

# How to Use the DataQs System To Remove a Non-Fault Crash From Your Record

11:00 AM Eastern Time (New York)  
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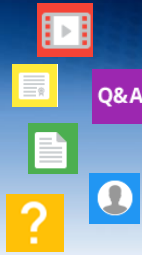
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## Housekeeping Items

- Audio streamed through computer speakers
- Widgets are resizable and moveable
  - Minimize/maximize
  - Expand/shrink
- Enter questions via the Q&A
- Check out the resources area to download today's slides
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# How to Use the DataQs System To Remove a Non-Fault Crash From Your Record

May 9, 2019



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## How to Use the DataQs System to Remove a Non-Fault Crash from Your Record

This webcast will cover ...

- A regulatory overview
- Best practice strategies
- A case study in implementation
- Question & Answer

### Attention Attendees:

- + Thank you for attending!
- + You will be muted during the event.
- + Please use the Q&A feature to send in questions to us. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- + The slides and recording will be posted within 7 days at: [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo)



**Gary Petty**  
President & CEO  
National Private Truck Council



## Meet Your Presenters



**Gary Petty**  
President & CEO  
National Private  
Truck Council



**Tom Bray**  
Industry Consultant-  
Transportation  
J. J. Keller & Associates, Inc.



**Tom Moore, CTP**  
Senior Vice President  
National Private  
Truck Council



**Paul Miller, CTP**  
Director of Transportation  
Merchants Distributors,  
LLC



## How to Use the DataQs System To Remove a Non-Fault Crash From Your Record



**Tom Bray**  
Industry Consultant – Transportation  
J. J. Keller & Associates, Inc.



## DataQs: What is it?

- DataQs is an electronic means for filing concerns about Federal and State data the Federal Motor Carrier Safety Administration (FMCSA) has on file

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## What Data?

- Roadside data
  - Crash data
  - Inspection reports and violations
- Non-Roadside data
  - Data related to:
    - An audit or investigation
    - Registration (DOT number information)
    - Household good complaints

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## Where Can I Find My Data?

- CSA's SMS: <https://ai.fmcsa.dot.gov/SMS>
- FMCSA's Portal: <https://portal.fmcsa.dot.gov/login>
- Carrier profile:
- <https://ask.fmcsa.dot.gov/app/mcmiscatalog/mcmishome>

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## How to Do It: Preparation

- Review the violation or crash, and the related regulations and interpretations
- Formulate your argument
- Locate supporting documentation
  - Crash report
  - Roadside inspection report
  - Regulations
  - Vehicle list, driver list, towing invoice, photographs
- Enter "request for review" into system

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## How to Do It: Filing

- Log into the DataQs system and:
  - Select the correct "broad category" of the request (roadside, crash, etc.)
  - Select the detail of the review
    - Not ours
    - Did not receive a copy of the report
    - Violation incorrect
    - Crash not recordable
    - Crash not preventable under the Crash Preventability Demonstration Program\*

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## How to Do It: Filing Part 2

- Enter details related to the event
  - System has "stops" built into it to prevent errant filings
- Enter narrative
  - Concise, to the point, and supported
  - Make it clear what you want reviewed/changed
  - Keep opinions out of it
- Upload supporting documents

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## How It Works

- FMCSA (DataQs) “logs” request and forwards it to state involved
- State investigator is assigned and reviews and investigates
  - Investigator will talk to the officer involved, so your argument will need to overcome the officer’s

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## How It Works

- If state needs more info, DataQs relays message from the state to the carrier
  - Carrier replies to message in DataQs
- If state agrees with request, the state makes the data change
- If state disagrees, “closed with no action”
  - Can appeal, but need to provide additional information

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# Best Practices in DataQs Strategies

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Senior Vice President  
National Private Truck Council



## Successful DataQs Strategies

- Know your data
- 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 DataQs

- Handle disputing violations at the corporate level
- Only dispute when you are able to prove your case
- Have documentation to dispute the violations
  - Shop 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 you – the carrier



