**MCSAC Task 12-03: Evaluation of and Recommendations on the Compliance, Safety, Accountability (CSA) Program**

**Subcommittee Meeting, April 29-30, 2014**

1. **Presentation or Discussion Suggestions for April 2014 CSA Subcommittee Meeting**
   1. More information/update on the Driver Fitness and Drug and Alcohol Behavior Analysis & Safety Improvement Categories (BASICs) correlation to crash risk.
   2. Statistician to explain (in layman’s terms) the development of all of the BASICs and how FMCSA calculates each BASIC’s correlation to crash risk.
      1. What has the Agency considered for improvement to the Driver Fitness BASIC?
   3. Presentation on the results of the Crash Weighting Study and what those results mean moving forward.
   4. Presentation on the extent to which intrastate data might be used to validate interstate data or reduce crashes.
   5. Presentation on severity weight analysis: methodology, how FMCSA developed violation severity weights, and how they are used.
      1. Shannon has emailed to subcommittee members the previous severity weight presentation given to the CSA subcommittee.
      2. Bill Quade: The next Safety Measurement System (SMS) change will address violation severity weighting recommendations provided by the MCSAC. The next SMS revisions will likely not occur until after Safety Fitness Determination (SFD) proposed rule.
      3. Dave Madsen presented High/Medium/Low severity weighting methodology.
   6. What are FMCSA’s expectations from the shipping community?
   7. How is CSA data being used? The data is being used in more ways than just prioritizing FMCSA interventions, and not always consistently.
      1. Public availability and use of data is still a concern for carriers.
      2. Who (other than enforcement) is looking at the data and what are they using it for?
         1. Non-enforcement business use of the SMS scores should not be interpreted as safety ratings.
         2. Change underlying calculation (dynamic safety event groups) so that there are less inexplicable jumps in scores, but in the meantime SMS website should better explain what the data is and how it should be used (i.e., not used alone).
      3. Public availability of the data is important to safety advocates.
      4. SFD rule may contribute to a better contrast between safety ratings and SMS.
   8. Presentation on State enforcement disparities – what are they?
      1. The Agency might benefit from reports by participating States on how many inspections they conduct, what kind of inspections, and what kind of violations they cite for, and what conditions they put out of service.
      2. How could FMCSA normalize data across various data disparities and differences in miles driven?
      3. Steve Owings: States should not necessarily normalize to the average or to the lowest common denominator regarding inspection practices.
      4. Concern is more the equalization of carriers that operate in those areas in which there are more inspections conducted (versus less). How does it impact carriers’ scores if they are operating in States that have more violations per inspection than other States?
      5. States/CVSA should strive to make inspections as uniform as possible.
      6. Quade: FMCSA does want to states to focus on where their problems are and solutions that they can implement effectively. E.g., if a State has a lot of speeding problems, they must (under MCSAC law – performance driven allocation of resources) allocate more resources to speeding enforcement than inspections.
      7. But if States are finding more violations, why should those be discounted or watered down or normalized?
      8. Might be more loading violations in a State like California just because of the demographic and types of operations.
      9. FMCSA should look into this more in depth and examine data solutions that might normalize such disparities.
   9. Dispute process for violations on a carrier’s record.
      1. There are data quality issues relating to lag time in DataQs resolutions or inaccurate DataQs resolutions.
   10. Current peer groupings are a concern for carriers.
       1. Bill Quade: FMCSA is looking towards moving to “dynamic peer grouping” in an effort to reduce the large jumps in scores that can result when inspections push a carrier into a different peer group.
   11. Discussion of possible recommended statement to FMCSA from the MCSAC on the GAO report.
   12. In the Crash Indicator BASIC, the Agency should make more effort to study and examine how to distinguish motorcoaches from trucks.
   13. Crash exposure should be taken into account. Not just VMT because in more high traffic areas, crash risk is higher.
       1. For motorcoach operators, the injury risk is much higher – how does this impact the Crash Indicator BASIC?
   14. Has the idea of a hybrid BASIC been looked at by the Agency? To somehow group violations that have the most relation to crash risk in addition to groups of violations?
       1. Quade: FMCSA has not really looked at this because the idea is to determine how best to allocate agency resources.
       2. Madsen: The whole idea behind the BASICs were to focus on the behaviors that relate to each other so that carriers could focus on categories of behavior. A “hybrid” BASIC would sort of be an effort towards SFD.
   15. List of High-risk carriers? Quade: The definition of high-risk is public, but not the list itself. There’s some thought to display changes that would make this information public. For drivers, we have the pre-screening program.
