six months. You multiply the total relevant inspections for the time period by the time weight (6 inspections x 3 time weight = 18). It had four inspections after six months, but within twelve months. Again, multiply the total relevant inspections for the time period by the time weight (4x2=8). Finally, the carrier had just one relevant inspection older than twelve months, but within the 24 months. You once again multiply the total relevant inspections for the time period by the time weight (1x1=1). You then add the 18, 8, and 1 to arrive at 27 for the total time weighted relevant inspections.

Step 1 of Data Sufficiency

Once the HOS Compliance BASIC Measure is calculated, SMS employs data sufficiency standards to ensure that there are enough inspections to produce meaningful measures of safety for carriers. In instances where the safety performance of a carrier can potentially lead to CSA interventions or a detrimental Safety Fitness Determination, additional data sufficiency tests are employed. These tests ensure that a carrier has a "critical mass" of poor performance data or a pattern of violations before adverse action is taken.

For the HOS Compliance BASIC, the first step in data sufficiency requires the FMCSA to remove carriers with:

- Less than three relevant driver inspections, or
- No inspections resulting in at least one violation in the BASIC.

Ranked in Safety Event Groups

Grouping motor carriers in safety event groups (i.e., peers) allows the SMS to handle the widely diverse motor carrier population, while ensuring that similarly situated carriers are treated with the same standards.

The following table lists the groups for the HOS Compliance BASIC:

Safety Event Group Category	Number of Relevant Inspections
1	3-10
2	11-20
3	21-100
4	101-500
5	501+

Within each group above, the SMS ranks all the carriers' BASIC Measures in ascending order. Percentile ranking allows the safety behavior of an entity to be compared with the safety behavior of its peers. Within each peer group, a percentile is computed on a 0-100 scale for each entity that receives a non-zero measure, with 100 indicating the worst performance.

Step 2 of Data Sufficiency

Yet another data sufficiency is employed. Carriers that meet both of the following criteria are eliminated:

- No recorded violations in the past 12 months, **and**
- No violation in the BASIC recorded during the latest relevant inspection.

Arriving at the Carrier's BASIC Score

Those carriers that remain after the second data sufficiency step have been assigned a BASIC score. Carriers with percentiles above a certain set threshold will be identified for potential CSA interventions.

Severity Weight Table

The following table lists the violations used in the HOS Compliance BASIC Measure formula. The far-right column indicates if the data is scored into the Driver Safety Measurement System (DSMS) — for driver's BASIC score. If indicates a "Y," it is scored in both the Carrier Safety Measurement System (CSMS) and the DSMS. If it indicates a "N," it is only scored in the CSMS and not held against the driver.

Adjudicated Violations

For inspections that occurred on or after August 23, 2014, the SMS Methodology has been revised to reflect adjudicated citations. This occurs when states issue a citation (i.e., ticket) associated with a violation noted in the roadside inspection and appearing in a severity table, and the citations is subsequently adjudicated in a due process system.

Drivers or carriers must submit certified documentation of the judicial proceeding results through a Request for Data Review (RDR) in the Federal Motor Carrier Safety Administration's (FMCSA's) DataQs system to initiate this process. MCMIS has been modified to accept adjudication results showing that a citation was dismissed or resulted in a finding of not guilty; resulted in a conviction of a different charge; or resulted in conviction of the original charge. The adjudication results will impact the use of roadside inspection violation data in other FMCSA data systems, including the SMS.

If the citation was dismissed/not guilty, the violation is removed from the SMS. If the citation resulted in a conviction of a different charge, the severity weight is set to 1 and not subject to OOS weight.

Hours-of-Service Compliance BASIC Violation Severity Table

Section	Description	Group	Severity*	Affects Driver Score?
392.2H	State/local hours of service	Hours	7	Y
392.3	Operating a CMV while ill or fatigued	Jumping OOS/ Driving Fatigued	10	Y
392.3-FPASS	Fatigue — operate a passenger-carrying CMV while impaired by fatigue	Jumping OOS/ Driving Fatigued	10	Y

Hours-of-Service Compliance BASIC Violation Severity Table, Continued

Section	Description	Group	Severity*	Affects Driver Score?
392.3-FPROP	Fatigue — operate a property-carrying CMV while impaired by fatigue	Jumping OOS/ Driving Fatigued	10	Y
392.3-I	Illness — operate a CMV while impaired by illness or other cause	Jumping OOS/ Driving Fatigued	10	Y
395.1(h)(1)	Violation of 15, 20, 70/80 Hour of Service rules for Alaska - drivers of property	Hours	7	Y
395.1(h)(2)	Violation of 15, 20, 70/80 Hour of Service rules for Alaska - drivers of passengers	Hours	7	Y
395.1(h)(3)	Adverse driving conditions violations (Alaska)	Hours	7	Y
395.1(o)	16 hour rule violation (property)	Hours	7	Y
395.3(a)(1)	Requiring or permitting driver to drive more than 11 hours	Hours	7	Y
395.3A1R	11-hour rule violation (property)	Hours	7	Y
395.3A2R	14 hour rule violation (property)	Hours	7	Y
395.3A2-PROP	Driving beyond 14 hour duty period (property carrying vehicle)	Hours	7	Y
395.3A2-PROPN	Driving beyond 14 hour duty period (property carrying vehicle) — Nominal Violation	Hours, Nominal	1	Y
395.3A3-PROP	Driving beyond 11 hour driving limit in a 14 hour period (property carrying vehicle)	Hours	7	Y
395.3A3-PROPN	Driving beyond 11 hour driving limit in a 14 hour period (property carrying vehicle) — Nominal Violation	Hours, Nominal	1	Y
395.3(a)(3)(ii)	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	Hours	7	Y
395.3B1-PROP	Driving after 60 hours on duty in a 7 day period (property carrying vehicle)	Hours	7	Y
395.3B1-PROPN	Driving after 60 hours on duty in a 7 day period (property carrying vehicle) — Nominal Violation	Hours, Nominal	1	Y
395.3(b)(2)	Driving after 70 hours on duty in a 8 day period (property carrying vehicle)	Hours	7	Y
395.3B2-NOM	Driving after 70 hours on duty in a 8 day period (property carrying vehicle) — Nominal Violation	Hours, Nominal	1	Y
395.3BR	60/70-hour rule violation (property)	Hours	7	Y
395.5(a)(1)	10-hour rule violation (passenger)	Hours	7	Y
395.5A1-PASS	Driving after 10 hour driving limit (passenger carrying vehicle)	Hours	7	Y
395.5A1-PASSN	Driving after 10 hour driving limit (passenger carrying vehicle) — Nominal Violation	Hours, Nominal	1	Y
395.5(a)(2)	15-hour rule violation (passenger)	Hours	7	Y

J. J. Keller & Associates, Inc.®
Since 1953

Want to Keep Reading?

Visit JJKeller.com now to order or get more details on this manual written by our safety & compliance experts.

Convenient Update Service subscriptions are also available to help you make sure your information is always up to date.

NOW AVAILABLE - Access Your Manual Online

With our NEW Online Edition options, you can access this manual's content from any browser or mobile device. You'll get:

- Search capabilities for easy navigation and fast research
- Bookmarks to help you to quickly flip to sections you frequently use
- Continuous updates to ensure you always have the most current info
- Notifications via homepage and email to help you stay on top of changes
- Easy access to ask questions of our subject matter experts

Order Now to Keep Reading!

Connect With Us

@jjkeller | jjkeller.com/LinkedIn | google.com/+jjkeller | contact us