

Successful DataQs Strategies

Thursday, October 15th, 2015

10:00 AM CST

Successful DataQs Strategies

Gary Petty
President & CEO
National Private Truck Council

NPTC
National Private Truck Council

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

Introduction

- Regulatory Background – Tom Bray
- Beyond Compliance – Tom Moore, CTP
- Fleet Perspective – Mike Little, CTP
- Housekeeping issues:
 - You will be muted during the event.
 - Please use the Q&A feature to send questions us. We'll try to answer them during the Q&A period if they are not covered in the presentation.

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Regulatory Background

Thomas Bray
Sr. Editor, Transportation Management
J. J. Keller & Associates, Inc.

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DataQs Purpose

- DataQs put in place to allow carriers to challenge incorrect data in FMCSA database related to:
 - Roadside inspection reports
 - Crashes
 - Investigations
- Requires 15 minutes to sign up as a “User”
- Carriers can also request missing roadside inspection reports
 - Checking CSA or Portal data to reports you have received is how you know you are missing one




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Reasons to Challenge

- Crash or inspection is not yours
- Duplicate crashes, inspections, or violations appear in your data
- Violation did not occur or was documented incorrectly
- Crash was documented incorrectly
- Crash was not recordable
 - No fatality, injury requiring immediate treatment away from the scene, or vehicle towed due to disabling damage
 - Fault or preventability are NOT reasons to challenge a crash




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DataQs Process

- Initiate “Request for Review”
- Select the event (roadside inspection, crash)
- Select the “type” of review requested (violation in error, not yours, etc.)
- Enter details (including report/crash number, narrative, etc.)
- Submit documents



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'Adjudicated Citations'

- If court ruled on citation related to a violation on roadside inspection report, violation will be adjusted accordingly
 - Dismissed: Removed
 - Reduced or changed: Severity in CSA's SMS dropped to 1
 - Driver convicted: No change
- You must include official documentation of court's findings




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Once Submitted

- FMCSA forwards Request for Review to state motor carrier safety office in state involved
- Investigator assigned by state office
- Investigator reviews your submission, speaks to officer(s) involved, makes decision, then notifies you through DataQs
- FMCSA will NOT change state's decision
 - However, they do watch the traffic and evaluate what is going on




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Timing of Challenges

- Best: Begin challenge as soon as you have the detailed information (do not need to wait for it to appear in your data)
- Next to best: As soon as incorrect data appears in CSA or Portal
- Do not wait too long!
 - Some states will refuse to review if too much time has gone by (too difficult to investigate)



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More Information

- For more information on the states' process, see "DataQs Analyst's Guide," available at:
 - https://dataqs.fmcsa.dot.gov/Data/Guide/DataQs_Users_Guide_and_Best_Practices_Manual.pdf
- For more information on submitting Requests for Review, see the "Help Center" in DataQs




Tom Bray
J. J. Keller & Associates, Inc.



Best Practices in DataQs Strategies

Tom Moore CTP
Sr. Vice President
National Private Truck Council




Tom Moore
National Private Truck Council





Successful DataQs Challenges

- Only challenge questionable violations and crashes that are not recordable
- Make sound and solid argument in narrative
- Upload supporting documents and/or pictures
- Remember you are trying to convince an investigator that the officer or official report was wrong, so you better present a compelling argument that is supported



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Tips for Data Q

- Handle disputing violations at the corporate level
- Only dispute when you are able to prove your case
- Have documentation to dispute the violations
 - Show receipt from the same day or within a few days
 - Towing receipts, statement from tow company, repair invoices, pictures
- The burden of proof is on the carrier




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National Private
Truck Council





Know Your DOT Data

- SAFER
 - safer.fmcsa.dot.gov/CompanySnapshot.aspx
 - Carrier census information
 - Inspection OOS rates compared to national averages over last 24 months
 - Carrier crashes over last 24 months
 - Carrier safety fitness rating
 - Flag if carrier is prohibited from operating




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Know Your DOT Data

- SMS
 - ai.fmcsa.dot.gov/SMS/
 - Carrier census information
 - 36 months of inspection, intervention and crash data (including identification of serious violations)
 - BASIC percentile rankings and over threshold notice
 - Data download functionality
 - Informational materials on improving BASIC percentile rankings
- Compass Portal
 - portal.fmcsa.dot.gov
 - Daily, un-scored roadside inspection and crash data
 - Access to other FMCSA sites



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Fleet Perspective with DataQs

Mike Little CTP
 Director of Transportation
 Mid-South Baking Company

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Mid South Baking

- Regional high speed bakery
 - 1.2 billion buns/ muffins year
 - 400 employees
 - > 100 drivers
- Regional DSD fleet
 - 44 tractors
 - 1,400 restaurants, 3x week
- Have been successfully challenging since 2007

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DataQs

- Tool providing fleets opportunity to review roadside inspection data, correct errors or omissions and supplement inspection records with company perspective.