       1. Would be potentially helpful to have on public display a dynamic (i.e., regularly updated) list of high-risk carriers.
2. **April 2014 Discussion Notes**
   1. Improving Data:
      1. Severity violation weightings.
         1. Subcommittee Recommendation: FMCSA should explore further improving correlation of violation groupings within BASICs to crash risk. For example, a modification of severity weightings to Low/Medium/High violation severity weighting.
            1. Current weighting scheme involves a level of precision (1-10) that it is not possible to confirm with the available data.
            2. Another approach that FMCSA could explore would be a two-level weighting scheme under which certain violations (e.g., those directly correlated to crash risk) would be weighted more heavily than others. For example, all violations would be weighted 1 and the insurance industry-identified (“lightening rod”) violations would be weighted 2.
            3. FMCSA should run the severity weightings provided by the MCSAC in a previous recommendation and severity weightings provided by California Highway Patrol to see if those weightings improve correlation of violation groupings to crash risk. The Agency should share these results with the enforcement community and other stakeholders.
         2. Time weighting (i.e., weighing more recent crashes and violations more heavily than older) should remain a part of violation weightings within BASICs.
            1. If you over-time weight, a carrier is only as good as its last inspection. FMCSA has explored varying time weighting. Currently, time weighting is 1, 2, or 3.
      2. Peer groupings/Safety Event Grouping improvements.
         1. Subcommittee Recommendation: FMCSA should implement dynamic peer groupings for inspections, as discussed by Dave Madsen.
         2. Other potential ideas for peer grouping changes:
            1. There’s also concern with the relative scale of comparison.
            2. Subcommittee Recommendation: FMCSA should consider changing the peer group being compared more broadly beyond current exposure measures (i.e., number of inspections/power units/VMT). For example, other peer grouping considerations could include characteristics of operations, routes, number of violations, geography of where carrier received inspection, etc.).
         3. Subcommittee Recommendation: FMCSA should consider separating motorcoach operations from truck operations by creating a separate peer grouping using all carriers that have passenger carrier authority. This is especially important in the Crash Indicator BASIC.
            1. The Agency would have to attempt to place additional criteria in the peer grouping because you would not want to include carriers such as FedEx, that have passenger carrier authority, but it is not their primary business.
            2. This may highlight data sufficiency issues in the motorcoach industry.
      3. Examine results of Crash Weighting Study.
         1. Subcommittee Recommendation: FMCSA should take action in response to the study, as appropriate.
            1. Depending on results of the study, FMCSA should consider making the Crash Indicator BASIC public information. (Many customers ask for this information during carrier selection.)
            2. Concern about making the crash BASIC public is that the non-enforcement public could mis-interpret the score.
      4. DataQs process
         1. Subcommittee Recommendation: FMCSA should develop an escalation/appeal process that goes beyond the original officer that issued the violation. This could take the form of new federal guidelines that would require States to follow certain procedures.
            1. FMCSA should require minimum elements that should be included in the appeals process.
            2. This would standardize divergent processes between states, which would reduce complexity for carriers.
         2. CVSA is working on a revised policy that would relate to this.
      5. Expiration Dates:
         1. Some carrier safety ratings are very outdated (e.g., 20 years +), which make those safety ratings less relevant than recent performance data (i.e., SMS data).
         2. However, customers and the tort law consider government safety determinations significant evidence of safety performance.
         3. Subcommittee Recommendation: FMCSA should consider removing safety ratings beyond a certain vintage (i.e., safety ratings should have expiration dates). Alternatively, the Agency could display safety ratings beyond a certain age as “previous safety rating” and have a vacant “current safety rating.”
            1. Some carriers would be concerned about not having a current safety rating if it was needed for insurance or other business filings.
            2. This could be addressed in the SFD rulemaking or a separate rulemaking.
            3. *Possible interim solutions*: Public display changes that include instructions that outdated safety ratings may be less relevant than more recent SMS data. Additionally, the public display could encourage customers to request crash data from a carrier.
      6. Options for obtaining more motorcoach inspections/violations data:
         1. Subcommittee Recommendation: FMCSA should tie a requirement through CVSP to conduct a certain number of CVSA inspections on motorcoaches. Focus on motorcoach companies for which data does not exist.
      7. Crash Reports
         1. Subcommittee Recommendation: FMCSA should make an effort to achieve more uniform crash reporting from States. Ideas for accomplishing this include requiring crash reports to MUCC standards or pushing training out through the IACP.