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## Tips

- Research before you jump into a request
- Be selective in what you file
- Remember to keep fact separated from opinion
- Just because you disagree with the violation does not mean anything
  - Do your homework!
- What you can prove and support is what will carry the day
  - Adjudicated citations related to the violation is the best support



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## Guaranteed to be Unsuccessful

- “The officer should have given my guy a break”
- “The officer was being overly picky”
- “They normally let that go”
- “The truck was just inspected in the neighboring state (or in our shop) and no defects were found”
- “The driver was able to fix it before leaving”
- “The crash report was done wrong”
- “Get it out, it’s wrong”



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## The Fleet Perspective: Merchants Distributors, LLC



Paul Miller, CTP  
Director of Transportation  
Merchants Distributors, LLC




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## MDI Overview



- Privately-owned Full Line Wholesale Grocery Distributor
- Based in Hickory, NC
- In business since 1931
- Supply over 750 retail food stores across NC, SC, GA, TN, VA, MD, WV, OH, FL, PA and KY
- 240 Tractors & 450 Trailers 270 Drivers
- 1700+ Total Employees
- 1,300,000<sup>2</sup> ft. of warehouse
- Will log over 23,000,000+ miles this year



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Director of Transportation  
Merchants Distributors, LLC




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## Paul's History

- Grew up in the wholesale grocery business
- Been working in distribution for 39 years
- Worked for Kroger, Safeway (Randalls Houston, TX), and MDI
- Moved full-time onto the transportation side in 2001
- Fleet continues to decrease accident rates
- Continues to invest in safety and accident mitigation systems
- Expanded fleet in 2018 to enable the addition of 3PL freight hauling
- Elected to the NPTC board of Directors 2019



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## What Is a CSA score? How Is It Used?

- Developed and piloted starting around 2008 and implemented in 2010
- A CSA Score is used by the FMCSA to identify high-risk motor carriers and drivers may require interventions. A carrier's score is based on the performance data of its drivers, including all safety-based roadside inspection violations and state-reported crashes. The CSA database includes only violations that occur while drivers are operating commercial vehicles – not personal vehicles.
  - It is important to check CSA scores, as they indicate which carriers the FMCSA will likely target as unsafe and can also help carriers identify and work on areas in need of improvement, which helps reduce insurance costs.
  - It can also be used by businesses to help them decide whether or not to use you as a carrier



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## How Can I Check My CSA Scores?

- You can check your scores at the USDOT website: [csa.fmcsa.dot.gov](http://csa.fmcsa.dot.gov). When you enter your USDOT number and PIN into the SMS login page, you will be able to locate your scores. If you don't have a PIN, you can request one from USDOT. Delivery of your PIN typically takes 4-7 days. If you have a pin number but can't remember it is usually listed on your MC-150 Form



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## Quick Snapshot

**FMCSA**  
Federal Motor Carrier Safety Administration

**Working Together for Safety.**

**SMS** Safety Management System

**MERCHANTS TRANSPORT OF HICKORY LLC**  
123 SOUTH AVENUE  
ADDRESS: 1000 W. 10TH ST. #100  
HICKORY, NC 28540  
Number of Vehicles: 222  
Number of Drivers: 357  
Number of Inspections: 516

**Safety Rating & OCS Rates**  
(As of 03/25/2019 update only from 03/25/2019)  
SAFETY RATING: **SAISFACTORY**  
Rating Date: 12/14/2018  
Out of Service Rates  
Type: OCSA - National Avg %  
Vehicle: 7.2 20.7  
Driver: 0.9 5.5  
Motorist: 4.5

**Licensing and Insurance**  
(As of 03/25/2019 update only from 03/25/2019)  
Type: Motor Carrier  
Property: No  
Passenger: No  
Motor Carrier: No  
Insured: No

**BASIC Statistics** (based on history carrier view) 7  
Vehicle Inspection & Safety Improvement Challenge (SISIC)

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## What Are DataQs?