List of Reviews Requested

ID	State	City	Agency	Inspection Date	Inspection Type	Status	Notes
100001	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100002	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100003	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100004	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100005	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100006	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100007	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100008	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100009	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	
100010	GA	Atlanta	Georgia Dept of Transportation	10/15/2015	Crash - Not Reportable	Open	

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Opportunity Knocks:

- Review and correct/append records that are:
 - The basis of FMCSA scoring, reporting and auditing systems:
 - CSA
 - PSP
 - Publically available inspection information:
 - Licensing and Insurance information
 - Safety Rating
 - Out of Service Rates
 - Penalty History
 - Increasingly the focus of the shippers and plaintiff attorneys:
 - Risk Control
 - Public Relations

Safety Scoring:

- What incorrect information can you afford to leave as a matter of public record?
- Who will see it?
- What will they do with it?
- What incorrect conclusions will be reached about your fleet?



Mike Little, CTP
Mid-South Baking




Our DataQs Record: 2007 - Present



46 DataQ challenges

- 29 successfully addressed
- 17 not so much
- 63% success rate

- Crash - Assigned to Wrong Carrier 2/2
- Crash - Duplicate Record 2/2
- Crash - Incorrect Information 2/2
- Crash - Not Reportable 7/14
- Inspection - Assigned to Wrong Carrier 4/4
- Inspection - Citation with Associated Violation 1/1
- Inspection - Incorrect Violation 9/18
- Inspection - Missing Record 2/3




Mike Little, CTP
Mid-South Baking





Even Knowing What Likely Won't Fly, We Continue to Try...

- Crashes: private parking lot = not reportable
 - Nope, highway still means driving surface "...open to public travel"
- Tows to return vehicle to road, not as a result of disabling damage
 - Meh...50/50 so far
 - State agencies relying on tow company records to determine spot vehicle "towed to...?"
 - Tow companies not often cooperative
- Transport to hospital of crash participant did not occur "immediately"
 - Nope, "immediacy" of transport doesn't appear to be relevant if the care received is easily attributable to the crash being the cause of the hospital visit and seeking the care is "without unreasonable delay".



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Keys to Success



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Mid-South Baking

- Knowing the Website
- Knowing our Data
- Knowing the Regulations
- Knowing the Process
- Knowing our Inspectors/Reviewers
- Knowing we are not Alone




Know the Website




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- Spend time on the DataQs site
 - It's the access point to address issues
- Invest the time to learn how the tool works
 - Navigation
 - Adjusting layout – filtering, sorting, customizing
 - Exporting data
 - Importing data
 - Full screen view
- Use material provided by FMSCA on the DataQs site
 - Help Center
 - Analyst Guide

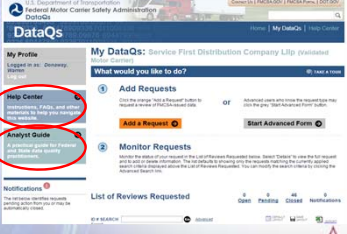





DataQs online resources



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- Help Center
 - Instructions
 - FAQs
 - Additional Material
- Analyst Guide
 - 81 pages explaining how the system should work






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Know the Data





• Can't manage what you don't measure
➢ Must be reviewing inspection/crash data to determine whether an issue exists that needs to be challenged.


• FMCSA Compass Portal is updated more frequently than SMS

• Review all driver submitted inspection reports/citations
➢ Will be early indicator of whether a challenge will be needed.

• Prepare supporting documentation for challenge before violations are posted to SMS



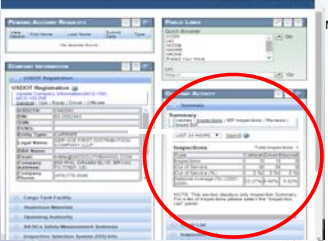


Compass Portal




Company Recent Activity:

- Select area of focus
- Select time period
- Review





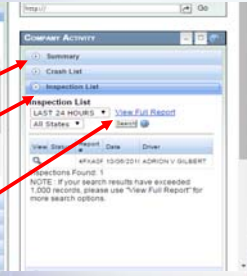
Compass Portal



• Collapse "Summary"

• Expand "Inspection List"

• Continue to "View Full Report" for additional details on inspections




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Know the Regulations




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- **Federal –**
 - FMCSRs
- **State –**
 - Traffic
- **Local –**
 - ?