            1. This may involve working with NHTSA to modify the MUCC standards for more helpful crash reports.
            2. Additional data on reasons for tow-away crashes would be helpful.
      8. Crash Exposure
         1. Subcommittee Recommendation: Crash exposure should be taken into account in the Crash Indicator BASIC. Not just VMT because in more high traffic areas, crash risk is higher.
         2. For motorcoach operators, the injury risk is much higher – how does this impact the Crash Indicator BASIC?
         3. Currently, if a carrier operates primarily within 100 miles of an urban area, you have a different standard for Unsat (versus across the country interstate operations).
   2. High-risk Carriers
      1. The definition of what the Agency considers high-risk is public, but not the current list of high-risk carriers itself. FMCSA has given some thought to display changes that would make this information public.
         1. Current definition of “high risk” is a carrier that scored 85 percent or higher in HOS, Unsafe Driving, or Crash Indicator BASICs and has one other BASIC above threshold OR a carrier that has scored above the threshold in four BASICs.
         2. Approximately 5-6,000 high risk carriers at any given time.
      2. Subcommittee Recommendations: FMCSA should consider requesting additional resources for and shifting resources to address the following priorities:
         1. The Agency should be able to address high-risk carriers sooner and quicker.
         2. FMCSA should increase barriers for re-entry into the industry (after a carrier has been taken out of service).
         3. The Agency should increase requirements for initial entry into the industry, particularly in relation to financial responsibility.
         4. FMCSA should consider shifting the new entrant program to third party inspectors, who would follow federal guidelines and who would interact with (and possibly charge) the new entrants. This would free up Agency resources to focus on more compliance reviews.
            1. This would require a legislative change because currently new entrant audits are funded through State grants.
      3. Subcommittee Non-consensus Recommendation: FMCSA should make available on public display a dynamic (i.e., regularly updated) list of high-risk carriers. Such a list would be useful for the public.
         1. Some subcommittee members have concerns that publication of a list would effectively put those carriers out of business. These members expressed concern regarding the possibility that a carrier could end up on that list erroneously. These members would support publication of the list if FMCSA addresses the underlying data concerns.
   3. Interpretation and Use of CSA Data
      1. The SMS data is being used in more ways than just prioritizing FMCSA interventions, and not always consistently.
      2. Public availability and use of data is still a concern for carriers.
      3. Who (other than enforcement) is looking at the data and what are they using it for?
         1. Non-enforcement business use of the SMS scores should not be interpreted as safety ratings.
         2. Change underlying calculation (dynamic safety event groups) so that there are less inexplicable jumps in scores, but in the meantime SMS website should better explain what the data is and how it should be used (i.e., not used alone).
         3. SMS website should explain that the data is not intended to label a carrier as safe or unsafe.
         4. Businesses selecting carriers have great concerns about SMS ratings being used against them in determining issues of liability. These customers want more certainty in their understanding of the ratings.
      4. Public availability of the data is important to safety advocates.
         1. SFD rule may contribute to a better contrast between safety ratings and SMS.
      5. Subcommittee Recommendation: FMCSA should consider revising the public display to include the following:
         1. Examples of how the different BASIC ratings can be used to make interpretations about comparative crash risk between carriers with different ratings.
         2. Address how the public should interpret carriers with no score in one or more BASICs in relation to carriers that do have scores.
         3. Explanation of the primary purpose of SMS for enforcement and why BASIC ratings might not be the only way for customers to select a “safer” carrier.
         4. Improved explanation of the measures scores (i.e., raw scores) and how they can or should be used by the public.
      6. Subcommittee Recommendation: FMCSA should include specific language in the SFD rulemaking regarding how SFD relates to SMS ratings and how the non-enforcement public might use both types of information.
   4. **[Add to cover letter for report]** Discussion of possible recommended statement to FMCSA from the MCSAC on the GAO report.
      1. The subcommittee supports the general goals and objectives of CSA. CSA methodology is risk-based and data-driven. The subcommittee’s efforts have been to improve upon the existing process. The results of CSA program are an improvement over what the Agency has had in the past, as evidenced by…. The CSA initiative has created a positive conversation regarding safety and compliance in the industry, which is another positive effect. **[Blend these last two sentences.]**
   5. Isolating Motorcoach Crashes
      1. Subcommittee Recommendation: In the Crash Indicator BASIC, the Agency should study and examine how to distinguish motorcoaches from trucks and consider piloting a separate category for passenger carriers.