

DOT Safety Plus

Pending and Recent Changes

1. On March 17, 2015 the FMCSA released the details of the required "Commercial Motor Vehicle Driver Restart Study". This is in response to Congress' mandate and the FMCSA's subsequent 12/22/14 "Notice of suspension of enforcement Inspection. It is important for all of us to keep in mind that right now this "suspension of enforcement" is **TEMPORARY** is only in effect until the above study is complete. The deadline for completion is September 2015.

In this study, FMCSA will compare 5-month driver work schedules and assess operator fatigue and safety critical events (SCEs) between the following two groups:

- CMV drivers who operate under the hours of service (HOS) restart provisions in effect between July 1, 2013, and December 15, 2014.
- CMV drivers who operate under the provisions as in effect on June 30, 2013.

Safety critical events, driver fatigue/levels of alertness, and driver health outcomes will be evaluated using:

- Electronic Logging Devices (ELDs) (which track drivers' time on duty).
- The Psychomotor Vigilance Test (PVT) (which measures alertness).
- Actigraph watches (which assess sleep).
- Onboard monitoring systems and/or cameras that record or measure SCEs and driver alertness.
- The Karolinska Sleepiness Scale (KSS) (which measures drivers' assessment of sleepiness).



2. Also on March 17, 2015, the FMCSA announced a new free Smartphone App called "QCMobile" which provides safety data on interstate commercial truck and bus companies.

<https://play.google.com/store/apps/details?id=gov.fmcsa.qcmobile&hl=en>

The new QCMobile app, which requires no log-in, immediately reveals whether the federal operating status of the carrier is authorized while helping to expedite an "inspect/pass" decision by a certified commercial vehicle safety inspector.

QCMobile retrieves data from a number of FMCSA sources and provides a clear summary of the results. Law enforcement officers and safety inspectors then have the option of retrieving more detailed information on carriers covering their seven Behavior Analysis and Safety Improvement Categories (BASICS) that are a part of FMCSA's cornerstone safety program, Compliance, Safety, Accountability (CSA).

I have it on my IPAD and it works great.



3. One of the most controversial features of the 2010 CSA initiative was that the CRASH BASIC includes all DOT accidents that the motor carrier was involved in, regardless of whether the accident was their fault. As an industry, our scores and reputation reflect accidents that we may not have had anything to do with. Up to 70% of all CMV accidents are caused by the other driver and yet all of these accidents are used to calculate our scores.

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Due to the industry pressure, the FMCSA initiated an independent study to determine if there is merit to change how these CRASH scores are calculated. On January 21, 2015, this independent study concluded that "a motor carrier's involvement in a crash, regardless of their role in the crash, is a strong indicator of their future crash risk."

The CRASH BASIC scoring basis is not likely to change anytime soon.

Although this may not be popular to many in the industry, personally as a Safety Consultant, I can recognize the value in including all accidents. These CSA scores are an indicator of a carrier who may need help. Even the DOT rating system is an indicator. Unfortunately the increased indicator of risk can be costly from an insurance or future business perspective but from a safety perspective it could be valid. The difficulty and variability in determining "preventability" by safety committees has always been of concern. In safety if we do not trend all accidents we may miss the opportunity to do root cause. An accident is likely a procedure that failed and needs to be corrected.

4. Apparently the FMCSA intends to submit a Final Rule in July 2015 to initiate the Safety Fitness Determination first outlined in the CSA's 2008 initial framework. The timetable looks like it will include a Notice of Proposed Rulemaking (NPRM) in April 2015 which is the last step before a final rule. Comments will be open at that time. **It will be imperative that the industry responds and challenges this proposal!**

Go to:

<https://www.federalregister.gov/regulations/2015-08-11/carrier-safety-fitness-determination->

For the last 4 years we all have been adapting to the utilization of the CSA Basics by the FMCSA to send out interdictions if our scores are above the thresholds that

have been established for minimum performance standards (ALERTS).

Although we do not know for sure what criteria will be used to accelerate the interdictions, we do know that the BASIC scores will be used to calculate an automatic rating and multiples of BASICs in the ALERT status will probably translate into an "UNFIT" carrier rating. Even though the FMCSA does not consider the CSA scoring or ratings to be penalties, in industry we know that anything less than Satisfactory or "FIT" rating can be disastrous to us economically.

This new Safety Fitness Determination rating process automatically generated from data entered from roadside inspections opens the discussion of our constitutional rights to "due process". If an inspection officer makes an error, the only recourse we have now is to submit a DataQ challenge. The success of this DataQ challenge is based on a biased judgment of the inspecting officer's peer and is often denied erroneously. With the new SFD rating process, a carrier could be hurt financially without the opportunity to defend themselves. Comments must be submitted to try and slow down this process as much as possible.

5. Benchmarking national data for similar businesses in your industry can be a valuable process to identify opportunities for improvement.

DOT Safety Plus utilizes studies and surveys from both the American Transportation Research Institute (ATRI) and the National Private Truck Council (NPTC) to supplement data from dozens of actual companies.

One valuable benchmark we can all use to compare with our own costs is that the average cost to run a truck in 2014 was about \$1.70 per mile (ATRI September 2014). Your average revenue per mile would need to be at least \$1.90 per mile to generate a 12% profit margin. Contact us if you would like to hear more (www.dotsafetyplus.com).