- **Research each citation/ inspection your drivers bring in**
- **Double check the regulations to see if the inspector's interpretation matches the regs**
- **Ask questions – learn as you go**
 - SMEs
 - Peers
 - Local Agencies
 - DataQs responders





Protect credibility




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- **If we believe our interpretation is correct or have a legitimate concern – we go for it**
- **Reviewers are required to respond; however our professional reputation is on display**

- **Understand the process and follow it**
- **Be professional, polite and succinct – respectfully, get to the point**
- **Submit supporting documents**
- **Guard against challenges without merit – don't waste our time/ resources... or the reviewer's**





Know the Process



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- **Choices**
 - RDR – Request for data review
 - IRR – Inspection report request
- **Likely outcomes**
 - Balance investment of time/ resources against likely benefit
 - Successful outcome not assured
 - Documentation improves success rate
- **Timeframe for settlement**
 - Not predetermined
 - Many complicating factors


- **Request for Data Review (RDR) Types:**
 - Crash Event
 - Inspection Event
 - DOT Audit/ Investigation
 - Registration/ Insurance
 - Household Goods Complaints
- **Primary Reason Types:**
 - Assigned to wrong carrier
 - Not reportable/ incorrect violation
 - Duplicate record
 - Incorrect information
 - Missing record



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Errors

- **Mistaken identity – not our personnel or operating authority:**
 - Not our driver in our equipment (repair/maintenance provider)
 - Not our equipment or driver (previously rented equipment)
 - Not carrier power, but maybe our easily identifiable trailer....
- **Reg Misinterpretation:**
 - Brake type identification/ acceptable range
 - 30 day rental agreement
- **Tow to return to road:**
 - Not as a result of disabling damage
- **Duplicate entry of inspection/crash records**
- **Crash not DOT reportable**




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Omissions


Inspections without violations

- Make sure they're being recorded
- Challenge = "Inspection - Missing record"



Adjudication

- FMCSA will not "automatically" be notified following successful adjudication of matters related to recorded violations/citations.
- Successful legal challenges must be communicated using DataQs:
 - Speeding
 - Cell phone usage
 - Credentials




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How the New Policy Works Cont.

Result of Adjudicated Citation Associated with a Violation	SMS	PSP
Dismissed without a fine or not guilty	Violation removed	Violation removed
Conviction of a different charge	Violation indicated as conviction of a different charge. SMS severity weight reduced to 1	Violation indicated as conviction of a different charge
Conviction or dismissed with a fine	Violation retained	Violation retained

- Carriers logged in to Portal or SMS will be able to see all of the violations listed on an inspection and associated adjudicated citation results.



Submitting an RDR

6 Step Process:

- 1) Select event type to be reviewed
- 2) Select reason for review
- 3) Confirm
- 4) Enter details of event specific to choice
- 5) Upload documentation
- 6) Confirm

Add a Request - Step 2

My Profile

Logged in as: **Shoreway, Shawn**

Help Center

Analyst Guide

Notifications

Crash Event

Not new (other carrier or driver)

Not an FMCSA-reportable crash

Not by fault and prevention

Inspection Event

Never received a copy of the report


Citation associated with a violation on an inspection

Citation is incorrect. Add multiple lines, or change existing information. Equipment Profile, DOT Number information


Inspection report contains incorrect information

U.S. DOT Audit/Investigation

Safety audit OIA investigation (includes Bureau "hooking")



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Know you are not alone


- **Network! - Resources exist**
 - Reach out to peers, other carriers, professional associations, state agency outreach/ support personnel, state motor carrier associations
- **Identify SMEs – find those that know**
 - Ask questions, discuss concerns, identify their resources
- **Share Best Practices**
- **Pursue educational opportunities and events**
- **Educate personnel and cross-train**
 - Build bench strength




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Mid-South Baking



Question & Answer Session



Gary Petty
National Private
Truck Council



Tom Moore, CTP
National Private
Truck Council





Tom Bray
J. J. Keller &
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Mike Little, CTP
Mid-South Baking


Please continue to submit
your questions.





Thank you for participating!

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