- As the DOT collects data on a given carrier questions can arise to the validity of the data and its affect on a carrier's subsequent basic scores and overall rating. Some of this data can be viewed by the general public!
- DataQs give a carrier the opportunity to question and challenge improper data.
- This data could be in regard to any of the 7 basic categories that impact your overall CSA rating.
- For today's exercise the focus will be on submitting an RDR or request for data review as it relates to crash indicator basic.



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## A Look at the DataQ Site

- <https://dataqs.fmcsa.dot.gov>
- Areas for all interested parties
  - Motor Carriers
  - Drivers
  - FMCSA & State Authorities
  - General Public

**FMCSA**  
Federal Motor Carrier Safety Administration

**DataQs**

Request a Review of FMCSA-Issued Data Here

Analyst Guide

What can DataQs do for you?

- Motor Carriers
- Drivers
- FMCSA & Trade Partners
- Public & Industry



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## Navigating the Website

- 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
- Use material provided by FMCSA on the DataQs site
  - Help Center
  - Analyst Guide
- Contact the FMCSA talk to the experts



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## DataQs and Preventable and Non-Preventable Accidents?

- Developed because the CSA crash indicator is not always a fair assessment of a carrier's true crash risk.
- Trial period started in August 1<sup>st</sup> of 2017.
- DOT does not want to determine fault. "That is for the courts to decide."
- Law enforcement sees both scores. Pre and post determinations.
- Will end after a 2 year test (No Fault Demonstration).
- DOT Secretary looks to continue or expand program to some degree.
- Still has room for improvement. FMCSA needs your input!
- Can help in with private fleet justification.



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## What Accidents Can I Challenge as Non Preventable?

- When the commercial motor vehicle (CMV) was struck by a motorist driving under the influence (or related offense)
- When the CMV was struck by a motorist driving the wrong direction
- When the CMV was struck in the rear
- When the CMV was struck while it was legally stopped or parked, including when the vehicle is unattended
- When the CMV struck an individual committing, or attempting to commit, suicide by stepping or driving in front of the CMV
- When the CMV sustained disabling damage after striking an animal in the roadway
- When the crash was the result of an infrastructure failure, or falling trees, rocks, or debris
- When the CMV was struck by cargo or equipment from another vehicle



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# The Crash Demonstration Process



1. To submit an RDR, visit [My DataQs](#), and click on "Add a Request." Select "Crash Event," then select "Crash could not be prevented."
2. FMCSA will review all eligible crash RDRs, consider all relevant evidence provided.
3. Public Review -During this time, anyone with evidence to refute the preliminary decision may submit evidence that FMCSA will consider while making a final determination.
4. FMCSA will review any relevant information received and post final determinations to the [Safety Measurement System](#) (SMS).

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# Getting Started

- Once Logged in simply select add a request (RDR)
- RDR Summary
- Note History of Prior RDR's




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# Navigating the Crash Demo Input

• Step 1



• Step 2




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## Navigating the Crash Demo Input



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## Navigating the Crash Demo Input



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## Who Determines Accident Preventability?

- Most DataQs flow down to your state of registration or violation for review.
- In the case of the non-preventive determination, it is handled directly by the DOT FMCSA. They use a multi level, 3-party group in making their determination.
  - Outside Contractors
  - FMCSA Personnel
  - Other DOT Officials
- If you have video send it!
- One appeal can be made if new or missed information becomes available.
- Multiple DataQs can be requested on the same accident.



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## Use Your Resources!

- Network! – Resources like the NPTC are invaluable
  - 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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## Key Websites to visit

- Here is the website: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>
- Here is the presentation: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program-presentation>
- Here is the factsheet: <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program-fact-sheet>
- Our program email address is [Crash.Preventability@dot.gov](mailto:Crash.Preventability@dot.gov)



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## Question & Answer Session



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## More Questions?



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- **July 17, 2019: AOB RD to ELD Transition: Auditing Electronic Logs (and Using the Other Data That's There)**
- **July 18, 2019: Fatigue Management Strategies and Hours-of-Service.**

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